

October 3, 2016

Mr. William Wilson, Chairman
Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, Kentucky 40507

RE: Zone Change Application from A-U/R-3
3455 Saybrook Road

Dear Chairman Wilson:

Please be advised that we represent Burlington Heights Condominium, LLC, which is the owner 3455 Saybrook Road here in Lexington. My client desires to rezone the above-mentioned parcel from its current agricultural category to the Planned Neighborhood Residential Zone (R-3). We believe this parcel can be redeveloped in accord with the goals and objectives of the 2013 Comprehensive Plan. Additionally, we submit that the present zoning is no longer appropriate and the proposed zone is appropriate.

The property located at 3455 Saybrook Road is one of few remaining Agricultural Urban parcels left in Fayette County that is under private ownership but is otherwise vacant (e.g., readily able to be developed). The A-U zone has been described by Planning staff in the past as a “placeholder” zone, which is used to classify property that is not yet “ready” or proposed for development. The subject parcel is certainly ready to be developed. It is completely surrounded by R-1C zoned single family residential property, which are known as the Monticello and Robinwood subdivisions. This parcel is the previous location of the Monticello Wastewater Treatment Plant, which was a private sanitary sewer package plant. In 1984, the plant was condemned by the Urban County Government. Subsequent to the removal of the package plant, the property was used as a private park. In 1993, the government abandoned the park and removed all recreational facilities from it.

The property has been the subject of two rezoning requests. In 1994, a prior applicant sought rezoning for single family residential uses. That application was ultimately withdrawn, in part, apparently, due to potential environmental concerns. The present applicant previously presented an application to rezone this property to R-3 in 2015 in order to develop twenty-seven (27) single family residential lots. That request was denied by the Planning Commission, citing concerns about the flood plain present on the parcel, and concerns over the size of the lots.

The present rezoning proposal attempts to address the concerns raised by staff and accepted by the Planning Commission during the 2015 rezoning process while implementing

other goals and objectives as identified by the 2013 Comprehensive Plan. This plan attempts to address staff concerns by providing single family residential lots that meet Single Family Residential Zone (R-1D) lot size requirements, but maintains the economic viability of the project by also proposing additional residential density. It also removes the floodplain from buildable lots and places it on a separate lot. As reflected on the Zoning Development Plan submitted with this plan, the applicant has proposed single family lots that meet or exceed the square footage requirement of the R-1D zone, and have located them in areas where they are adjacent to existing single family neighborhoods. The remaining property, which does not border single family residential development, achieves greater density through a townhome style development, thus providing various housing options. The numerous goals and objectives addressed by this proposal will be explained below.

Additionally, we submit that the A-U zoning designation is no longer appropriate and R-3 zoning is appropriate. The intent of the A-U zone, as articulated in Zoning Ordinance §8-4(a), states that the zone is appropriate “until public facilities and services are or will be adequate to serve urban uses.” The subject property has roadway access, access to sanitary and storm sewers, and can be serviced by LFUCG Emergency Services, Waste Management vehicles, and utilities. In short, the “holding” zone, based on the intent section of the zone, becomes inappropriate once public services are available. Here, it is clear that there are adequate public facilities and services to serve the proposed development. Additionally, it is abundantly obvious that this property is far too small, particularly considering the flood plain on the property, for a viable agricultural use.

In sum, we believe that this rezoning request is in accord with many of the goals and objectives of the Comprehensive Plan, and further submit that the current zone is inappropriate and the proposed zone is appropriate. Further, we want to reiterate, as was discussed exhaustively in the prior zone changes, that extensive environmental testing has been performed on this site and there are no environmental contamination issues present.

Our conclusion that this rezoning request is in agreement with the 2013 Comprehensive Plan (hereinafter “Comp Plan”) is based on the following:

Growing Successful Neighborhoods

Theme A of the Comp Plan embraces several goals regarding residential life in Fayette County. We believe this redevelopment proposal embraces Goals 1, 2 and 3 articulated in Theme A of the Comp Plan.

Expand housing choices. The first goal articulated in the first theme articulated in the Comp Plan is to expand housing choices. The area in question lacks significant housing choice, and thus, this goal can be met by diversifying housing options. The subject property is universally surrounded by single family residential homes; however, there are few multi-family living options within the area generally. Additionally, while there are some apartment zones some distance removed from the subject property, there is a dearth of townhome

opportunities. Many individuals, including young professionals and the elderly, sometimes prefer a townhome option to a single family residential home due to a desire to limit maintenance obligations. These individuals have few options in this area of southeast Lexington, which sits between two of the most significant commercial and professional corridors in Lexington, in Nicholasville Road and Harrodsburg Road. As can be clearly seen, several of the objectives of Theme A, Goal 1, involve locating housing near employment and commercial areas, and to provide creative housing alternatives for Lexington's diverse population. Under the proposed plan, single family residential lots will border single family residential lots, but the property can still provide housing options by buffering the townhome offerings from existing single family homes. In other words, existing homes will receive like neighbors while still encouraging housing diversity.

Support infill and redevelopment throughout the Urban Service Area as a strategic component of growth. This goal is accomplished by identifying areas of opportunity for infill, redevelopment and adaptive reuse that respect the area's context and design features whenever possible. This project would provide additional residential density while still respecting the context of the surrounding area. As you are no doubt aware, 95% of Fayette County's population resides within the Urban Services Area ("USA"), and this number is expected to rise by nearly 35,000 people by 2020 (Comp Plan, p. 13). It is anticipated that the USA will reach its capacity within the next 12 to 17 years. Thus, redevelopment is needed to provide services to the ever increasing population within the USA. The proposal further respects the area's context, as it keeps like building next to each other, and buffers the townhome area from existing single family homes.

Provide well designed neighborhoods and communities. The Comp Plan calls not only for well-designed new developments, but to provide enhancements to existing neighborhoods to increase their desirability (Comp Plan, p. 38). The proposed development will add diversity of housing choice in a highly desirable area. Additionally, by providing a stand-alone lot for the flood plain, the development minimizes disruption of natural features, a key objective of this goal, and preserves a significant portion of urban forest. It also provides for mixed-type housing options, as specifically called for in the objectives of this Goal.

Protecting the Environment

Theme B of the Comp Plan embraces goals related to protecting the environment. We submit that this proposal is in accord with Theme B, Goal 2 of the Comp Plan.

Reduce Lexington-Fayette County's carbon footprint. According to the Environmental Protection Agency, transportation activities contribute 26% of our total greenhouse gas emissions. By providing for additional housing density in areas near employment opportunities and retail spaces, the need for significant automobile use is reduced. The proposed development is a short bike ride away from the Fayette Mall, a significant destination for retail shopping, and near the developing "Summit," also proposed for significant commercial uses. By providing for additional residential density in areas near

significant commercial and professional destinations, the need for long car trips can be significantly reduced. It will also be possible for individuals to walk and bike to the Nicholasville Road and Harrodsburg Road corridors.

Creating Jobs and Prosperity

Theme C of the Comp Plan embraces goals related to continued economic prosperity in Fayette County. We believe this redevelopment proposal embraces elements of Goals 1 and 2 of Theme C of the Comp Plan.

Support and showcase local assets to further the creation of a variety of jobs. The Comp Plan emphasizes the importance of living near your workplace (Comp Plan, p. 74). This proposal will allow new residential opportunities for residents that will enable them to walk or ride to work. In fact, the Comp Plan includes the following passage:

“Adaptive reuse, infill, and redevelopment are not only about preserving farms and important buildings and making better use of existing infrastructure. They are also about putting jobs where people live. Many of Lexington’s businesses – large and small – can thrive as *neighbors* in and near neighborhoods. Land use regulations should enable opportunities to live where you work” (Comp Plan, p. 74).

This proposal is an example of providing additional housing density near significant commercial corridors in one of Lexington’s most desirable areas.

Attract the world’s finest jobs, encourage entrepreneurial spirit, and enhance our ability to recruit and retain a talented, creative workforce by establishing opportunities that embrace diversity with inclusion in our community. One way to attract new jobs and young professionals to Lexington is by providing housing choice and other quality of life opportunities that will bring a workforce of all ages and talents to the city. The proposed development will allow new residences and greater residential density in a desirable area, near workplaces and significant transportation corridors. This, in turn, will make Lexington a more desirable place to live.

Improving a Desirable Community

Theme D of the Comp Plan embraces goals related to improving the quality of life. As has been extensively discussed above, providing for additional housing density in a desirable location, while respecting the context of the neighborhood by placing new single family residential homes next to existing single family residential homes is a win-win proposition.

Maintaining a Balance Between Planning for Urban Uses and Safeguarding Rural Land

Theme E of the Comp Plan embraces goals related to preserving rural land while encouraging growth. We believe this redevelopment proposal embraces elements of Theme E of the Comp Plan.

Uphold the Urban Services Area concept. This goal requires close monitoring of the absorption of vacant or under-utilized land in the Urban Service Area as well as encouraging the compact, contiguous, and/or mixed-use sustainable development within the Urban Service Area to accommodate future growth needs. As discussed above, this provides additional residential density in a desirable neighborhood, thus reducing the demand for new housing and an expansion of the USA.

The Comp Plan also encourages maintenance of this balance by encouraging infill, redevelopment, and adaptive reuse. The project discussed here would involve both infill and redevelopment concepts. The Comp Plan provides guidelines in what it calls “context-sensitive design.” This allows for a project to approach the development with an eye towards the exterior and architectural features that reflect, relate to, or are in proportion to the surrounding neighborhood (Comp Plan, p. 98). Context-sensitive design can quell many of the fears expressed by neighborhood residence when presented with an infill project (Comp Plan, p. 101). Infill and redevelopment are geared towards improvement, reinvigoration, and development of the quality neighborhoods that create compact development, livable neighborhoods, and viable neighborhood commercial centers (Comp Plan, p. 98). The Comp Plan admits that to successfully achieve infill and redevelopment, regulatory change to the Zoning Ordinance must be reviewed on a regular basis (Comp Plan, p. 99). Of course, we are committed to a context-sensitive residential development, and demonstrate that commitment through our zoning development plan.

Present Zone Inappropriate, Proposed Zone Appropriate

As was discussed above, we also submit that the present A-U zone is no longer appropriate and that R-3 zoning (with conditional zoning restrictions, as articulated below) is appropriate. The intent of the A-U is to provide for a “holding” zone “until public facilities and services are or will be adequate to serve urban uses.” It is unquestionable that the subject property can be adequately served by the existing infrastructure and services in the area. While in the past, concerns had been raised regarding the environmental suitability of the area for development, based in large part over the site’s past as a sewer treatment facility, the applicant has performed environmental testing that indicates the site is not contaminated. In short, as one of very few undeveloped parcels inside Man O War Boulevard in this area of Lexington, this property is not only ready, but ripe for development.

Having addressed the inappropriateness of the A-U zone, it is further appropriate to determine whether R-3 is an appropriate zone. We submit that, with conditions, R-3 is

wholly appropriate for this location. The zoning development plan reflects the suitability of R-3 zoning for the site, as it permits like structures to be placed near like structures, while also providing for additional density in a desirable neighborhood. Further, many neighborhoods have flourished with a combination of single family housing and townhome developments. For instance, Masterson Station, one of the largest residential communities in Lexington, is a combination of single family residential (R-1D, R-1E) and planned neighborhood residential (R-3) zones.

Conditional Zoning Restrictions

We recognize the unique nature of these sites as being in an existing single family neighborhood. In order to protect the neighborhood from uses that are too intensive or out of character with the existing area, we propose the following conditional zoning restrictions:

Prohibited principal uses:

- Multi-family dwellings
- Dormitories
- Boarding or lodging houses
- Community residences

Conditional uses:

- Hospitals and nursing homes or orphanages
- Community centers
- Sorority or fraternity houses
- Boarding or lodging houses, assisted living facilities, and hospitality houses
- Bed and breakfast facilities
- Athletic club facilities

Conclusion

As you can see, this proposal comports with many of the applicable goals and objectives of the Comp Plan. We believe this project is important in that it implements numerous goals and objectives of the Comp Plan, while respecting the existing development in the area. This type of infill project is vitally important to preserving the USA boundary at its current location. In short, this project complies with the goals and objectives of the 2013 Comprehensive Plan. We further submit that the A-U zone is no longer appropriate for this location, and R-3 zoning is appropriate.

Based on the foregoing, we respectfully request approval of our application as submitted. We look forward to presenting this application to you and discussing it with you.

Sincerely,



Jacob C. Walbourn

JCW/klm
Enclosures

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