

November 19, 2024

Via Hand Delivery

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

**RE: Supplemental Letter of Justification in Support of Variance
Request and Multi-Family Design Standards**
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 12.49 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. In addition, the Applicant is also requesting the approval of a dimensional variance to reduce the building setback along Proposed Road “A” from 20 feet to 10 feet. Lastly, the Applicant also submits that this project complies with the Multi-Family Design Standards in many regards as discussed herein and as depicted on Exhibit A.

1. Variance

As can be seen on the development plan submitted with this application, the Applicant is proposing development of three internal streets, Road A, Road C and Alley B. Road A is the buffer between the proposed R-3 and R-4 zoning thereby separating the townhomes and multi-family aspects of the development. Pursuant to the Zoning Ordinance, the R-4 group residential development is required to have a twenty-foot set back. However, in asking for a variance to reduce this setback requirement to ten-feet, the Applicant submits that this variance request actually promotes the Multi-Family Design Standards.

Specifically, the Multi-Family Design Standards and Placebuilder emphasize activating the ground level to “ensure that all building entries are prominent, visible, and accessible from the street.” SP.3. These Standards also emphasize “provid[ing] as many private, ground level entries to individual units as possible.” SP.2. Further, Placebuilder

likewise emphasizes “building orientation should maximize connections with the street and create a pedestrian-friendly atmosphere.” A-DS5-3.

As such, the Applicant submits that this variance request will not “adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.” In fact, the variance sought actively promotes the applicable zoning regulations, specifically the Multi-Family Design Standards and Placebuilder, and will not alter the essential character of the area as these will be internal setbacks within the development. Finally, the requested variance will not create a nuisance or hazard.

Further, this request arises from special circumstances given the size and shape of the Property while seeking to provide sufficient density. The strict application of this twenty-foot set back requirement will force the Applicant to remove additional housing and will alter the layout of the differing residential aspects. Lastly, this request is not the result of any willful violation of the zoning ordinance by the Applicant.

As such, the Applicant respectfully requests approval of the variance reducing the setback requirement in the R-4 zone from twenty feet to ten feet.

II. Multi-Family Design Standards

The Applicant submits that this development will comply with the Multi-Family Design Standards including Site Planning, Open Space and Landscaping and Architectural Design. As can be seen on Exhibit A, the applicable site planning and open space and landscaping provisions are labeled within the plan. In addition, this Project complies with the following site planning criteria:

- SP.1 – Utilizing the Alley, the majority of the single-family houses are rear loaded from the Alley and not Radcliffe Road.
- SP..2 – the Garden Style Apartments utilize breezeways to provide ground level entries to individual units.
- SP.3 - This plan activates the street with the 10’ Building Line Setbacks, allowing a more engaged pedestrian viewshed.
- SP.4 – The setbacks are uniform per the use and zone, the majority of the setbacks are 10’ front and rear yard.
- SP.5 – The site incorporates a continuous pedestrian network of sidewalks.
- SP.6 – The open space amenities are connected to the pedestrian network.
- SP.7 – The parking lots are all at the rear or side of the apartment and senior living sites.
- SP.8 – The parking lots for the Garden style apartments are configured to be smaller scale and provide the sense of a dedicated parking lot to each building.

SP.9 – Open space is viewable from each building.

SP.10 – The site utilizes 3 entrance/exist connections to the adjacent public roadways and sidewalks, and the apartments have 2 entrance exits to provide emergency services circulation.

SP.11 – The blocks are broken into 3 sections for the town houses, and the apartments have 2 entrance/exits. The walkable block sections are less than 450' (800' recommended as a maximum).

SP.12 – Traffic calming devices are the narrow (in comparison to public local roads), tighter turn radii on the alley and public street have been utilized, and the site has crosswalks that have been designed as high visibility crosswalks.

SP.14 - The streets and alleys include sidewalks, the lights have not been designed yet, but a pedestrian style lighting scheme is appropriate for this project. Street trees, interior trees, and perimeter trees and shrubs are all utilized.

SP.15 – All parking areas will be appropriately lit while minimizing impact on surrounding properties.

SP.16 – ADA visibility is required, and ADA units are required by KHC funding

SP.17 – The streets are balanced with townhouses on one side and the apartments on the other.

While the architectural aspects of the development are still evolving, the Applicant can state that the following Architectural Design aspects of the Multi-Family Design Standards will be met;

AD.1 – This development proposes a mix of group residential housing, single family housing and townhomes. As such, this will help transition from lower to higher density aspects of the development. Specifically, the single-family homes are buffered from the group residential housing by the townhouses.

AD.2 – This development relates in size and height to surrounding uses. The single-family homes that already exist in the area will be closest to the single-family homes proposed in this development. Further, the group residential aspects also fit the height and size of the adjoining hotel to the rear of the Property.

AD.3 – The varying residential uses will provide a breakup as to the height of the structures.

AD.4 – As is discussed above, the open space within this development will be viewable from the residential aspects of the development thereby enhancing views and making the spaces feel larger.

AD.5 – There will be minimal to no “blank walls” facing the street.

AD.6 – The Applicant will seek to design in a way which enhances the buildings character.

AD.7 – The Applicant has not yet settled on colors or materials but will seek to emphasize the distinctions between the differing uses.

AD.8 – The Applicant will seek to provide consistent design throughout the structures.

AD.9 – The Applicant will seek to implement built-form transitions.

Lastly, this development likewise complies with the Open Space & Landscaping of the Multi-Family Design Standards. These are depicted in green on **Exhibit A**.

OS.1 – The open space is easily visible and accessible from the differing residential aspects of the development.

OS.2 – The centralization of the open space can be seen on the preliminary development plan.

OS.3 – The open space associated with the group residential buildings is appropriate in size.

OS.4 – Street trees and internal landscaping will enhance and provide boundaries for the privately controlled spaces.

OS.5 – See preliminary development plan depicting trees and landscaping around the internal parking areas.

OS.6 – The parking is situated internally for the group residential developments and the waste is likewise located away from the single-family residences to provide an adequate buffer.

OS.11 – As shown on the preliminary development plan, the internal streets will include trees.

OS.12 – The light fixtures will be compatible with the style, material, color and scale of the project.

OS.13 – The Applicant will actively seek to avoid any light infringing upon neighboring properties and/or private spaces.

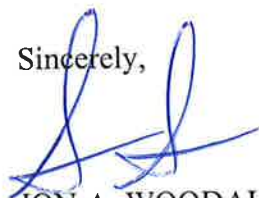
As such, the Applicant submits that this application complies with the Multi-Family Design Standards as detailed herein above and on **Exhibit A**.

Conclusion

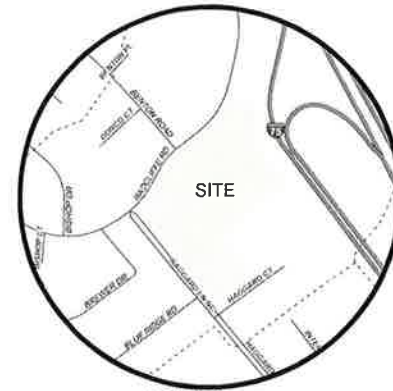
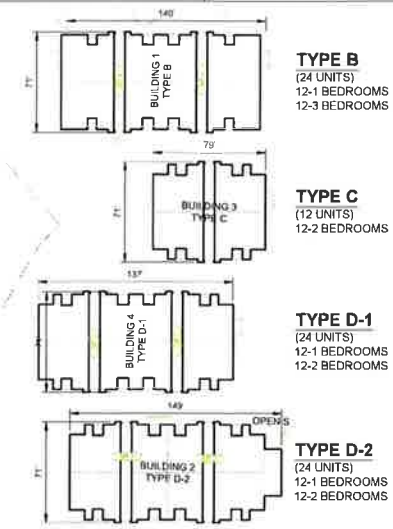
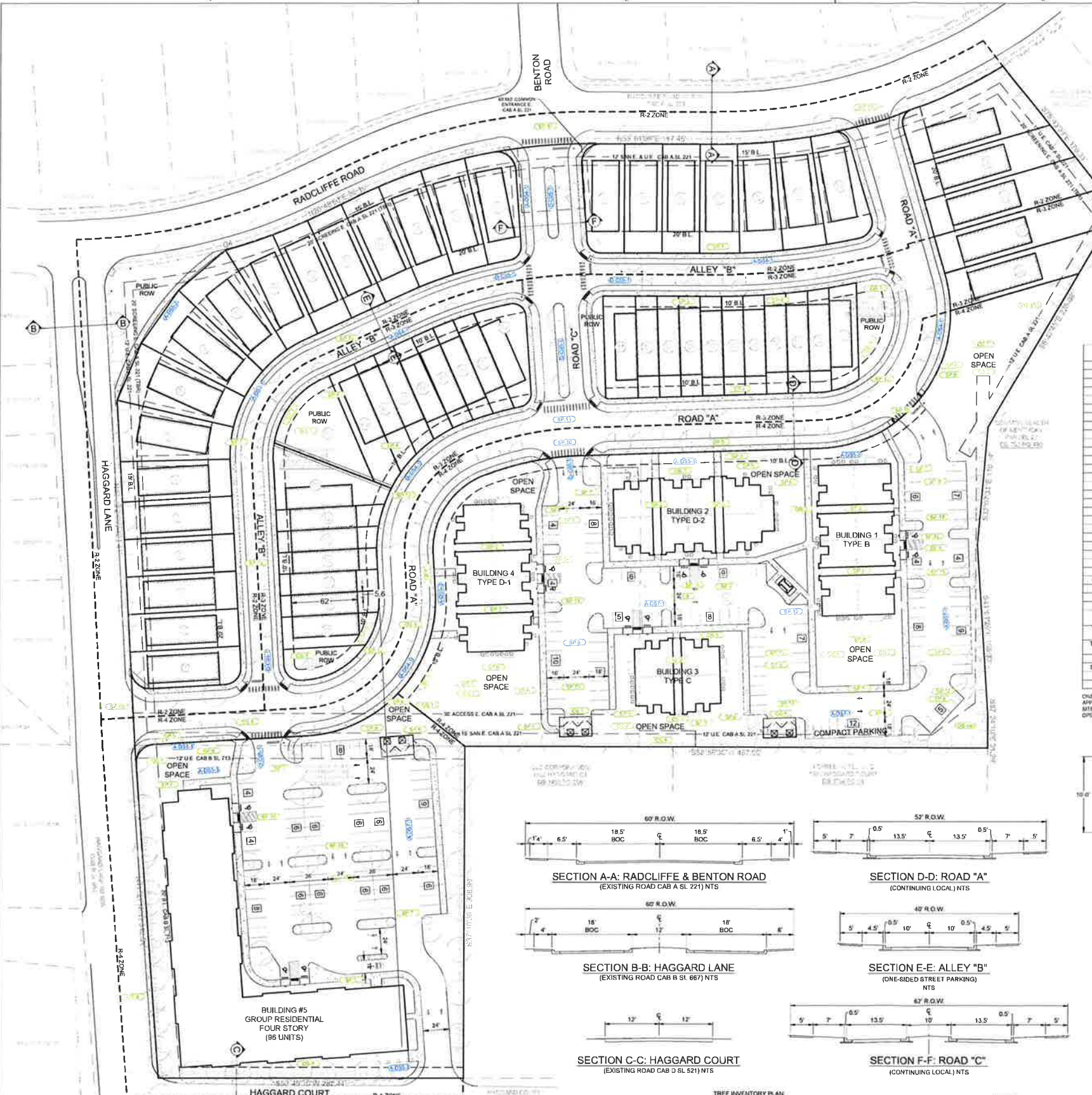
In sum, we submit that our proposal is in harmony with the Multi-Family Design Standards and that the variance request is approvable for the reasons provided herein.

Thank you in advance for your consideration.

Sincerely,



JON A. WOODALL
SCOTT A. SCHUETTE



GENERAL NOTES:

- THIS DEVELOPMENT PLAN SHALL NOT BE USED AS A BASIS FOR SALE OF THIS PROPERTY. ANY SALE OF LAND SHALL BE BASED UPON A RECORDED SUBDIVISION PLAT.
- THIS DEVELOPMENT PLAN MAY BE AMENDED WITH THE APPROVAL OF THE URBAN-COUNTY PLANNING COMMISSION.
- ACCESS TO THIS PROPERTY SHALL BE LIMITED TO THE POINTS INDICATED HEREON, OR AS MAY BE AMENDED.
- ALL AREAS THAT HAVE BEEN DISTURBED BY GRADING SHALL HAVE TEMPORARY VEGETATIVE COVER PROVIDED, CONSISTING OF ANNUAL GRASSES OR SMALL GRAINS, SLOPES EXCEEDING 4:1 SHALL HAVE ADDITIONAL PROTECTION OF MULCHING OR SODDING TO PREVENT EROSION.
- LANDSCAPING AND BUFFERING OF THIS PROPERTY SHALL COMPLY WITH ARTICLE 18 OF THE ZONING ORDINANCE.
- NO GRADING, STRIPPING, EXCAVATION, FILLING OR OTHER DISTURBANCE OF THE NATURAL GROUND COVER SHALL TAKE PLACE PRIOR TO THE APPROVAL OF AN EROSION CONTROL PLAN. SUCH PLAN MUST BE SUBMITTED IN ACCORDANCE WITH ARTICLE 16 OF THE CODE OF ORDINANCES (ARTICLE 21 OF ZONING ORDINANCES).
- STORMWATER MANAGEMENT AND SANITARY SEWERS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH ALL LFCUG ENGINEERING MANUALS.
- ALL STREETS SHOWN HEREON ARE EXISTING.
- THIS DEVELOPMENT PLAN SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE LFCUG TRAFFIC ENGINEERING.
- THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP PANEL 2100670114E DATED MARCH 3, 2014.
- THE LOCATION OF ADDITIONAL FIRE HYDRANT(S) AND/OR FIRE DEPARTMENT CONNECTION(S) AS REQUIRED, SHALL BE APPROVED BY THE DIVISION OF FIRE-WATER CONTROL OFFICE.
- NO BUILDING PERMITS SHALL BE ISSUED UNLESS AND UNTIL A FINAL DEVELOPMENT PLAN IS APPROVED BY THE PLANNING COMMISSION.
- ANALYSES FOR STORMWATER MANAGEMENT WILL BE PROVIDED WITH THE IMPROVEMENT PLANS. THE ANALYSES SHALL CONSIDER THE PROPOSED INCREASES IN IMPERVIOUS AREAS AND ASSOCIATED STORMWATER QUANTITY AND QUALITY MANAGEMENT NEEDS PER THE REQUIREMENTS OF THE STORMWATER MANUAL WITHIN THE PROPOSED PARKING AREAS.
- EXISTING LOTS TO BE CONSOLIDATED PRIOR TO THE ISSUANCE OF THE ZONING COMPLIANCE PERMIT.
- NEW STRIPING AND SIGNAGE ON EXISTING ROADS WILL BE COORDINATED AND IN CONFORMANCE WITH LFCUG TRAFFIC ENGINEERING.
- UTILITY COMPANIES SHALL HAVE ACCESS TO ALL OPEN SPACE AREAS FOR THE PROVISION AND MAINTENANCE OF SERVICE.
- LANDSCAPE IMPROVEMENTS AND SCREENING SHALL CONFORM TO ARTICLE 18 OF THE URBAN COUNTY ZONING ORDINANCE.
- STREET TREES TO BE IN CONFORMANCE WITH ARTICLE 6-10 OF THE SUBDIVISION REGULATIONS.
- THE CANOPY SHALL BE A MINIMUM OF 13' HIGH FOR CLEARANCE OF EMERGENCY VEHICLES.
- USPS KIOSK SHALL BE RESOLVED AT TIME OF FINAL DEVELOPMENT PLAN.

SURVEY NOTES:

- CONTOUR INTERVAL 2 FOOT. CONTOURS GENERATED FROM DIGITAL ELEVATION MODEL (DEM) DOWNLOADED FROM COMMONWEALTH OFFICE OF TECHNOLOGY.
- BOUNDARY SHOWN WAS TAKEN FROM PRIOR PLAT OF RECORD LODGED IN PLAT CABINET 77, SLIDE XXX.
- EXISTING EASEMENTS SHOWN WERE TAKEN FROM RECORD PLAT OF RECORD LODGED IN PLAT CABINET 77, SLIDE XXX.
- SOURCE OF DEEDS.

SYMBOLS LEGEND:

- ZEBRA STYLE CROSS WALK
- STOP BAR
- STOP SIGN
- ENHANCED NEIGHBORHOOD PLACE BUILDER TAG
- MULTI-FAMILY DESIGN STANDARDS TAG

COMMISSION'S CERTIFICATION

I DO HEREBY CERTIFY THAT THIS DEVELOPMENT PLAN WAS APPROVED BY THE URBAN COUNTY PLANNING COMMISSION AT ITS MEETING HELD ON _____, 2024.

PLANNING COMMISSION SECRETARY _____ DATE _____

OWNERS CERTIFICATION:

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE ONLY OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON, DO FULLY AGREE TO ALL GRAPHIC AND TEXTUAL REPRESENTATIONS SHOWN HEREON, AND DO ADOPT THIS AS MY (OUR) DEVELOPMENT PLAN FOR THE PROPERTY.

OWNER _____

OWNER _____

PRIME
 651 Perimeter Drive, Suite 300
 Lexington, Kentucky 40517
 859.368.0145
 www.primeeng.com

**TRANSY-HAGGARD
 RADCLIFFE APTS**
 475&495 Haggard Lane, 450 Radcliffe Road
 LEXINGTON, KY 40505

Transy Properties Owners, LLC
 600 W Main Street, Suite 400
 Louisville, KY 40202

**MARLBORO MANOR SUBDIVISION
 Lexington Motel (Blair Property,
 Koppus&Hart Property)
 (Transy Haggard Apartments)**

PLN-MJSUB-24-0010

DATE: 11-04-24
 PROJECT NO: 240568
 DESIGNED BY: PRIME AE
 DRAWN BY: AG
 SCALE: AS NOTED

No.	Date	Revision

THIS DRAWING NOT RELEASED FOR CONSTRUCTION UNLESS SO NOTED ABOVE.

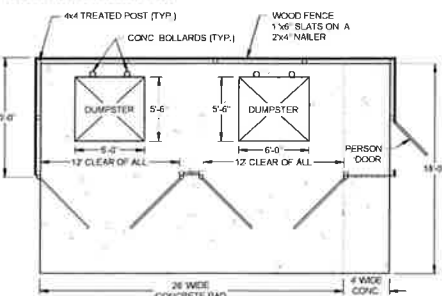
**PRELIMINARY
 DEVELOPMENT PLAN**

ALL-STATE LEGAL EXHIBIT A

SITE STATISTICS

ZONING	SINGLE FAMILY TOWN HOMES MULTIFAMILY/GROUP RESIDENTIAL			
	R-2	R-3	R-4	64
LOT NUMBER	1-24	25-62	63	64
SITE ACREAGE	3.39 AC	2.85 AC	3.93 AC	2.32 AC
BUILDING #1 SQUARE FOOTAGE	1,650 SF	1,740 SF	9,550 SF	8.5F
BUILDING #2 SQUARE FOOTAGE	-	-	9,500 SF	8.5F
BUILDING #3 SQUARE FOOTAGE	-	-	5,000 SF	8.5F
BUILDING #4 SQUARE FOOTAGE	-	-	9,050 SF	8.5F
BUILDING #5 SQUARE FOOTAGE	-	-	-	25,180 SF
LOT COVERAGE - (MAX 0.3)	-	-	0.32	0.34
FLOOR AREA RATIO - (MAX 1.5)	-	-	0.65	1.00
NUMBER OF DWELLING UNITS	28	28	83	96
NUMBER OF BEDROOMS	-	-	141	51
HEIGHT OF BUILDING - IN FEET	-	-	41	51
PARKING PROVIDED (INCL. PIV)	-	-	(1,363)PIV	(8,764)PIV
HANDICAP PARKING PROVIDED	-	-	133	9
VEHICULAR USE AREA	-	-	42,331 SF	35,984 SF
INTERIOR LANDSCAPE REQ. -10%	-	-	4,233 SF	3,598 SF
INTERIOR LANDSCAPE PROVIDED	-	-	5,492 SF	4,156 SF
INTERIOR TREES REQUIRED -30%	-	-	12,699 SF	10,795 SF
INTERIOR TREES PROVIDED	-	-	17L or equiv	27M-27
OPEN SPACE - USEABLE REQ. -15%	-	-	25,679 SF	15,158 SF
OPEN SPACE - PROVIDED	-	-	34,727	10,718
TREE CANOPY - REQUIRED -30%	-	-	7703 SF	4547.7
TREE CANOPY - PROVIDED	36L	41L	52L+335 SF of eq	5L+500
PERIMETER TREE PROVIDED	-	-	52L+335 SF of eq	30L+72,500 or eq
TOTAL STREET FRONTAGE - ROAD	-	-	1,200 LF	-
TOTAL STREET FRONTAGE - ALLEY	-	-	920 LF	-
ST. FRONTAGE - HAGGARD LANE	-	-	9'	268 LF
ST. FRONTAGE - HAGGARD COURT	-	-	200 LF	-
USE	SINGLE FAM	TOWN	APTS	APTS
CARPET SLIDE	-	-	-	-

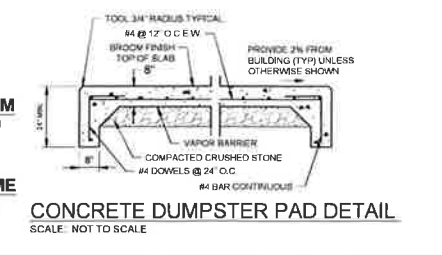
ON-STREET PARKING SHOWN BY 60°-ARC PARALLEL PARKING. 60°-ARC NOT REQUIRED TO BE STRIPPED APPROXIMATE PARALLEL PARKING ON STREET OUTSIDE TO THE PROJECT IS A SITE OPEN SPACE. SITE IS LESS THAN ONE HALF MILE TO EXISTING LFCUG PARK AND IS EXEMPT FROM OPEN SPACE REQUIREMENT PER SEC 204



ADA DUMPSTER ENCLOSURE DETAIL

SCALE: NOT TO SCALE

- NOTES:**
- SEE CONCRETE DUMPSTER PAD DETAIL FOR THICKNESS.
 - ALL POSTS MUST BE SET IN COPPERITE. IF WOOD IS USED AS SCREENING MATERIAL, 3" HORIZONTAL BOARDS MUST BE USED TO SUPPORT THE VERTICAL BOARDS. ALL LUMBER MUST BE TREATED. NOTE: ALL GATES MUST HAVE CHOP-ROOF INSTALLED. CHOP-ROOFS ARE NEEDED TO KEEP GATES OPEN WHILE DUMPSTER IS BEING SERVICED. THE DIVISION OF WASTE MANAGEMENT WILL OPEN GATES BUT WILL NOT CLOSE GATES.
 - FENCE HEIGHT SHALL BE 8' TYPICAL.



CONCRETE DUMPSTER PAD DETAIL

SCALE: NOT TO SCALE

CURVE	BEARING/CHORD	LENGTH	RADIUS
C1	N89°38.31'E 27.51'	30.33	26.60
C2	N07°25.84'E 27.21'	29.67	120.00
C3	N03°54.58'E 21.83'	221.82	461.00
C4	N02°33.46'E 16.34'	162.91	344.14

NO STEEP SLOPES EXIST ON THE SITE.

SINGLE FAM
 65x25 (1,650 SF)
 2 BEDROOMS

TOWN HOME
 62x20 (1,240 SF)
 2 BEDROOMS

TREE INVENTORY PLAN
 EXISTING TREE INVENTORY CONSISTS OF 25 STREET, 14 INTERIOR TREES ON SITE. A CLUSTER OF INVASIVE SPECIES AND FENCELINE TREES TO THE NORTH-EAST.
 EXISTING CANOPY COVERAGE: 43,645 SF = 1.04 AC. 9% OF TOTAL SITE AREA.
 EXISTING CANOPY COVERAGE TO REMAIN: 16,245 SF = 0.37 AC (FENCELINE, IF NOT POSSIBLE, REPLANTED PER LFCUG GUIDELINES)
 REQUIRED TREE CANOPY: 30% OF 12.84 ACRES = 3,854 SF = 0.088 AC. 12.84 AC = 151,548 SF / 750 = 202 LARGES TREES OR EQUIV.
 PROPOSED TREE CANOPY: 235 LARGES TREES OR EQUIVALENT.

