

# BILLINGS LAW FIRM<sup>PLLC</sup>

COUNSELORS-AT-LAW

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JOHN N. BILLINGS, ESQ.  
[nbillings@blfky.com](mailto:nbillings@blfky.com)

145 Constitution Street  
Lexington, Kentucky 40507  
(o) (859) 225-5240  
(f) (859) 225-5241

November 6, 2023

Mr. Larry Forester, Chairman  
Lexington-Fayette Urban Co. Planning Commission  
200 E. Main St.  
Lexington, KY 40507

**Re: Zone Map Amendment at 5447 Tates Creek Road**

Dear Commissioners:

It is my pleasure to represent Turner Management LLC (“Applicant”) as owner of 5447 Tates Creek Road, Lexington, KY 40515 (the “Property”). Applicant desires to amend the zoning of the Property from its current A-U zone to the R-3 (Planned Neighborhood Residential) zone.

## **Property Information**

The Property is situated astride the border of Fayette and Jessamine Counties on Tates Creek Road. The Jessamine County-City of Wilmore Planning Department is aware of the project and will receive a notification letter. Except as otherwise indicated below, this letter addresses the Fayette County portion of the Property only.

## **Design**

The proposed design features twenty (20) townhomes and nine (9) single family detached lots, with the remainder being open space. The entrance on Tates Creek Road is a spacious boulevard designed for additional landscaping and tree canopy to create a sense of place. The plan will connect the existing Tykes Pass stub.

## **Placebuilder**

The application is best classified as an Enhanced Neighborhood place-type: “an existing residential area to be enhanced with additional amenities, housing types, and neighborhood-serving retail, services, and employment options.” While the Property is presently zoned agricultural, it is in the immediate vicinity of residential homes on both sides of the county line.

Given the primarily residential nature of the area, the Applicant believes retail and service uses would not be context-sensitive at this time.

Low density residential (LR) best fits this area and the Applicant's vision: "Primarily attached and detached single-family homes of varying formats." 2018 Comprehensive Plan p. 271. It is appropriately scaled to adjacent current uses and will still maintain the quasi-rural nature of the Property while adding residential units in southern Fayette County. Although the Comprehensive Plan and newly adopted Goals and Objectives focus on density, the "low density" designation here may be misleading because much of the Property is impacted by natural grade and features that are not to be developed but used instead as common/green space for residents.

The proposed R-3 zone is recommended for Enhanced Neighborhood place-types. Both single-family detached and townhomes are permitted uses. The significant planned open spaces will support the residential uses well while maintaining much of the existing character of the Property.

### **Current Comprehensive Plan**

This application satisfies many goals and objectives of the current Comprehensive Plan. Accordingly, the application agrees with the Comprehensive Plan.

#### **A. Growing Successful Neighborhoods**

Applicant seeks to add additional mixed housing options to help meet Fayette County's ongoing demand (Goal 1, Objective b). The Property is located within the existing Urban Service Area and is adjacent to other properties in the Area, meaning the development will not lead to any future expansion of the boundary (Goal 2, Objective a).

As discussed above, the Applicant took care to design a layout that prioritizes open space to support the new development and quality of life for future residents (Goal 2, Objectives b-c; Goal 3, Objective a). The development plan incorporates upgrades and expansion of pedestrian paths and safe connections to existing neighborhoods, which is coupled with significant landscaping and tree plantings to promote greenspaces and tree canopy on the Property (Goal 3, Objectives b, d).

#### **B. Protecting the Environment**

This development plan preserves large sections of the Property as long-term open/green spaces, minimizing impervious surfaces and leaving sufficient room for expanded tree canopy (Goal 2, Objective b). Although the nearest LexTran stop is more than two (2) miles away, the Applicant's proposed plan does allow pedestrian and bicycle access to adjacent neighborhoods.

Further, the proximity to small retail centers in Hartland and Brannon Crossing give future residents convenient options that minimize travel distances (Goal 2, Objective d).

### **C. Creating Jobs & Prosperity**

This modest development balances addition of much-needed residential units with maintenance of the quasi-rural character of the area. The planned residential units will likely attract residents seeking a combination of urban-adjacent life in a more rural setting than they would find in much of the Urban Service Area. The Applicant anticipates those people will range from young professionals to retirees, particularly with the emergency of remote work flexibility. The development provides great quality of life for many types of people and will support the Comprehensive Plan's overall goal of attracting a diverse and dynamic workforce (Goal 2, Objective d).

### **D. Improving a Desirable Community**

If LexTran or another mass transit operator ever expands service to this area, the Property is located on a main corridor with modern street design that will accommodate buses and other vehicles (Goal 1, Objectives b-d).

### **E. Urban & Rural Balance**

The Property is located within the Urban Service Area and has not been used for agricultural production in many years, thus redevelopment for residential is appropriate (Goal 1, Objective a). The design of the development preserves key characteristics of the quasi-rural setting while allowing for improvement of underdeveloped land (Goal 1, Objectives b-d). No expansion of the Urban Service Area will result from this development (Goal 3).

### **Imagine Lexington 2045 Goals and Objectives**

In addition to the compliance with the current Comprehensive Plan, this application also satisfies the criteria of the new Goals and Objectives adopted by the Urban County Council on June 15, 2023.

This application proposes adding much-needed residential housing units, including increased density (townhome units) blended with single family detached (Theme A, Goal 1, Objective b; Theme A, Goal 5, Objective f). Increased housing availability is a key driver for creating jobs and prosperity in Fayette County, enabling residents to live and work here (Theme C, Goal 1, Objectives a-b). Although the development type is best described as "low density residential", when factoring in the physical site constraints, the provision of common/green spaces, and dwellings that are context sensitive to the area, the proposal is as "dense" as

appropriate under the circumstances. The only alternative—building up in single-family attached or multifamily structures—would not fit among the existing adjacent properties.

The Property is located within the existing Urban Service Area and is currently underutilized (Theme A, Goal 2, Objective a; Theme E, Goal 1, Objectives a, c, e-f). Extensive greenspace and common amenities are provided on-site (Theme A, Goal 2, Objective c).

Tykes Pass will now connect through to both Jessamine County and back to Tates Creek Road, allowing for more circulation options for pedestrians and bikers in the area (Theme A, Goal 3, Objective b) and hopefully reduced response times for first responders (Theme A, Goal 4, Objective c). If LexTran or another transit operator expands service to this area, the Property is located on a main corridor with modern street design that will accommodate buses and other vehicles (Theme A, Goal 3, Objective e; Theme D, Goal 1, Objectives a-d; Theme E, Goal 3, Objective b). This will also hopefully encourage increased ride-sharing or pedestrian/biking opportunities to adjacent areas (Theme B, Goal 2, Objective d).

The Applicant proposes feasible preservation of the existing grade and natural features of the Property (Theme B, Goal 3, Objective b). As part of the development plan, the Applicant proposes restoring and improving the urban forest (Theme B, Goal 3, Objective f).

### **Design Criteria**

Design is an important element in this application that spans two counties. Great care was taken to ensure an appropriate and compliant design. The attached exhibit sets out more detail about the applicable design criteria.

### **Stakeholder Engagement**

Reserve at Tates Creek HOA met with the Applicant near the Property on October 10, 2023 to discuss the project. Recently, I was able to contact a representative of Charleston Gardens HOA, provided a copy of the development plan, and have requested a meeting. We reached out to Jessamine County neighbor Bill Justice as well, but he was traveling outside the country. Further discussions or meetings with Mr. Justice are anticipated prior to subcommittee meetings on this project.

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**Summary**

This is a unique project. The Applicant feels strongly that this plan satisfies both existing and future needs of the community. I look forward to presenting this application to you soon.

Sincerely,

BILLINGS LAW FIRM, PLLC



JOHN N. BILLINGS, ESQ.

Encl.

cc: Client

**Exhibit**

**Design Criteria for  
 Enhanced Neighborhood  
 (Low Density Residential)**

<b>Site Design, Building Form, &amp; Location</b>	
<b>A-DS5-3</b>	Plan connects to existing Tykes Pass and will connect through to eventual Jessamine County development. Pedestrian connections provided.
<b>A-DS7-1</b>	Although not a commercial or multifamily development, parking is oriented to side and rear of dwellings where feasible.
<b>A-DN2-1</b>	Density will be increased from existing.
<b>A-DN6-1</b>	Plan provides for single-family attached units as well as single-family detached on compact lots.
<b>B-PR9-1</b>	Plan is designed around the existing topography to greatest extent feasible.
<b>B-SU11-1</b>	Plan allows for significant green space and pervious surfaces without excess parking or other paved areas.
<b>C-PS10-3</b>	Plan provides for adequate parking but avoids use of large parking areas.
<b>E-GR9-4</b>	Property is adjacent to a developed neighborhood but currently constitutes a gap between that development and the county line. This infill project will close that gap.
<b>Transportation &amp; Pedestrian Connectivity</b>	
<b>A-DS1-2</b>	There is no current transit route serving the vicinity. If one is added in the future, the proposed pedestrian improvements will connect to the most likely routes (Tates Creek Road and Tykes Pass).
<b>A-DS4-1</b>	Plan contemplates connection to existing Tykes Pass and future Jessamine County development.
<b>A-DS5-2</b>	Plan orients buildings toward Tates Creek Road to create a vertical edge.
<b>A-DS13-1</b>	Plan connects to Tykes Pass stub street.
<b>D-CO1-1</b>	Plan includes open spaces, boulevards, and walkability to create an Enhanced Neighborhood.
<b>D-CO2-1</b>	Plan provides for boulevard rights-of-way, clear traffic flow, and sidewalks.
<b>D-CO4-3</b>	Plan reflects that placement of dwellings and rights-of-way are responsive to the site topography.
<b>Greenspace &amp; Environmental Health</b>	
<b>A-DS4-3</b>	Plan reflects that placement of dwellings and rights-of-way are responsive to the site topography and preserve the quasi-rural nature of the land with large open spaces.
<b>B-PR7-2</b>	Plan shows substantial use of trees throughout resulting in improved long-term tree canopy.
<b>B-PR7-3</b>	Plan shows substantial use of trees throughout resulting in improved long-term tree canopy.

<b>B-RE1-1</b>	Plan shows substantial use of trees throughout—especially along the rights-of-way and pedestrian areas—resulting in improved long-term tree canopy.
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