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September 8, 2016

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

**Re: PLN-MJDP-16-00003: Ethington & Ethington Property
4145 and 4235 Harrodsburg Road**

Dear Members of the Planning Commission:

We represent the Applicant, Taylormade Real Estate, LLC ("Taylormade") with respect to its application for a zone change and preliminary development plan for the property located at 4145 and 4235 Harrodsburg Road (the "Property"). The original zone change request has been amended to clarify our previous request for the removal of the conditional zoning restrictions pertaining to 4145 Harrodsburg Road and a waiver of Subsection 6-8(f) and Exhibit 6-1 of the Subdivision Regulations.

The conditional zoning restrictions were put in place as a part of two different zone changes for 4145 Harrodsburg Road: MAR 2007-12 and MARV 2013-3. All of the conditional zoning restrictions on the property dealt with tree preservation mostly along the property boundaries between 4145 and 4235 Harrodsburg Road. At the time, 4235 Harrodsburg was continuing the agricultural use of the property so additional screening and tree protection was required. With the proposed development, the two properties will be developed as one project. This alleviates the concern regarding the impact of the new development on the remaining agricultural use adjacent to 4145 Harrodsburg Road. Further, the zoning restrictions were implemented through measurements from proposed zoning lines. With this application, those zoning lines are going to change. Therefore, as described, it is likely that the areas once sought to be preserved would no longer be protected as originally planned. The Applicant is still willing to discuss tree preservation with the Staff, even the possibility of including several tree preservation areas or conditional zoning restrictions. However, the Applicant requests that the existing conditional zoning restrictions are removed now that both parcels are being developed as a cohesive plan and the R-1T & R-1D zone lines are being altered.

We will be at your October Planning Commission Meeting and request your approval of the aforementioned waiver of the subdivision requirements.

Best Regards;

Stoll Keenon Ogden PLLC

Nick Nicholson



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August 12, 2016

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

**Re: PLN-MJDP-16-00008: Ethington & Ethington Property
4145 and 4235 Harrodsburg Road**

Dear Members of the Planning Commission:

We represent the Applicant, Taylormade Real Estate, LLC ("Taylormade") with respect to its application for a zone change and preliminary development plan for the property located at 4145 and 4235 Harrodsburg Road (the "Property"). The original zone change request has been amended to decrease the amount of acreage dedicated to townhouses and increase the acreage for single-family residences near Syringa Drive. As part of this application, the Applicant requests removal of the conditional zoning restrictions pertaining to 4145 Harrodsburg Road and a waiver of Subsection 6-8(f) and Exhibit 6-1 of the Subdivision Regulations.

The conditional zoning restrictions were put in place as a part of two different zone changes for 4145 Harrodsburg Road: MAR 2007-12 and MARV 2013-3. All of the conditional zoning restrictions on the property dealt with tree preservation mostly along the property boundaries between 4145 and 4235 Harrodsburg Road. At the time, 4235 Harrodsburg was continuing the agricultural use of the property so additional screenage and tree protection was required. With the proposed development, the two properties will be developed as one project. This alleviates the concern regarding the impact of the new development on the remaining agricultural use adjacent to 4145 Harrodsburg Road. Further, the zoning restrictions were implemented through measurements from proposed zoning lines. With this application, those zoning lines are going to change. Therefore, as described, it is likely that the areas once sought to be preserved would no longer be protected as originally planned. The Applicant is still willing to discuss tree preservation with the Staff, even the possibility of including several tree preservation areas or conditional zoning restrictions. However, the Applicant requests that the existing conditional zoning restrictions are removed now that both parcels are being developed as a cohesive plan and the R-1T & R-1D zone lines are being altered.

Regarding the waiver request, specifically, the Applicant requests to be allowed to terminate existing Almond Way into the rear of the development without creating a cul-de-sac. This request is justified on hardship and special circumstances due to the existing use of Almond Way for driveways servicing the adjacent property and not owning the right-of-way for Almond Way. As Almond Way is a dedicated public road, the Applicant has no ability to create a cul-de-sac at the rear of existing Almond Way prior to reaching the Property.

Further, while there is a need to create connected neighborhoods, there is not a need to encourage cut-through motor vehicle traffic. With more dense projects, comes the need to creatively address the increase in traffic. The Applicant already proposes four vehicular access points in to the Property. This is more than sufficient for the vehicular traffic that will be accessing the Property from Harrodsburg Road, Old Higbee Mill, and the surrounding Palomar Neighborhood. The connectivity benefit of a vehicle connection to Almond Way is negligible. Instead, the Applicant proposes to convert the existing access point into pedestrian access for the Property. This will ensure that the connectivity goals of the Comprehensive Plan are still met without burdening true local streets with cut-through traffic. Simply put, having a fifth access point serving only a few residents is not in the best interest of the entire area or the proposed development.

We will be at your August Planning Commission Meeting and request your approval of the aforementioned waiver of the subdivision requirements.

Best Regards;


Stoll Keenon Ogden PLLC

Mick Nicholson

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