

# MURPHY & CLENDENEN, PLLC

ATTORNEYS AT LAW

LEXINGTON FINANCIAL CENTER

250 West Main Street, Suite 2510

Lexington, Kentucky 40507

TEL: (859) 233-9811

FAX: (859) 233-0184

E-MAIL

Richard@MurphyCledenlen.com

Chris@MurphyCledenlen.com

RICHARD V. MURPHY

CHRISTOPHER M. CLENDENEN

Mr. Larry Forester, Chairman  
Members of the LFUCG Planning Commission  
200 E. Main Street  
Lexington, KY 40507

December 29, 2023

Dear Mr. Chairman and Members:

Our firm represents the Applicant, UCD-Midland, LLC, in this matter before the Commission in which our client seeks a zone map amendment and approval of a preliminary development plan for a lot known and designated as 610 Winchester Road. As you may recall, the Applicant was previously before you in April of 2023 for PLN-MAR-23-0004 and PLN-MJDP-23-00015 in which you granted approval of a zone map amendment to B2-A and development plan for 262/266/270/276 Midland Avenue and 604 Winchester Road. The property is fronted by the intersection of Winchester Road and Midland Avenue before changing to Third Street. It currently contains a storage building and is under contract by the Applicant with the property owner.

UCD-Midland, LLC is requesting a zone change from the current zone of I-1 (Light Industrial) also to B-2A (Downtown Business Frame) for this lot which is contiguous with 604 Winchester Road and 276 Midland Avenue. The proposed development plan replaces the previously approved plan with additional land area (.8106 acres) and calls for an expansion of the previous multi family design from 182 to 266 units. The plan continues with the two-building design concept each with five floors and retail on the first floor of one of the buildings.

## Description of Project:

The now six lot site is comprised of 3.67 acres along Winchester Road and Midland Avenue situated in the Midland Shoppes Area of Lexington. It is adjacent to the Lexington Design Center and is across from the DV8 Kitchen, near the Met Apartments, and the Issac Murphy Memorial Gardens. The zone change is requested to allow the construction of two apartment buildings designed to complement each other, share amenities, and create an estimated 266 residential dwelling units between the two buildings.

## Goals and Objectives of the 2045 Comprehensive Plan:

The proposed zone change to B-2A agrees with the Goals and Objectives of the 2045 Comprehensive Plan. This application overwhelmingly meets the criteria of the Themes and Goals as follows:

Theme A Goal 1(b) Accommodate the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types.

This proposal prioritizes higher density by adding 266 additional residential units dwelling units.

Theme A Goal 2(a) Identify areas of opportunity for infill, redevelopment, adaptive reuse, and mixed-use development.

This proposal redevelops existing land inside the urban service boundary not currently used for housing and provides 266 additional residential dwelling units.

Theme A Goal 3(b) Strive for positive and safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation.

Situated along Midland Avenue and Winchester Road, this project provides a connection between with the Town Branch Commons Greenway for bikers and pedestrians from Midland Avenue to Vine Street, the Rupp and beyond.

Theme A Goal 3(d) Encourage the use of neighborhood enhancing elements, such as green infrastructure, street trees, neighborhood serving businesses, gathering spaces and other types of community focal points.

The project incorporates a common area for gathering and social interaction along the streetscape in front of the residential buildings providing a focal point for the neighborhood. Lower level of Building B will be used for commercial space providing neighborhood business.

Theme B Goal 2(d) Prioritize multi-modal options that de-emphasize single occupancy vehicle dependence.

This proposal includes 22 bicycle rack spaces, interconnections with the walking trail and the Lex Tran system to de-emphasize dependence on single occupancy automobile.

Theme B Goal 3(f) Promote, maintain, and expand the urban forest throughout Lexington.

The existing tree canopy consists of 13 trees on site. The proposed tree canopy would consist of 38 medium sized trees and 34 additional small trees. Going from 5193 square feet of coverage to 20,500 feet of tree coverage.

Theme D Goal 1(a) Implement the Complete Streets policy, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit, and other vehicles.

Situated along Midland Avenue and Winchester Road, the design incorporates an active streetscape with widened pedestrian walkways, common area gathering places, with connections via the Trail system to adjoining neighborhoods and area focal points.

Theme E Goal 1(e) Maximize development of vacant land and unimproved lots within the Urban Service Boundary and promote redevelopment of underutilized land in a manner that enhances existing urban form and/or historic features.

This project takes and repurposes, through adaptive reuse, land used for light industrial and commercial retail, for much needed housing instead. The design makes the most use of the land for housing at a high-density level, saving space, and decreasing the need to expand the urban service boundary.

## Policies 2045 Comprehensive Plan:

**Design Policy #1** Utilize a people first design, ensuring that roadways are moving people efficiently & providing equitable pedestrian infrastructure.

This project provides for a balanced approach to transportation with an emphasis on multi-modal forms of transportation. It does this by insuring placement of bicycle racks, sidewalk connectivity to trail system, enhancement of an existing public transit stop and adequate parking for single occupancy vehicles.

**Design Policy #3** Multi Family Residential developments should comply with the Multi-Family Design Standards in Appendix A.

Coming in at over a total of 3 acres, this project conforms to the design standards for “medium sized sites” as it respects the surrounding scale and character of nearby developments such as The Met and The Midlands and provides for connectivity to streets, trailways, and streetscapes.

**Design Policy #6** Adhere to the recommendations of the Lexington Area MPO Bike/Pedestrian Master Plan, adopted in 2018.

The project provides for connectivity with the trailway/greenspace system by establishing trail head connection on widened sidewalk in common area community space.

**Density Policy #1** Locate high density area of development along higher capacity roadway (minor arterial, collector), major corridor & downtown to facilitate future transit enhancements.

The project is situated along Winchester Road and Midland Avenue and serves as a welcoming focal point of entry into the Downtown area.

### Engagement:

For the original application, representatives of the applicant meet with members of the Beel Court Neighborhood Association, Mentelle Neighborhood Association, the William Wells Brown Neighborhood Association, and the Midlands Townhomes. The applicant either has requested or will request additional meetings with these groups to provide updates on the revised project.

### Place Type/Development Type/Requested Zone Change:

The proposed development fits within the Downtown category and HNRMU (High Density Non-Residential Mixed Use) under the Placebuilder criteria of the Comprehensive Plan. Downtown is the most appropriate place type and HNRMU the most appropriate development type, because at its core, the project involves mid rise buildings offering dense residential uses and provides for a variety of transportation options. Further, the project prioritizes density, ground level pedestrian engagement, connection with trail heads, multi modal transportation options, and a welcoming transition to urban and historic neighborhoods. The Applicant seeks a zone change to B2-A, which is a recommended zone for this place type.

Development Criteria: Downtown/High Density Non-Residential Mixed Use.

The following are some of the criteria which are either not included in the development plan or warrant further discussion.

A-DN3-1 Pedestrian oriented commercial opportunities and other services should be incorporated within residential neighborhoods.

First commercial space incorporated into the design for building "B" as depicted on plan. Service/business available for both tenants and neighborhood residents.

C-L17-1 Developments should create mixed use neighborhoods with safe access to community facilities, greenspace, employment, business, shopping and entertainment.

This project incorporates high density multi-family housing with pedestrian friendly access to greenway/walking trail system, and retail. Includes safe access to downtown area employment, entertainment, dining, and greenspace.

D-CO3-1 Development should increase density and intensity adjacent next to transit.

This project has an existing Lex Tran stop within close proximity to the residential buildings. It will add 266 residential housing units where there are currently none.

D-PL7-1 Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting the application.

Outreach has been conducted with area neighborhood associations during the original application process. Additional meetings are planned prior to the hearing date.

E-ST8-1 Development should be high density and contain a mixture of uses.

The project consists of two five story buildings with multi-family residential on five floors in building "A" and multi-family residential on four floors in building "B" with commercial retail on first floor of building "B."

A-DS1-1 Mass transit infrastructure such as seating and shelters should be provided/enhanced along the transit routes.

The project calls for enhancement of existing transit stop along Midland Avenue.

A-DS4-1 A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided.

The project provides for connectivity that links LexTran and the Town Branch Commons greenway/trail system and the Legacy Trail through its expanded sidewalks fronting the project along the arterial.

A-DS5-2 Developments should incorporate vertical elements, such as street trees and buildings, to create a walkable landscape.

The project provides for two five story buildings that model the multi-family design standards as well as a number of planned street trees along the expanded sidewalk.

D-CO2-1 Development should create and/or expand a connected multimodal transportation network that satisfies all users' needs.

Bicycle racks, pedestrian walkway system, and integration with the existing transit stop along Midland Avenue expands transportation access beyond dependence on single occupancy vehicles.

B-RE1-1 Developments should improve the tree canopy.

The plan provides for an increase in the square footage of the tree canopy from the existing 5193 square feet to 20,500 square feet.

A-DS5-4 Development should provide a pedestrian-oriented and activated streetscape.

This plan provides for an open community space fronting the buildings with an active retail area. Enhanced sidewalks are designed to increase walkability within the neighborhood and provide connectivity with the trail/greenway system.

A-DS9-1 Development should provide active and engaging amenities within the neighborhood focused open spaces.

An open space area for community engagement is placed in front of retail commercial space in front of Building "B" to activate pedestrian streetscape.

A-DS3-1 Multi-family residential developments should comply with the Multi-family Design Standards in Appendix A.

The project conforms to the Multi-family Design standards contained in Appendix A including, but not limited to, local amenities, ground level entries, and multi-modal opportunities.

A-DS5-3 Building orientation should maximize connections with the street and create a pedestrian friendly atmosphere.

Enhanced pedestrian walkway, trail connectivity, with ground level activity are provided for in this project. Buildings are oriented along street corridors facilitating pedestrian activity.

D-PL2-1 Development should provide active first floor uses wherever adjacent to a street, pedestrian facility, or community focused open space.

A common area open space and commercial retail space is provided at ground level for this project.

No variances are requested by the Applicant at this time.

This proposal provides for essential residential multi-family housing opportunities for the community at a high level of density. It makes good use of the available space and more importantly makes valuable use of underutilized land situated within the urban service boundary. It supports and is designed in conformity with the PlaceBuilder and is in agreement with the Goals and Objectives of the 2045 Comprehensive Plan.

Respectfully submitted,



Christopher M. Clendenen

CMC/prb

Cc: to file/ A. Ganahl/ S. Shapiro/ S. Garland/ C. Johnson.