

November 4, 2024

Via Hand Delivery

Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, Kentucky 40507

RE: Letter of Justification in Support of Zone Map Amendment
Property: 495 & 475 Haggard Lane and 450 Radcliffe Road
Our Client: Lexington AHC Fund, LLC

Dear Commissioners:

Please be advised that I represent Lexington AHC Fund, LLC (hereinafter the “Applicant”). My client is seeking to rezone approximately 12.84 acres located off of Radcliffe Road and Haggard Lane (the “Property”), previously utilized as Transylvania University’s baseball field. The Property is currently zoned Neighborhood Business (B-1) and Corridor Business (B-3). The Applicant is seeking to rezone the Property to a mix of Mixed Low Density Residential (R-2), Planned Neighborhood Residential (R-3), and Medium Density Residential (R-4) zones in order to construct single family homes, townhouses and multi-family residential units. We submit that this proposal is in complete accord with the adopted 2045 Comprehensive Plan and respectfully request your approval of our request.

1. Property History

The subject Property has historically been utilized by Transylvania as their primary location for baseball activities until they began utilizing Legends Field in 2019. Since that time, the Property has remained as a baseball field owned by Transylvania but was seldom utilized by the university. Given the current use of Legends Field, Transylvania made a conscious decision to market and sell this property with an eye towards affordable housing, which this community so desperately needs more of. As such, Transylvania worked with a group of local lending institutions led by Mr. Luther Deaton and Central Bank as well as private and non-profit developers to create a landmark opportunity for Lexington. The goal was to enable the purchase of the Property at a price point that makes a truly transformational affordable housing development possible. “The property is worth approximately \$3.2 million but Transylvania University ultimately decided to sell the property for \$2.8 million, in an effort to give back to the Lexington community, said Transylvania President Brien Lewis. Lewis spoke at a press conference Wednesday at Transy announcing the new affordable housing partnership.”¹

¹ <https://www.kentucky.com/news/local/counties/fayette-county/article284060378.html>
Law Offices: Lexington | Louisville

2. Collaborative Effort

This type of collaborative involvement of stakeholders is exactly what the Comprehensive Plan recognizes is needed and compelled to address the affordable housing crisis in Fayette County. “In Public/Private Partnerships Are Crucial To Meet The Demand For Affordable Housing, Shimon Shkury recognizes the pressing requirement for additional housing, particularly affordable housing. The Comprehensive Plan acknowledges that the collaboration of various stakeholders is crucial in creating and preserving affordable housing.”² After all, “homes are where jobs go to sleep at night.” Wendy Smith, Deputy Executive Director-Housing Programs, Kentucky Housing Corporation; 2024 Urban League Empowerment Dinner.

Realizing the pressing needs of our community, Transylvania President, Brien Lewis, explained, “We are proud of the role Transylvania plays as a part of the Lexington community and how this project gives us the opportunity to be part of a visionary solution.”³ That visionary solution of providing affordable housing is one of the major needs discussed in the 2045 Comprehensive Plan. It is no secret that there is an affordable housing crisis in Fayette County and the Applicant is eager and excited to help fill this void. “Lexington is currently facing a severe affordable housing crisis, as highlighted in the National Low Income Housing Coalition's 2021 Out of Reach report for Kentucky.”⁴ “Lexington needs more than 22,549 additional housing units to meet housing demand.”⁵

In addition to the local lending entities, our Project Team also includes the following;

1. Winterwood Inc. – Mr. Zach Worsham, Vice President;
2. AU Associates, Inc. – Mr. Johan Graham, President;
3. EHI Consultants – Mr. Ed Holmes, President;
4. Prime Engineering, Inc. – Mr. Stephen Garland, P.E.;
5. Urban League of Cities – Mr. P.G. Peeples;
6. Lexington Housing Authority – Mr. Austin Simms, Executive Director; and
7. Lexington Habitat for Humanity – Mr. Darryl Neher – CEO.

These stakeholders have come together to plot a new way forward for our community when it comes to the creation of transformational housing.

² Comprehensive Plan at Page 77-78.

³ <https://www.transy.edu/1780/2024/01/transylvania-makes-affordable-housing-development-possible/>

⁴ Comprehensive Plan at Page 74.

⁵ <https://www.kentucky.com/news/local/counties/fayette-county/article293941459.html>

We believe this proposed development is highly appropriate for this site and reflects the kind of development needed and contemplated by Imagine Lexington. Imagine Lexington encourages redevelopment of properties to allow for denser developments, particularly along key corridors and where property is underutilized. Indeed, Imagine Lexington challenges Lexington as a community to embrace infill opportunities that provide for needed housing density while respecting overall neighborhood context. The proposed development is precisely the type of development that is needed to address the overall shortage of housing units in Fayette County. Moreover, the thoughtful planning envisioned by our design team will integrate with the neighborhood in a reasonable way, capturing needed density but also respecting the context of the neighborhood where possible.

3. Compliance with the 2045 Comprehensive Plan

We are excited to present this proposal to the Planning Commission for consideration. We believe it meets numerous goals and objectives of the Comprehensive Plan, and further complies with relevant standards articulated in the “Placebuilder” included as part of the Comprehensive Plan. We submit that this proposal comports with the 2045 Comprehensive Plan in the following ways:

A. Goals and Objectives

Theme A – Growing and Sustaining Successful Neighborhoods

This proposal comports with Theme A of the Comprehensive Plan. In reviewing Theme A, we maintain that this development is consistent with the applicable design policies articulated, and is appropriately dense. We further submit that it meets the following goals and objectives articulated in Theme A:

Goal 1: Expand housing choices.

Goal 1 of Theme A of the Comp Plan lists several objectives. Among them is that Lexington should “[a]ccomodate the demand for housing in Lexington responsibly, *prioritizing higher-density* and a mixture of housing types” (emphasis supplied). This proposal emphasizes housing density in a responsible fashion as well as provides a mix of housing types consisting of single-family residences, multi-family residential and townhouses. The Applicant has sought to identify an area of our community that is currently underutilized. This proposal addresses the need for additional affordable housing with differing types of housing units while emphasizing density.

Theme A also emphasizes “Explor[ing] opportunities for unused and underused publicly owned land to be developed for affordable housing developments.” While this land was privately owned by Transy, it has been underutilized since Transy’s transition to

Legends Stadium. Reimagining the site as the Project Team has done will advance the need for a sustainable and affordable housing development.

Goal 2: Support infill & redevelopment throughout the urban service area as a strategic component of growth.

Goal 2 of Theme A emphasizes that areas for infill and redevelopment should be identified throughout the urban service area. This site falls within the urban service area and will better utilize existing land for more housing stock in varying form. The applicant believes that it is identifying an area of our community suited for redevelopment and can set a standard for responsible and appropriate development in the area.

Goal 3: Provide well-designed neighborhoods & communities.

We believe this proposal addresses two of the objectives of Goal 3 of Theme A in a direct way. First, it will assist with providing various modes of transportation as an option. LexTran Route 17 – Northside Connector has four stop locations which are at the Property. There are two stops located on Haggard Lane and Court and two stops located on Radcliffe Road. It is also in close proximity to the North Broadway Corridor and I-75. Further, as is shown on the Development Plan submitted herewith, there are two internal streets proposed to be developed which further connects the development to surrounding neighborhood through seamless transitions to Radcliffe Road and Haggard Court.

Theme B – Protect the Environment

We also submit that this proposal comports with goals and objectives articulated in Theme B of the Comp Plan.

Goal 2: Identify and mitigate local impacts of climate by tracking and reducing Lexington-Fayette County's carbon footprint and greenhouse gas emissions and commit to community-wide net zero greenhouse gas emissions by the year 2050.

As previously noted, this proposed development is ideally located to reduce the need for reliance upon personal automobiles given the close proximity to numerous LexTran bus stop locations. This is a key objective of Goal 2 of Theme B.

Theme D – Improving a Desirable Community

We further submit that this proposal comports with the goals and objectives articulated in Theme D of the Comp Plan.

Goal 1: Work to achieve an effective, equitable & comprehensive transportation system.

We believe this proposal meets several of the objectives of Goal 1 of Theme D. We intend to interface with Lextran and remain committed to working with them so that the proposed development can be effectively served by public transit. This is in direct relation to Objective C of Goal 1. We also believe that the design and layout of the internal streets has created a seamless transition from the surrounding public streets to allow for safe and effective ingress and egress to the development.

Goal 2: *Support a model of development that focuses on people-first to meet the health, safety, and quality of life needs of Lexington-Fayette County's residents and visitors.*

We believe this proposal satisfies Objective E of Goal 2 in that the Applicant has sought to develop housing stock that will be affordable and vary in forms to allow for the working force to own.

Theme E – Maintaining a Balance Between Planning For Urban Uses and Safeguarding Rural Land.

Finally, we submit that this proposal meets the goal of safeguarding rural land by providing needed housing units in an appropriately dense manner, thus reducing pressure on the Urban Service Boundary.

B. The Placebuilder

We have further evaluated our proposal under the design criteria set forth in the Placebuilder. In consultation with Planning staff, we submit that this proposal should be evaluated with reference to the Enhanced Neighborhood Place Type, and that the proposed development is appropriately classified as medium density residential and low density residential. We submit that this classification is appropriate because of the Property's proximity to existing residential areas and will be providing differing housing types.

Standards That Are Applicable to Our Proposal

A-DN2-1: This development is appropriately dense and seeks to redevelopment underutilized land.

A-DN4-1: This development proposes compact single-family housing stock.

B-SU3-1: As is seen on the submitted development plan, this development is appropriately compact and provides a mix of differing housing stock.

C-LI6-1: Affordable housing will be incorporated into this development.

D-PL7-1: Extensive outreach has already occurred with the neighboring properties, neighborhood associations and neighborhood residents/leadership.

E-GR3-1: The Applicant and team will seek to follow the recommendations of the Parks Master Plan.

E-GR9-3: This development will have a mix of housing types and incorporates context sensitive multi-family residences into the single-family residence types.

A-DS1-1: This development is bordered by four LexTran Route 17 bus stops all of which touch or adjoin the Property.

A-DS1-2: There are sidewalks along the internal streets which are pedestrian friendly that allow easy access to the LexTran bus stops.

A-DS4-1: This Property is within walking distance of Marlboro Park and the LexTran bus routes provides transportation to other areas of the city.

A-DS5-1: Vehicular use areas will be shielded from bike storage areas and the LexTran bus stop locations.

A-DS5-2: Trees and buildings along the street will create and promote vertical elements that will create a walkable streetscape.

A-DS10-1: As discussed above, the development is within walking distance of a community park.

C-PS10-1: As is seen on the development plan, this development is appropriately parked without a surplus.

D-CO1-1: We believe this developments internal streets and appropriately reflect the desired place-type of Enhanced Neighborhood by creating a seamless transition to the already existing neighborhood.

D-CO2-1: This development allows for multimodal transportation and encourages same with its location to bus stops and available parking for single vehicular use.

D-CO2-2: This development will comply with Lexington's Complete Streets Policy.

D-CO4-1: There are no proposed dead-end streets or cul-de-sacs.

D-CO4-2: There are two internal streets through the development that will alleviate congestion around the development and surrounding neighborhood.

D-CO4-3: Due to the previous use as a baseball field, minimal grading will be needed.

D-CO5-1: This criteria is detailed on the development plan and is evidenced by the stop signs throughout the internal streets and zebra style cross walks with a stop bar.

B-PR2-1: There are no environmentally sensitive areas on this Property.

B-PR3-1: There are no conservation properties adjacent to the Property.

B-PR7-1: Given the Properties historic use as a baseball field, there is minimal tree coverage on the Property.

B-PR9-1: Minimum grading will be needed given the current flat topography of the Property.

B-PR10-1: Given the residential nature of the development and surrounding areas, the development will be cognizant of and avoid upward lighting and over lighting.

B-SU4-1: The Applicant has sought not to overpark this development to avoid unnecessary impervious surfaces.

B-SU11-1: Where possible, the Applicant will seek to plant native plants and low impact landscaping.

B-RE1-1: The applicant will seek to plant additional trees along the single family residential aspects of the development where possible.

D-SP10-1: Providing trees within the planting strip will be prioritized.

A-DS7-1: Parking for the multi-family aspects of the development are oriented to the interior of the development as shown on the development plan. There is one parking area which does not face internally but is bordered by I-75's off ramp.

A-DS9-1: Appropriate amenities will be provided within the developments green and open spaces.

A-EQ9-2: Internal open spaces will be appropriately marked as private where appropriate.

C-LI8-1: This development will enhance connectivity of this Property to the surrounding neighborhood by providing well designed streets for seamless transitions.

C-PS10-2: This Development will not be overparked. As is shown on the development plan, there will be sufficient open parking areas for the multi-family aspects and driveway/garage parking for the single-family aspects thereby avoiding overparking.

D-PL4-1: There will be ample open space on this Property with amenities to enhance these areas for use by the residents.

D-SP3-1: Adequate easements will be in place for infrastructure to be provided.

A-DS3-1: The development will comply with the Multi-Family Design Standards.

A-DS5-3: The multi-family aspects of the development have adequate sidewalks to connect to the internal streets and exterior streets of the development.

A-DS8-1: As is shown on the development plan, there are a variety of housing options being provided in the form of townhomes and multi-family residential units.

A-DS12-1: This development is located within close proximity to the Walmart Supercenter located on New Circle Road.

E-ST8-2: This development will provide community space in the form of open space for residents to utilize.

A-DS11-1: The layout of the streets will direct residents to the open spaces in a clear and concise manner.

A-DS5-4: The Applicant has sought to make this development as walking friendly as possible by providing sidewalks throughout which connect to public transit bus stops and connects to the open spaces within the development.

A-DS4-2: As is seen on the development plan, the Applicant has proposed developing single-family homes closest to the existing residences to prevent as a large step up in scale and placed the multi-story buildings in the interior of the development.

A-DN2-2: The development is not in contrast to the existing development adjacent to the Property.

B-RE2-1: There is a public park within walking distance of this development and is visible from existing public roads.

Standards Not Applicable

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- C-LI7-1:* The Applicant is only proposing residential uses.
- C-PS15-2:* The Applicant is only proposing residential uses.

- D-SP1-1:* The Applicant is not proposing any schools at this development.

- D-SP9-1:* The Applicant is proposing affordable housing geared for any age but not predominantly for senior adults.

- E-GR9-1:* The Applicant is only proposing residential units.

- A-DS13-1:* There are no proposed stub streets.

- B-PR2-2:* No conservation areas are present or proposed.

- B-RE5-1:* No flood plain is present.

- B-RE5-2:* No flood plain is present.

- B-RE5-3:* This Property is not located within the Royal Springs Water Aquifer.

- A-DS9-2:* There is a park within walking distance.

- A-EQ9-1:* No school is proposed.

- D-SP1-2:* No school is proposed.

- D-SP2-1:* No school is proposed.

- D-SP3-2:* No cellular tower is proposed on site.

- E-GR4-1:* There are no existing structures on site.

- E-GR5-1:* There are no historic structures on site.

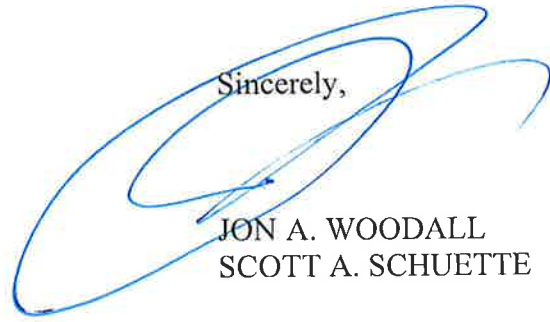
Conclusion

In sum, we submit that our proposal is in harmony with the 2045 Comprehensive Plan. We are eager to present this transformational housing project to the Planning Commission for consideration. In the interim, we look forward to our continued discussions with Planning Staff and the Commission. We humbly request your approval of the application submitted herewith.

Thank you in advance for your consideration.

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Sincerely,

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

JON A. WOODALL
SCOTT A. SCHUETTE

JAW/ss

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