

June 28, 2017

LFUCG Planning Commission
c/o Mr. William Wilson, Chairperson
200 East Main Street
Lexington, Kentucky 40507

Re: Zone Map Amendment Application –
Portion of 4974 Old Versailles Road from B-1 to A-R
Portion of 4974 Old Versailles Road from A-R to B-1

Dear Members of the Planning Commission:

We represent Newton's Attic, Inc. for its application for a zone map amendment request for property located at 4974 Old Versailles Road. The subject property is 5.42 acres in one lot, and it is currently split between the B-1 zone (Neighborhood Business) (currently 1.7 acres) and the A-R zone (Agricultural Rural) (currently 3.8 acres). The applicant is seeking the following:

First, a net neutral zone swap for the subject property to re-designate a 1.16 acres portion of the B-1 zone (Neighborhood Business) to A-R zone (Agricultural Rural) and vice versa, so that the subject property has 1.7 acres of B-1 zone (Neighborhood Business) and 3.8 acres of net A-R zone (Agricultural Rural) after the zone swap. This zone swap is fully encompassed within the existing boundaries of the subject property.

Second, a waiver of any perimeter landscaping requirements in Article 18 of the Zoning Ordinance between the new abutment lines of the B-1 zone (Neighborhood Business) and the A-R zone (Agricultural Rural) located within lines on the subject property.

Third, an approval of a conditional use permit in the revised A-R zone (Agricultural Rural) for a school for academic instruction, but with no building(s).

As discussed more fully below, these requests comply with the 2013 Comprehensive Plan.

Since 2012, the applicant has operated Newton's Attic at the subject property to educate students about the fun and exciting activities related to science, technology, engineering and mathematics (STEM). The programs offered at Newton's Attic attract parents, students and teachers from Fayette County and surrounding areas, providing many with their first experience with hands on STEM training. In addition to local middle and high schools, Newton's Attic has collaborated with University of Kentucky, Berea College, Eastern Kentucky University and Western Kentucky University. The subject property currently has limited structures for use with its educational and training programs. It has an existing metal structure (8,000 sq. ft.) for instructions, including shop machines and computers, and an existing storage structure (5,000 sq.

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ft.) for large equipment. During winter and inclement weather, Newton's Attic's capacity to shelter and protect its students from the elements is significantly limited.

The applicant desires to add more space under roof to shelter its students year round and in bad weather. As part of that expansion, applicant would enlarge or replace the existing equipment structure to provide a 26,000 sq. ft. building for utilization as a school of academic instruction. While a building for a school of academic instruction is a conditional use in the A-R zone (Agricultural Rural), it is limited to a structure of no more than 10,000 sq. ft. The community is better served by swapping portions of the B-1 zone (Neighborhood Business) with the A-R zone (Agricultural Rural) to accomplish the desired expansion. These requests are necessary given the *uniqueness* of the subject property.

The subject property is located within Fort Springs, which is one of the few remaining historic rural settlements in Fayette County. Rural settlements were mostly located in the Rural Service Area, but, historically, they included a mix of uses in addition to small residential lots: *schools*, churches and general stores, groceries, taverns and other businesses serving residents in the rural settlements and the surrounding farms. In 1971, the City-County Planning Commission published the Historic Survey, Rural Settlements in Fayette County in which it was reported that only 15 rural settlements or clusters were left in Fayette County. Since 1971, many of those rural settlements have dwindled as older residents have moved, the Urban Services Area has expanded, the housing stock was not replaced or repaired, and small businesses serving those communities closed.

Fort Springs is generally restricted in its redevelopment, which may have assisted with its continuance as a rural settlement. It is a mixed use, most likely as a part of the 1968 Comprehensive Plan, which includes 12-14 acres of R-1D zone (Single Family Residential), 14 acres of A-R zone (Agricultural Rural) and 6 acres B-1 zone (Neighborhood Business). But, the unique geography of Fort Springs has restricted any major redevelopment. The northern boundary has a steep incline to Versailles Road, and the South Elkhorn Creek (and the adjacent 100 year flood plain) forms the southern boundary of most of Fort Springs. That watershed makes further development of Fort Springs (and especially the subject property) very difficult in that there is little useable land in the B-1 zone (Neighborhood Business). But, the A-R zone (Agricultural Rural) area is too small to farm. Further, Fort Springs also is mostly landlocked by the Blue Grass Airport.

The ability to properly utilize the subject property is even more restricted than the remainder of Fort Springs. The subject property is only 5.42 acres (3.8 acres in the A-R zone (Agricultural Rural) and 1.7 acres in the B-1 zone (Neighborhood Business)). Only 1 acre of the subject property's B-1 zone (Neighborhood Business) is located outside of the 100 year floodplain. The 3.8 acres of the subject property that is located in the A-R zone (Agricultural Rural) is too small for most agricultural operations. The applicant seeks to expand the useable

land of the subject property through the zone swap to have 1.16 net (1.16 gross) acres of the existing A-R zoned (Agricultural Rural) land added to the B-1 zone (Neighborhood Business) and to have 1.16 net acres (1.29 gross) of the existing B-1 zoned (Neighborhood Business) land added to the A-R zone (Agricultural Rural). All with the result of no net change to the amount of B-1 zoned (Neighborhood Business) land and A-R zoned (Agricultural Rural) land as currently exists.

The subject property may be the only property in Fayette County in which this zone swap is advisable because of its uniqueness. As discussed above, the subject property is located in a rural settlement and has historically been used as a rural commercial property. There are very few split zoned parcels between an A-R zone (Agricultural Rural) and a B-1 zone (Neighborhood Business) in Fayette County. The subject property is further benefitted in that there is an equal amount of useable and unusable land in which to swap, leaving the overall zone split as neutral. The subject property is likely the only parcel in Fayette County that falls within those unique parameters.

The zone swap would preserve, protect and enhance an existing use in a rural settlement (Themes D and E of the Comprehensive Plan) and would expand a historic use, specifically a school, in a rural settlement. Rural settlements were scattered throughout the Rural Service Area, serving residential, educational and commercial needs for the area. For decades, Fort Springs had a church, tavern and post office, all of which were a hub of social activity for the area. More recently, the subject property was utilized as a tractor dealership and plant nursery. Currently, the businesses located within Fort Springs include a carpet store and U-Haul dealer (4976 and 4982 Old Versailles Road), a farrier supplier (4981 Old Versailles Road), an antiques store (4934 Old Versailles Road), and a school for academic instruction (the subject property), all of which are located on the eastern end of Fort Springs. Most of the residential lots are located on the western end of Fort Springs. There are no active agricultural operations in the immediate vicinity of the eastern end of Fort Springs. The applicant has become a major new reason for people to visit Fort Springs. As a school for academic instruction, the applicant's use of the subject property is similar to the historic uses in the rural settlements. The applicant's expansion will increase the vitality of Fort Springs and longevity thereof without affecting the rural landscape. The applicant's enlarged facility would preserve an educational use in Fort Springs.

The application complies with Theme C of the Comprehensive Plan by showcasing a local asset that could lead to STEM jobs and will retain a talented workforce. The zone swap will also allow the expansion of STEM educational and training resources on underutilized land. The applicant is known in the community for its STEM educational and training resources. Currently, the applicant has limited capacity to educate more students. The applicant only uses 1.7 acres for its regular operations, and its existing instructional structure is limited to 8,000 sq. ft. That structure houses the students and most of the shop machines and computers. The

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applicant cannot expand its instructional courses without a larger building to protect students from the weather and add more shop machines and computers. This expansion would keep the applicant from needing to move its facility to another location. .

By moving a portion of the subject property into the A-R zone (Agricultural Rural), it would benefit the implementation of the Consent Decree (Theme B of the Comprehensive Plan). Portions of the subject property are located in a sensitive watershed. South Elkhorn Creek forms the southern boundary of Fort Springs, and the 100 year flood plain thereof greatly reduces the net usable land of Fort Springs for redevelopment. The zone swap will re-designate all of that sensitive area as A-R zone (Agricultural Rural), naturalizing that stream corridor by allowing only less intensive uses and creating a buffer area. This benefit is accomplished while not expanding the area for the more intensive use on the remainder of the subject property.

The zone swap is totally within the boundaries of the subject property. Requiring the perimeter landscaping between the new abutment lines of the B-1 zone (Neighborhood Business) to A-R zone (Agricultural Rural) located within lines on the subject property is clearly not necessary or appropriate.

Lastly, applicant seeks a conditional use permit to allow academic instruction in the A-R zone (Agricultural Rural). Applicant intends to use the acreage in the zone for outdoor hand-on learning courses. As discussed above, applicant desires to have all the structures for a school for academic instruction located in the B-1 zone (Neighborhood Business). This request complies with the 2013 Comprehension Plan for the same reasons as stated above and does not change the current use of the property.

This application is consistent with all of the Themes, Goals and Objectives of the 2013 Comprehensive Plan, and we appreciate your favorable consideration of thereof.

Very truly yours,


Job D. Turner, III

cc: Newton's Attic, Inc.
P. Branden Gross, Esq.

JDT/mlw