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Lexington-Fayette Urban County Planning Commission
Lexington-Fayette Urban County Government
101 East Vine Street
Lexington, KY 40507

Zone Map Amendment Request for 8200 Tates Creek Road (the “Property”)
from Agricultural Rural (A-R) zone to Agricultural-Buffer (A-B) zone

Dear Members of the Planning Commission:

We represent Kurt R. Volk Family Trust (“Applicant”) and on its behalf have filed a zone map amendment request for the property located at 8200 Tates Creek Road. The current zoning is Agricultural Rural (A-R) zone and the requested zone is Agricultural-Buffer (A-B) zone for 147.14 acres of the Property in order to create 13 parcels, each in excess of the 10-acre minimum.

This zone change request is in agreement with the Comprehensive Plan as it upholds the Urban Service Area preservation strategy by safeguarding the rural area, fulfills the intent and recommendations of the original Rural Land Management Plan as an overwhelming majority of the Property is shown as a Buffer Area on the Rural Land Categories map, and does not endanger the surrounding agricultural area. By implementing the desired RLMP zoning for the Property, this request goes straight to the fundamental goals of balancing urban uses while safeguarding rural land. The agricultural community has recommended that this zone change be implemented for over 25 years – it is now time to listen to their request. The proposed project meets the following Goals and Objectives of the Comprehensive Plan:

Theme A – Growing & Sustaining Successful Neighborhoods

Goal 1: Expand housing choices.

Objectives:

- b. Accommodate the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types.

Goal 3: Provide well-designed neighborhoods and communities.

Objectives:

- c. Minimize disruption of natural features when building new communities.

Theme E - Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land

Goal 1: Uphold the Urban Service Area concept.

Objectives:

- a. Preserve the Urban Service Boundary concept, which is the first of its kind in the United States, and has been foundational in fiscally responsible planning and growth management in Lexington since 1958.
- c. Ensure all types of development are environmentally, economically, equitably, and socially sustainable to accommodate the future growth needs of all residents while safeguarding rural land.
- d. Emphasize redevelopment of underutilized corridors.

Goal 2: Support the agricultural economy, horse farms, general agricultural farms, local food production, Agtech, and the rural character of the Rural Service Area.

Objectives:

- a. Protect and enhance the natural, cultural, historic and environmental resources of Lexington-Fayette County's Rural Service Area and Bluegrass farmland to help promote the general agricultural brand and ensure Lexington-Fayette County remains the Horse Capital of the World.

The Rural Land Management Plan recommends an overwhelming majority of the Property to be zoned A-B. The recommended zoning does not follow the property line. As such, there is a small portion of 10 acres that is recommended to remain A-R. However, this would result in creating a non-conforming lot under 40 acres which is in violation of the Subdivision Regulations. This is likely why the entirety of the Property is shown on Map 8 of the 2017 RLMP Update as "Parcels with Potential for Subdivision in the Buffer Areas." The original Rural Land Management Plan describes the Buffer Area Category as: "This land category is designed to encompass certain areas that can serve as buffers between urban or rural uses and/or land in other jurisdictions. These areas could allow for more uses or slightly intensified uses than those recommended in the CARL and NAT categories." It includes the Property within the Buffer Area Category as "land along the east side of Tates Creek Road opposite Jessamine County. This is the only area in the RSA where a face-to-face relationship exists across a roadway to land in another political jurisdiction. The future of the land on the west side of Tates Creek Road, in Jessamine County, will not be under the control of the Urban County Government. Some portions of the land in Jessamine County, along Tates Creek Road been permitted to develop into mobile home parks, and some business uses, although the predominant use is still agriculture. Much of the Fayette County side has been developed into ten-acre tracts. Given these considerations, the creation of a buffer area designed to transition from possible incompatible uses in Jessamine County into the Fayette County core agricultural and natural areas is appropriate." Indeed, the Property is directly adjacent to several smaller tracts in Jessamine County and in Fayette County with a majority of the surrounding area consisting of non-conforming 10-15 acre lots. The Property is also adjacent to an existing rural Neighborhood Business (B-1) zoned property. The proposed use will continue to be compatible with our agricultural, residential, and business neighbors. As such, the proposed zone change meets the intent of the Rural Land Management's Plan desire for the Buffer Area and the Comprehensive Plan.

All necessary public facilities and services, including roads, utilities, refuse collection, police and fire protection, are available and adequate to serve the proposed use. A preliminary subdivision plan has been submitted with this application which reflects the existing facilities,

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proposed lotting pattern, and access to the Property's proposed lots. This development will bring the Property into conformity with the recommended zoning in the Rural Land Management Plan and will not interfere with any neighboring resident, businesses, or agricultural use.

We will be at the June public hearing in order to make a complete presentation of this application and request your favorable consideration.

Sincerely,

Stoll Keenon Ogden PLLC

A handwritten signature in blue ink, appearing to read "N. Nicholson", is positioned above the printed name.

Nick Nicholson

NN:NN