

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@MurphyCledenene.com

Chris@MurphyCledenene.com

RICHARD V. MURPHY

CHRISTOPHER M. CLENDENEN

October 6, 2025

Mr. Zach Davis, Chairman
and Members of the Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, KY 40507

Re: Proposed zone change for 401 Woodland Avenue

Dear Chairman Davis and Members of the Planning Commission:

This letter is written on behalf of Anderson Midtown Apartments, LLC, which is filing a zone change application for the property at 401 Woodland Avenue. We are requesting a zone change from the R-3 (Planned Neighborhood Residential) to the R-4 (Medium Density Residential) zone.

DESCRIPTION OF PROJECT.

401 Woodland Avenue is a 0.59 acre tract of land located at the corner of Woodland Avenue and Euclid Avenue. There is an existing three-story, 24-unit apartment building located on the property, directly at the corner of Woodland and Euclid. That building will remain.

There is a large, underutilized parking lot currently on site. We propose to construct a second three-story apartment building at the rear of the property, utilizing a portion of the property currently occupied by the parking lot. Thus, we will be increasing density without demolishing any existing buildings.

This property is ideally located for additional apartments. It is located within easy walking distance of the University of Kentucky campus. The Young Library is located only two blocks away. Woodland Park is located nearby and the property is located adjacent to a vibrant, university-related community. The Kroger grocery store is located nearby, along with dining, entertainment, banks, convenience stores and churches. The Christian Student Fellowship is located two blocks away.

Transportation facilities are excellent. There is an existing eight-foot sidewalk along Woodland Avenue, directly leading to the University. There is an existing sidewalk along Euclid Avenue as well. There are bike lanes on both Euclid Avenue and Woodland Avenue. Similarly, there are transit routes on both Euclid and Woodland Avenue. Automobile access is excellent.

Our new building will be mostly efficiency units, to supply housing at a price point which is more attainable for our residents.

GOALS AND OBJECTIVES OF THE 2045 COMPREHENSIVE PLAN.

This proposal is in agreement with the Goals and Objectives of the 2045 Comprehensive Plan. This development will supply infill housing for students and workers. The efficiency units will supply an additional housing choice at a more attainable price. As mentioned above, the property is within walking distance of the University, entertainment, dining, churches, banks, grocery stores and a major park.

The additional dwelling units and the use of efficiency units comply with Goal A.1, to expand housing choices. The proposal will comply with Objective A.1.b. by helping to accommodate the demand for housing in Lexington responsibly, prioritizing higher-density and a housing type which will result in a more attainable cost. Accessible units will be available (Goal A.1.c.). This project will use an under-utilized parking area to supply infill and redevelopment as called for in Goal A.2, and Objective A.2.a. The new building will be similar in height and size to the existing building, thus respecting the context and design features of the area (Objective A.2.b). Existing trees will be protected, and an outdoor activity area will remain (Objective A.2.c.).

As mentioned above, this development has excellent pedestrian and bicycle connections to parks, restaurants and entertainment areas, and there will remain a green area in the middle of the development which allows interaction among residents of the development (Objective A.3.b.). The area on which the new building will be built is part of the current parking area, so there will be little disruption of natural features (Objective A.3.c.). The efficiency units will help protect housing affordability (Objective A.5.b.).

By providing additional density, the project helps to uphold Goal E.1., upholding the Urban Service Area by utilizing redevelopment of under-utilized property within the Urban Service Area (Objectives E.1.d and E.1.e.).

THEMES AND POLICIES.

Our proposal successfully addresses the Themes and Policies of the 2045 Comprehensive Plan. Pertaining to Theme A, building and sustaining successful neighborhoods, Pillar 1, Design, the neighborhood currently has a people-first design (Policy 1), proper road connections (Policy 2), and provides pedestrian-friendly street patterns (Policy 5). The street and sidewalks establish clear public access to neighborhood open space and green space, at Woodland Park, the University, and the Transylvania Park median. This development will comply with Design Policy 3, the multi-family design standards, and will be in context with the surrounding diverse area (Design Policy 4). Our parking area will be right-sized to enhance walkability and bikability (Design Policy 7).

The efficiency units will provide an additional housing choice in this area (Design Policy 8). It will provide student-oriented housing with open space and parks within walking distance (Design Policy 9). Finally, the additional residential density will help to support the Euclid Avenue commercial area (Design Policy 12). The development also complies with Pillar II, Density. This property is located along higher capacity roadways, which already facilitate transit (Design Policy 1). It will be a context-sensitive design which increases density (Density Policy 2).

This development also supports Equity Policies 3 and 5. The efficiency units will provide a cost-effective housing option by up-zoning areas near transit for those who rely solely on public transportation. Under Theme B, Protecting the Environment, Pillar II, Sustainability, this development will support Policy 3, which calls for reduction of air pollution and greenhouse gases through compact development and complete streets that encourage multi-modal transportation options. Residents in this development will not need an automobile to have ready access to the University, parks, churches, grocery and dining options. We will increase density along the Euclid Corridor, which is on transit lines, to reduce vehicle miles traveled (Theme D, Improving a Desirable Community, Pillar I, Connectivity, Policy 3).

ENGAGEMENT.

The applicant will reach out to the appropriate neighborhood association for further input.

PLACE-TYPE, DEVELOPMENT AND REQUESTED ZONE.

This proposal fits within the Second Tier Urban place-type and within the Medium Density Residential (MR) development-type. We are requesting the R-4 (Medium Density Residential) zone, which is a recommended zone for this place-type and development-type.

DEVELOPMENT CRITERIA

Here is a discussion of the criteria that were not specifically addressed on the development plan, or which need further discussion.

- **A-DS12-1.** This development will be located close to neighborhoods serving commercial areas, including University Plaza, Kroger, banks, restaurants, service stations, etc.
- **A-DN2-1.** This project will re-use an underutilized parking area to increase residential density.
- **A-DN3-2.** Although this property not itself a commercial property, it is immediately across the street and diagonally across from commercial areas, with other commercial uses nearby.
- **C-PS15-2.** A large grocery store and convenience stores are within easy walking distance of the property.

- **D-PL7-1.** The applicant will be consulting the appropriate neighborhood association.
- **E-ST8-2.** Community oriented places and services are immediately available, including Woodland Park, the University of Kentucky, churches, commercial uses and restaurants.
- **D-CO2-1.** This project will utilize the outstanding existing multi-modal transportation network. The property is within easy walking distance of the University of Kentucky, Woodland Park, churches, commercial areas and restaurants. There are existing bike lanes on both Euclid Avenue and Woodland Avenue. Similarly, there are transit routes on both Woodland Avenue and Euclid Avenue.
- **B-PR10-1.** The project will not utilize upward directed lighting and will be appropriately lit.
- **B-SU4-1.** Impervious surfaces will be minimized, as the footprint of the new building will largely be located in an area which is currently occupied by a paved parking lot.
- **B-SU5-1.** Energy efficient systems will be utilized, including LED lights, energy efficient appliances, extra insulation and high-efficiency HVAC systems.
- **B-SU11-1.** Low impact landscaping and native plant species will be utilized.
- **A-DS7-1.** Parking will be located to the rear of the existing building at the corner of Woodland and Euclid Avenue.
- **A-DN2-2 and A-EQ5-1.** Like the existing building, the new building will be a three-story structure, thus the scale and massing will be similar to the existing building. The property is located in an area which has a variety of one, two and three-story buildings, and a variety of uses.
- **D-PL2-1.** Both the existing building and the proposed building will be activated with first-floor residential uses.
- **E-GR4-1.** This development will retain the existing building while allowing additional density on site.

VARIANCES.

The applicant is requesting variances of the eight-foot vehicular perimeter buffer requirement at three locations: first, for the proposed driveway to Euclid Avenue, second, for the existing parking lot adjacent to 415 Woodland Avenue, and third, for nineteen inches of one parking space at the right of the vehicular entrance on Woodland Avenue.

First, the entrance off of Euclid Avenue is needed to provide service to a dumpster which meets the criteria of the Division of Solid Waste. The configuration shown will allow the truck to enter off of Euclid Avenue, service the dumpster, and then exist via Woodland Avenue, without backing into the right-of-way. Any other configuration will require backing onto the right-of-way.

Second, the existing parking area has a five-foot landscape area along the southwest side of the property, adjoining 415 Woodland Avenue. The adjacent property has a parking lot also adjacent to this same screening area. The screening area is existing, and shifting would require extensive construction work, and would not leave sufficient backing area in the existing parking lot.

Third, we are requesting a variance of nineteen inches to allow one new parking space on the right side as vehicles enter from Woodland Avenue. The applicant is preserving a tree and picnic area to preserve open space inside the development, and we feel that large area is more desirable for greenspace than having nineteen inches of additional grass along Woodland Avenue. There will still be 6 feet 5 inches of buffering along Woodland Avenue at that point.

Therefore, we are requesting your approval of these variances for the following reasons:

1. Granting these variances will not adversely affect the public health, safety or welfare and will not alter the character of the existing vicinity, and will not cause a hazard or nuisance to the public because the applicant is accommodating the only way to service a dumpster without causing backing onto the street, the existing parking area has existed for at least 40 years, and is currently sized to allow appropriate backing distances. The lot on the other side of 415 Woodland is a parking area as well. The VUA variance along Woodland Avenue is minimal, one foot seven inches, to allow one additional parking space. The applicant has preserved a larger space in the interior to preserve trees and allow picnic and other usage by residents.

2. Granting these variances will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance because the parking facility and configuration of the existing building, and the current parking lot is legally non-conforming. There will still be greenspace along Woodland Avenue, which can be additionally screened by a hedge if desired.

3. The special circumstances which apply to this property and which do not generally apply to land in the general vicinity or in the same zone are that we are providing additional infill on an under-utilized lot, in conformance with the Comprehensive Plan. This project will supply additional living units within walking distance of the University, parks, churches, grocery stores and other retail, dining and entertainment destinations.

4. Strict application of the regulations of the Zoning Ordinance would deprive the applicant of a reasonable use of its land or create an unnecessary hardship because the applicant would no longer be able to have a dumpster on the property, would have to shrink the size of driving aisles creating an unsafe situation, and would be deprived of the parking space near Woodland Avenue.

5. The circumstances surrounding the required variance are not the result of the actions of this applicant taken subsequent to the regulation from which relief is sought. The

existing building was already in existence when the applicant purchased the property 28 years ago. The configuration of the property relating to the vehicular use area was already set at that time.

CONCLUSION.

Our proposed zone change will use this under-utilized parking lot to increase density. This property is within walking distance of the University, parks, open spaces, churches, groceries, restaurants and entertainment. All modes of transportation are fully available: walking, biking, transit and automobiles. The proposal agrees with the spirit and the provisions of the Comprehensive Plan.

Thank you for your consideration of this zone change request.

Sincerely,



Richard V. Murphy,
Attorney for Applicant

RVM/prb

2ND TIER URBAN

2ND TIER URBAN - MEDIUM DENSITY RESIDENTIAL

LAND USE

- A-DS12-1** Development should be located nearest to neighborhood serving commercial areas.
- A-DN2-1** Infill residential should aim to increase density.
- A-DN3-2** Development should incorporate residential units in commercial centers.
- C-LI7-1** Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
- C-PS15-2** Improve options for affordable and nutritious food where not currently available.
- D-CO3-1** Development should increase density and intensity adjacent to transit.
- D-PL7-1** Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
- D-SP9-1** Encourage co-housing, shared housing environments, planned communities and accessory dwelling units for flexibility and affordability for senior adults and people with disabilities.
- E-ST8-2** Development should provide community oriented places and services.

TRANSPORTATION, CONNECTIVITY, AND WALKABILITY

- A-DS1-1** Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes.
- A-DS1-2** Accessible pedestrian linkages to transit should be provided.
- A-DS4-1** A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided.
- A-DS5-1** Safe multi-modal facilities should be provided to ensure vehicular separation from bicycles, pedestrians and other modes of transport.
- A-DS5-2** Developments should incorporate vertical elements, such as street trees and buildings, to create a walkable streetscape.
- A-DS10-1** New developments should incorporate clear and dedicated connections to nearby community anchors.
- A-DS11-1** Street layouts should provide clear, visible access to neighborhood-focused open space and greenspaces.
- C-PS10-1** Flexible parking and shared parking arrangements should be utilized.

2ND TIER URBAN - MEDIUM DENSITY RESIDENTIAL

- D-CO1-1** Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.
- D-CO2-1** Development should create and/or expand a connected multimodal transportation network that satisfies all users' needs.
- D-CO2-2** Development should comply with Lexington's Complete Streets Policy.
- D-CO5-1** Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.

ENVIRONMENTAL SUSTAINABILITY AND RESILIENCY

- B-PR2-1** Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.
- B-PR7-1** Developments should be designed to minimize tree removal and to protect and preserve existing significant trees.
- B-PR9-1** Minimize grading and topsoil disturbance by utilizing the existing topography to the greatest extent possible and preserving key natural features.
- B-PR10-1** Development should avoid overlighting and upward directed lighting.
- B-SU4-1** Development should minimize and/or mitigate impervious surfaces.
- B-SU5-1** Developments should incorporate energy efficient systems and renewable energy resources (i.e. wind, solar, etc.).
- B-SU9-1** Green Stormwater Infrastructure (GSI) should be implemented in new development.
- B-SU11-1** Development should incorporate low impact landscaping and native plant species.
- B-RE1-1** Developments should improve the tree canopy.
- B-RE2-1** Lexington's green infrastructure network, including parks, trails, greenways, or natural areas should be highly visible and accessible.
- B-RE5-1** Dividing floodplains into privately owned parcels with flood insurance should be avoided.
- B-RE5-2** Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.
- D-SP10-1** Prioritize street trees in the planting strip.

2ND TIER URBAN - MEDIUM DENSITY RESIDENTIAL

SITE DESIGN

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

A-DS7-1 Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.

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

A-DS9-2 Where neighborhood open space or parks are not located within walking distance of a new development, applicants should incorporate these facilities.

A-EQ9-1 School sites should be appropriately sized.

A-EQ9-2 Shared open spaces should be easily accessible and clearly delineated from private open spaces.

C-LI8-1 Development should enhance a well-connected and activated public realm.

C-PS10-2 Over-parking of new developments should be avoided.

D-PL4-1 Enhance open space through the provision of programmatic elements and amenities.

D-PL10-1 Activate the streetscape or publicly visible areas by designating public art easements in prominent locations.

D-SP3-1 Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington.

D-SP3-2 Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping used to improve the visual impact from the roadway and residential areas.

BUILDING FORM

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

A-DS4-2 New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context.

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

2ND TIER URBAN - MEDIUM DENSITY RESIDENTIAL

A-DN2-2

Development should minimize significant contrasts in scale, massing and design, particularly along the edges of historic areas and neighborhoods.

A-EQ5-1

Development should create context sensitive transitions between intense corridor development and existing neighborhoods.

D-PL2-1

Development should provide active first floor uses whenever adjacent to a street, pedestrian facility, or community focused open space.

E-GR4-1

Developments should incorporate reuse of viable existing structures.

E-GR5-1

Structures with demonstrated historic significance should be preserved or adapted.