

Amended Statement of Justification

The applicant, Palumbo Properties, Inc., is requesting a zone change from the single-family residential (R-1D) zone to the planned neighborhood residential (R-3) zone for 13.81 net acres located at the rear of Newtown Springs Subdivision. (The property has a street address of 564 Asbury Lane; however, it actually has no frontage or connection to Asbury Lane. The frontage is on Silver Springs Drive).

We are also requesting a conditional use permit for a private club with outdoor recreational facilities for the fitness area, swimming pool, and other facilities which may include a playground and picnic area. Although this is classified as a private club under the zoning ordinance, it will be open to residents of the neighboring area.

This zone change was originally filed last year, but it was postponed in order to allow for the completion of the Winburn-Russell Cave Small Area Plan. As a result, our development plan has been amended. We are pleased to present you a plan which is in agreement with the Winburn-Russell Cave Small Area Plan. The applicant has retained Sherman Carter Barnhart Architects and Eagle Engineering to design the project; pursuant to the Small Area Plan, their design is being reviewed by the LFUCG Design Planner.

The proposed zone change is in agreement with the Winburn-Russell Cave Small Area Plan, which is an element of the community's adopted Comprehensive Plan.

There are seven guiding principles of the Small Area Plan. Principle 1 is to increase connectivity by improving and expanding the street network to be safe and designed for all modes of transportation. The subject property is key to increasing connectivity in the area. As called for in the Small Area Plan, our plan shows Hollow Creek Road extending to Silver Springs Drive. This will be connected in Phase 2 of the Small Area Plan, after Citation Boulevard is built. In addition, we show the connection of Silver Spring Drive to Shadybrook Park, on the Lexmark property. This will permit access to the park, if it should be acquired at some time by the local government.

The second principle is to increase equity for neighborhood residents by providing improved access to jobs, community resources, education, recreation and entertainment and other services. As mentioned above, the connections made by this development will facilitate the improved access. Recreational facilities will be available to existing residents.

The third principle is to promote strategies to increase homeownership opportunities and to improve existing housing conditions. The proposed development is an apartment community which will be rented. Currently, Newtown Springs Subdivision includes single-family detached residences and attached townhouse units. The proposed apartment community will improve existing housing conditions by supplying a market rate apartment option for the area.

Principle 4 is to optimize the use of land to promote mixed housing types and options to accommodate diverse needs and affordability levels. As mentioned above, this proposal supplies a market-based rental option for the area. It is estimated that the monthly rent for these units will be approximately \$1,300.00 per month. It will supply a housing option which is not currently available in the area.

Principle 5 is to ensure infill development is well-designed and sensitive to existing neighborhoods or surrounding areas. This development is being professionally designed by leading architectural and engineering firms in Lexington, and is being reviewed for compliance with design guidelines by the Urban County Government's design planner.

The sixth guiding principle is to improve existing parks to be attractive, accessible and safe for all users. The Small Area Plan does not propose this property to be used as a park, but it does propose the connection to nearby Shadybrook Park, which is being supplied on this plan.

The seventh and final guiding principle is to improve public safety by increasing community policing, improving park facilities and programming, and access into the neighborhoods for better fire and emergency services. This proposal provides connectivity which will improve access into the neighborhood, and it supplies connection to potential future park lands.

Market-rate housing will also strengthen the proposed commercial areas in Newtown Springs.

The proposal also meets the Small Area Plan goal to "promote peaceful, safe and livable neighborhoods with equitable and affordable housing choices." The market-rate development will expand housing choices in the area. It meets Objective 4, to expand affordable and quality rental opportunities through preservation of existing rental units and development of new units. As stated at Page 76 of the Small Area Plan: "With focused reinvestment and land reuse efforts in the Winburn and Russell Cave neighborhoods, vacant and underutilized land be transformed." Also on Page 74: "R-3 zoning is encouraged to give flexibility and variety of housing types and to maintain a scale which is comparable to the existing neighborhood fabric.

The Winburn-Russell Cave Small Area Plan also introduces a new element in neighborhood zoning, design guidelines. Our architects and engineers from Sherman Carter Barnhart Architects and Eagle Engineering have met with Planning staff in order to assure that the proposal complies with the residential design guidelines of the Small Area Plan. The development has been designed to include buildings of varying sizes and heights. Two-story buildings are predominant along the road frontages. There are a few three-story buildings included. The number of units included in each building is varied, so as to vary the mass of the buildings. Large flat walls are avoided. Gable elements and building setbacks are varied. Individual entries and ground floor entries to many units are provided. Sidewalks are included

internally to provide pedestrian accessibility. Interior lighting will be designed to prevent most light from leaving the site. The buildings will be oriented to the street.

The proposal also agrees with the 2013 Comprehensive Plan for the reasons stated in the original application.

In addition, we are asking for a conditional use permit for a private club including outdoor recreational facilities. The private club will be located across Silver Spring Drive from the development. Because it is on a separate tract, a conditional use permit will be needed.

The club will not only be for the benefit of the residents of the new development; membership will also be open to residents of the neighboring areas. Locating this facility on the west side of Silver Spring Drive will accomplish two objectives: first, it will create a transition between the R-3 zoning to the east and the R-1D zoning to the west; second, it will make the facility more inviting to existing neighbors. It will include a swimming pool, work-out facilities, indoor and outdoor social areas, and outdoor play and picnic areas. It will supply needed recreational and social benefits to residents of the single-family, townhouse and multi-family units in the area.

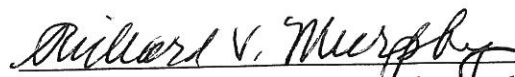
Thus, we are requesting approval of the private club including outdoor recreational facilities for the following reasons:

1. A private club and outdoor recreational facility are conditional uses in the single-family residential (R-1D) zone. The subject property is located in the R-1D zone, on the west side of Silver Spring Drive.

2. Construction of a private club with outdoor recreational facilities will not harm the public health, safety or welfare and will not impair the integrity and character of this zone or adjoining zones because the use will provide social and recreational amenities to people who reside in the single-family, townhouses and apartment units in the area. Although the facility will be built in conjunction with the proposed apartment community, membership will not be limited to those residents. Memberships will be available to people in the nearby residential area. Although parking is provided, we anticipate that the great majority of users will walk to the site. Sidewalks will provide good pedestrian accessibility.

3. All public facilities which are needed are already available and adequate at the site. Silver Spring Drive will be constructed by the developer. The sanitary sewer and all public utilities will be provided to the location. Fire and police protection are excellent, as this property is located in within the Urban Service Area of Lexington-Fayette County.

Thank you for your consideration of this zone change and conditional use request.


Richard V. Murphy, Attorney for Applicant,
Palumbo Properties, Inc.

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