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May 1, 2017

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

RE: Zone Change Application from B-1 to B-6P
4379 Old Harrodsburg Road

Dear Chairman Wilson:

Please be advised that we represent Compass Capital LLC ("Compass"), which is the owner of South Elkhorn Village, located on Old Harrodsburg Road, in Lexington. My client desires to rezone the above-mentioned development from its current Neighborhood Business (B-1) zone to the Planned Shopping Center (B-6P) zone. It is not my client's intention to make substantial on-the-ground changes, but rather, to be able to deploy signage to ensure the long term success of the development. Additionally, we believe rezoning may allay the off-site parking situation currently faced by this development.

As the Commission is aware, you recently approved a B-1 development for the Ethington Property, located just a few hundred feet from the South Elkhorn Village development. While we certainly are mindful that development of vacant and underutilized parcels is of paramount importance for the future of Lexington, my client does have some concern regarding the apparent competitive disadvantage the existing B-1 development will face when the Ethington B-1 project develops. Specifically, South Elkhorn Village, following the Commonwealth's improvements to Harrodsburg Road in the early 2000s, sits below grade of Harrodsburg Road, and is not directly accessible from it. Instead, visitors to South Elkhorn Village must access it via Military Pike or Old Higbee Mill Road. Alternatively, the Ethington B-1 development will be at or near grade with Harrodsburg Road, and thus, much more highly visible. In reviewing ways to increase the visibility of South Elkhorn Village, we realized that B-1 signage does not permit tenants to be identified on the "shopping center" signage. This stands in contrast to the B-6P signage regulations, which does permit it. Accordingly, my client has determined to pursue a rezoning of the subject property.

We believe this rezoning would aid South Elkhorn Village in two key ways. First, as aforementioned, businesses may place panels on a permitted business sign for development, whereas the same is not permissible in B-1. For B-1 developments at grade, this problem is allayed by the ability to deploy wall signage, advertising individual tenant businesses. However, for South Elkhorn Village, wall signage is less effective because it is not as visible

from Harrodsburg Road. The signage allowed in the B-6P zone would ensure that existing business are visible, and are not as competitively disadvantages from their soon-to-be neighboring counterparts. Further, we believe that the B-6P parking regulations would allow all required parking to take place on the project site, as opposed to having an off-site parking lease. This, in turn, will increase the viability of the development.

It is important to emphasize that there will be no “on the ground” changes to the shopping center, aside from minor alterations to signage. No significant redevelopment is proposed. While South Elkhorn Village may not meet every element of B-6P regulation as currently constructed, we believe the development is in accord with the intent of the B-6P zone for a neighborhood shopping center. Indeed, South Elkhorn Village has served the residents of the area for many years. We believe this request is in accord with the 2013 Comprehensive Plan. Our conclusion that this rezoning request is in agreement with the 2013 Comprehensive Plan (hereinafter “Comp Plan”) is based on the following:

Comprehensive Plan

Growing Successful Neighborhoods

Theme A of the Comp Plan embraces several goals regarding residential life in Fayette County. We believe this redevelopment proposal embraces Goal 3 articulated in Theme A of the Comp Plan.

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). We believe permitting this zone change will allow South Elkhorn Village to continue to thrive as a shopping destination for Palomar area residents. Allowing the development to deploy signage visible to the roadway preserves the viability of the development, which has served the neighborhood for many years. Because the applicant is not proposing “on the ground” alterations, the character of the community will be maintained.

Protecting the Environment

Theme B of the Comp Plan embraces goals related to protecting the environment in Fayette County. We believe this proposal embraces elements of Theme B of the Comp Plan.

Reduce Lexington-Fayette County's carbon footprint. The Comp Plan (p. 50) notes that exhaust from motor vehicles contributes about one-third of our air pollutants. Because of this site's location, maintaining its viability may mean that reliance on automobile transportation may be reduced. The site is within walking distance or a short bike ride of the Palomar neighborhood, and has functioned as a neighborhood shopping center (albeit a B-1, rather than B-6P version) for many years. As new construction continues in the area,

businesses will be needed to serve both the existing and new populations. The Ethington property has recently been rezoned to add housing stock to the area, as have properties in the Old Higbee Mill vicinity. There have been numerous apartment complexes also constructed in the area in recent history. Most, if not all, of these development would be within walking distance, or a short bike ride, from South Elkhorn Village.

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 Theme C of the Comp Plan.

Support and showcase local assets to further the creation of a variety of jobs. The Comp Plan notes that a variety of employment is necessary to lead to prosperity for all Lexington residents. Further, the Comp Plan emphasizes the importance of living near your workplace (Comp Plan, p. 74). While the jobs at South Elkhorn Village are primarily service jobs, such jobs are vital to our community. Additionally, these jobs are located in close proximity to several neighborhoods. Further, these employment opportunities currently exist, and the applicant's application is merely to continue to preserve these jobs, rather than altering the landscape of the area to create new ones.

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 shopping, dining, and other quality of life opportunities that will bring a workforce of all ages and talents to the city. The continued viability of the South Elkhorn Village provides amenities for the Palomar neighborhood, one of the more desirable neighborhoods in Lexington. Also, small shopping centers are often a location where the entrepreneurial spirit is in its purest form, and where commercial ideas and business models are tested. Maintaining these centers, in appropriate locations, provide opportunity for Lexington's small business owners and entrepreneurs.

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. This request preserves the viability of a neighborhood shopping center that, due to physical changes to Harrodsburg Road, would be a challenging infill site. The center is below grade of the dominant roadway, and

additionally, faces difficulty from the nearby creek. The continued sustainability of this center may reduce the need for future retail shopping in the area. Maintenance of the Urban Service Boundary cannot be merely about creating new infill developments, but also about maintaining the commercial and economic viability of existing developments. The shopping center's owners have attempted to identify a manner to protect their investment that does not detrimentally impact their neighbors.

Conditional Zoning Restrictions

We are cognizant that, during the prior zone change processes involving this property, that certain conditional zoning restrictions were imposed by the Planning Commission. We would propose that the conditions imposed regarding buffering and lighting should remain in effect to protect the neighborhood.

Further, we are cognizant that the B-6P zone does permit some uses that may be too intense for this site and the adjoining residential neighborhood. We would propose restricting the following uses:

- Self-service car wash
- Recycling centers
- Mining
- Rehabilitation homes

We believe these uses would be too intense for the site.

Conclusion

As is evidenced by the foregoing, this plan is in agreement with the 2013 Comprehensive Plan. Allowing what is essentially an administrative reclassification of a property for its continued economic viability demonstrates the kind of commitment to innovative zoning emphasized by the Comp Plan. The neighborhood will notice exceedingly few changes, and the goal of the application is merely to increase the visibility of tenants of the existing shopping center. The applicant is not contemplating "on the ground" alterations that would impact the neighborhood in any detrimental way.

[MCBRAYER]

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. Thank you for your consideration of this request.

Sincerely,



Jacob C. Walbourn
Counsel for Compass Capital, LLC

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Enclosures

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