

# 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

November 3, 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 a portion of 2788 Ruby River Drive

Dear Chairman Davis and Members of the Planning Commission:

This letter is written on behalf of Anderson-Village at Great Acres, LLC, which is filing a zone change application for a portion of the property located at 2788 Ruby River Drive. We are requesting a zone change from the R-3 (Planned Neighborhood Residential) to the B-3 (Corridor Business) zone.

## DESCRIPTION OF PROJECT

The property at 2788 Ruby River Drive is a part of the Villages at Great Acres, which is a new, thriving residential community located on Leestown Road.

As you know, the Villages at Great Acres is a mixed-use community, which includes townhomes, apartment homes and a community commercial area. There is community greenspace, public art, pedestrian and bicycling trails, a village green and a village center including shops, offices and restaurants. The design emphasizes a sense of location and community. The community has been very attractive to young professionals, retirees and many others.

The purpose of the zone change is to allow the University of Kentucky Federal Credit Union to locate in Great Acres. The credit union will supply a needed service to the approximately 1300 residents who will live in Great Acres upon completion and to the thousands of households in Masterson Station, McConnell's Trace and the other neighborhoods along Leestown Road.

The lot on which the credit union will locate is currently split-zoned between R-3 and B-3. We are requesting that the entire lot be zoned B-3 for the credit union building. The lot has two frontages, one on Ruby River Drive to the north and one on Leestown Road to the south. However, the only access will be off of Ruby River Drive. The orientation of the building and the front door will be toward Ruby River Drive and the residential portion of Great Acres to the immediate north,

similar to the orientation and access of the Starbucks, which is adjacent. With the orientation to the residential neighborhood, it will be within easy walking or bicycling distance of the residents in the neighborhood.

## **GOALS AND OBJECTIVES OF THE 2045 COMPREHENSIVE PLAN**

This proposal is in agreement with the Goals and Objectives of the 2045 Comprehensive Plan. Although this is a small zone change, it will promote the vitality of Great Acres and surrounding neighborhoods by providing access to a popular financial institution which emphasizes individualized service to working people. Thus, it will support Theme A, Growing and Sustaining Successful Neighborhoods. By utilizing this vacant parcel, it will support Goal A.2. and Objective A.2.a. The proposal will meet the design guidelines of Great Acres, thus respecting the context and design features of the development, as called for in Objective A.2.b. The proposal will support Goal A.3., providing well-designed neighborhoods and communities by providing a building in scale with the neighborhood and meeting the neighborhood design guidelines. A busy credit union which is pedestrian accessible will provide safe social interactions in the neighborhood (Objective A.3.b.). The lot is relatively flat which will minimize disruption of natural features when building (Objective A.3.c.). The credit union will be a neighborhood-enhancing element, supporting Objective A.3.d. It will have ample street and sidewalk connections in this new development (Objective A.3.e.). Similarly, this financial institution will address community facilities at a neighborhood scale (Goal A.4.) by having its orientation to the residential community, rather than Leestown Road. It will support Objective A.5.a. by promoting an integrated walkable, accessible neighborhood for all residents.

The credit union will not only provide financial services to the residents; it will create jobs. (Theme C.). It will provide approximately 8 jobs, which will support a living wage and lead to prosperity (Objective C.1.a.). This financial sector business will enable infill that creates jobs where people live (Objective C.2.a.). The project will provide a safe and accessible built environment through activated and engaging site design (Objective D.2.a.).

Finally, the proposal will assist in maintaining the Urban Service Area concept (Goal E.1.), by developing this underutilized corridor, maximizing development on vacant land and continuing to activate this large land holding within the Urban Service Area (Objectives E.1.d., e., and f.).

## **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 I, Design, this proposal builds upon and utilizes the pedestrian and bicycle-friendly design of Great Acres. (Policy 1). By having its access to Ruby River Drive, not Leestown Road, it ensures proper road connections are in place to allow access to public safety, waste management and delivery services (Policy 2). As mentioned above, it provides development at a scale that is sensitive to the surrounding neighborhood (Policy 4), it will be pedestrian friendly and the parking area will enhance walkability (Design Policies 5 and 7). Most important, our proposal supports neighborhood-level commercial areas (Policy 12).

As to Pillar II, Density, this proposal provides development along higher capacity roadways (Policy 1) and provides this suburban development with services and amenities to improve quality of life (Policy 3). The credit union will be well-integrated to its neighborhood, supporting Pillar III, Equity Policy 9. As mentioned above, the development utilizes compact development to encourage transportation options (Theme B, Sustainability Pillar II, Policy 3).

Under Theme C, Creating Jobs and Prosperity, this proposal supports Pillars II and III. The credit union contributes to a diverse economic base to assist in providing a variety of job opportunities (Diversity Policy 2). It provides training and access to employment opportunities (Diversity Policy 4). It will provide the possibility of jobs for people living in the area of the project (Prosperity Policy 1). As a financial institution, it provides employment opportunities for graduating students from local colleges (Prosperity Policy 8). It also assists in providing home financing options (Prosperity Policy 14).

## **ENGAGEMENT**

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

## **PLACE-TYPE, DEVELOPMENT-TYPE AND REQUESTED ZONE**

This property has frontage on both Leestown Road and Ruby River Drive. Although Leestown Road is a corridor, the building will be oriented to Ruby River Drive and will thus be designed to enhance the neighborhood. Thus, this is an Enhanced Neighborhood Place-Type, and a low-density non-residential/mixed-use (LNR/MU). Although the B-3 zone is not a recommended zone, the proposed use as a credit union is consistent with B-1 zoning. However, we are requesting B-3 zoning to be consistent with the other zoning in Great Acres, and because one-third of this lot is already zoned B-3. Thus, we are requesting the Corridor Business (B-3) zone.

## **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.** The development is within a neighborhood serving commercial area, The Village at Great Acres includes a coffee shop, a gas station/convenience store, and local restaurants. Other neighborhood serving commercial uses are proposed within The Village at Great Acres including a veterinarian.
- **B-SU3-1.** The development will provide financial services within The Village of Great Acres, a mixed-use community offering a variety of housing types; restaurants, retail, and professional services that are needed within the neighborhood.
- **D-PL7-1.** The applicant will be consulting the appropriate neighborhood stakeholders and/or associations.
- **D-PL15-1.** The development will have a drive-through facility for the convenience of both its neighborhood and regional customers. The location of the development is in a transitional area between the Leestown Road corridor and The Village at Great Acres

neighborhood. With the building and front door facing the neighborhood and Ruby River Drive and the drive-through facility facing Leestown Road, the development seeks a balance for the transitional location.

- **E-ST8-2.** The development offers financial services to the community on a personal, face-to-face, level.
- **E-GR9-2.** The development will be integrated into the commercial center serving The Village at Great Acres neighborhood.
- **C-PS10-1.** The development is located between an existing development and a future residential use making the opportunity for shared parking limited. Further as a financial entity the security of the customer within the parking lot is of great concern.
- **D-CO2-2.** The development is located within a neighborhood and along a corridor fulfilling complete street objectives for access. The site is located on a bus route with three bus stops within one quarter mile and adjoins a bike route along Leestown Road. The sidewalks within the site and throughout the neighborhood provide access to the development's front door.
- **B-PR2-1.** There are no environmentally sensitive areas within or adjacent to the development.
- **B-PR7-1.** There are no existing trees on the site.
- **B-PR9-1.** The site has been prepared for development in accordance with the comprehensive grading plan for The Village at Great Acres. Minimal grading will be required for the proposed development.
- **B-PR10-1.** Site lighting for the development will be provided in accordance with Article 30 of the Zoning Ordinance, assuring the development will not be over lighted.
- **B-SU5-1.** Energy efficient systems will be utilized including LED lights, energy efficient appliances, extra insulation, and high efficiency HVAC systems
- **B-SU9-1.** The development will provide storm water management addressing water quality in accordance with the LFUCG Engineering Manuals.

## VARIANCE

The applicant is requesting a variance to increase the vehicular use area between the building and the street from 60 feet to 96 feet. The configuration shown on the development plan will allow drive-through service window and ITM lane and a parking area between the building and Leestown Road while limiting the parking area along Ruby River Drive to 60'. The parking lot along Leestown Road, considered the rear of the site, will primarily serve employees and visiting officers of the Credit Union while the parking lot in the front will be available for customers. By separating the parking lots in the front and rear of the building the parking lot facing the neighborhood is reduced providing a more inviting and accessible site.

Granting the variance will not adversely affect the public health, safety or welfare and will not alter the character of the general vicinity and will not cause a hazard or nuisance to the public because the parking area will be set back approximately 25' from Leestown Road and will be appropriately screened by landscaping.

Granting the variance will not allow an unreasonable circumvention of the requirements of the zoning ordinance because the zoning ordinance encourages parking behind the building and the site is double fronted with streets in the front and the rear of the building limiting the ability of the site to be fully developed.

The special circumstances which apply to his property, and which do not generally apply to land in the general vicinity or the same zone are that the property is double fronted with limitations to the vehicular use area on both sides of the building.

Strict application of this regulation of the zoning ordinance would deprive the applicant of reasonable use of its land or create unnecessary hardship because the applicant would not be able to fully develop the property to provide a convenience and service its customers require and provide adequate parking for its employees and customers.

## **CONCLUSION**

Our proposed zone change will provide a needed service to Great Acres and to the surrounding neighborhoods. The credit union will be within walking distance of the residents of Great Acres, and will be available by automobile to surrounding neighborhoods. This proposal is in full agreement with the Comprehensive Plan.

Thank you for your consideration of this zone change request.

Sincerely,

Richard V. Murphy  
Attorney for Applicant

RVM/prb

# ENHANCED NEIGHBORHOOD

## ENHANCED NEIGHBORHOOD - LOW DENSITY NON-RESIDENTIAL/MIXED USE

### 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-DN3-1** Pedestrian-oriented commercial opportunities and other services should be incorporated within residential neighborhoods.
- B-SU3-1** Development should provide compact and/or mixed use development.
- C-LI7-1** Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
- C-PS9-1** Where possible, developments should modify current office space to include complementary uses, with a specific focus on the inclusion of residential.
- C-PS15-2** Improve options for affordable and nutritious food where not currently available.
- D-PL7-1** Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
- D-PL15-1** Drive through facilities and gas stations should not be within neighborhoods or the urban core.
- D-SP1-1** Elementary and middle schools should be located within residential neighborhoods, and high schools primarily along collector streets.
- E-ST8-2** Development should provide community oriented places and services.
- E-GR3-1** Development should meet recreational needs by following the recommendations of the Parks Master Plan.
- E-GR9-2** Low-intensity business uses that will provide neighborhood amenities should be incorporated into existing neighborhoods.
- E-GR9-3** Less intense multi-family residence types should be incorporated into primarily single-family detached areas.

### 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.

## ENHANCED NEIGHBORHOOD - LOW DENSITY NON-RESIDENTIAL/MIXED USE

- A-DS4-1** (DUPLICATE) A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided.
- A-DS5-2** Developments should incorporate vertical elements, such as street trees and buildings, to create a walkable streetscape.
- 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** (DUPLICATE) 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
- A-DS13-1** Stub streets should be connected.
- C-PS10-1** Flexible parking and shared parking arrangements should be utilized.
- D-C02-1** Development should create and/or expand a connected multimodal transportation network that satisfies all users' needs.
- D-C02-2** Development should comply with Lexington's Complete Streets Policy.
- D-C04-1** Dead-end streets and cul-de-sacs should be discouraged.
- D-C04-2** Provide multiple route options (grid type structure) to alleviate congestion in lieu of additional lanes upon existing roadways.
- D-C04-3** Street pattern and design should consider site topography and minimize grading where possible.
- D-C05-1** Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.
- D-SP6-1** Social services and community facilities should be accessible via mass transit, bicycle and pedestrian transportation modes.

### ENVIRONMENTAL SUSTAINABILITY AND RESILIENCY

- B-PR2-1** Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.
- B-PR2-2** Development should include regularly spaced access with an adequate width to the greenway network and conservation areas.
- B-PR3-1** Minimize impact of development adjacent to land conservation properties through buffering.
- B-PR7-1** Developments should be designed to minimize tree removal and to protect and preserve existing significant trees.

## ENHANCED NEIGHBORHOOD - LOW DENSITY NON-RESIDENTIAL/MIXED USE

- 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.
- B-RE5-3** Developments within the Royal Springs Aquifer should consult with the Royal Springs Water Supply Protection Committee.
- D-SP10-1** Prioritize street trees in the planting strip.

## 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.

## ENHANCED NEIGHBORHOOD - LOW DENSITY NON-RESIDENTIAL/MIXED USE

- 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-SP1-2** School design should prioritize a high percentage of open and accessible street frontage.
- D-SP2-1** Visible, usable greenspace and other natural components should be incorporated into school sites.
- 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.
- A-DS8-1** Where single family detached residential units are provided, a variety of other housing types should be regularly interspersed along the street frontage.
- A-DN2-2** Development should minimize significant contrasts in scale, massing and design, particularly along the edges of historic areas and 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.