

BRUCE SIMPSON LAW PLLC

T. Bruce Simpson
859-229-3436
bruce@bsimpsonlaw.com

May 20, 2025

Via Email

Mr. Larry Forester, Chair
Lexington Fayette Urban County Planning Commission
c/o Mr. Daniel Crum, Division of Planning
101 East Vine Street
Lexington, Kentucky 40507

**Re: Updated Justification on Zone Map Amendment Request for the
Property Located at 1899 Parkers Mill Road**

Dear Chairperson Forester and Members of the Planning Commission,

I am pleased to provide you with the updated justification for the zone map amendment request for the property located at 1899 Parkers Mill Road. Since filing this application in October 2024, we have made several changes to the proposed development plan and conducted extensive research on stormwater management, as well as identifying the existing floodplain on the subject property. All this research and changes in the development plan have been previously submitted to the Division of Engineering and the Division of Planning. We conducted this extraordinary due diligence because we were aware of the area's history of stormwater flooding, and we wanted to ensure that no properties downstream from the subject property would be protected.

CHANGES TO THE PRELIMINARY DEVELOPMENT PLAN As reflected in the filed development plan, the interior configuration of the development includes the street location, which has been changed along with the location of the houses. The adjacent neighbor and property owner, the St. Raphael Episcopal Church, has favorably received this change. The detention areas have been relocated and will incorporate standards exceeding the required levels for delaying the release of stormwater downstream. These stormwater management features will enhance the management of the subject property, which has lacked effective stormwater management for many years. The proposed stormwater management plan will discharge the water generated by the new development at a slower rate than currently exists for the subject property, which is primarily vacant land.

There are thirty-one lots depicted on the revised plan, comprising one detention/open space lot and thirty residential lots. However, at this time, only twenty-two lots are described as buildable, with the remaining proposed lots shown as non-buildable until the area of the floodplain boundaries may be changed via the amendment process. These changes resulted from the floodplain study. All these residential lots shall be restricted to single-family residential homes, and the density of the

proposed development shall be capped at 30 houses. This represents a slight increase of four houses from the original submittal. Additionally, a right-of-way shall be dedicated for the construction of any future expansion of Parkes Mill Road, including a sidewalk. Finally, enhanced safety access will be provided to the church for vehicles exiting its property onto Parkers Mill Road. The line-of-sight distance will be significantly improved from what it has historically been because of the fence being removed and the proposed houses being set back from Parker's Mill Road.

NEIGHBORHOOD ENGAGEMENT Two major neighborhood meetings have been held, at which property owners located within **2,000 feet** of the subject property were invited to attend. As you know, only property owners located within five hundred feet of the subject property must be notified of any zone map amendment request. There was a large attendance at both meetings, one of which was attended by the Planning staff. The first meeting was held during the summer of 2024, months before the zone change was filed, and the last one was held on Monday, May 19th. Additionally, ongoing discussions have been held with the church's legal representative and its environmental consultant. At the outset of these meetings with the church and its representatives, the applicant's engineer was given free and unfettered access to all plans, research, and data, without the need to coordinate such inquiries through underwritten counsel. The applicant pledged complete transparency with all its information to the church's representatives and the entire surrounding neighborhood.

The neighbors expressed concerns about the requested zone change to R-3 zoning because this zone would allow for higher density than the proposed single-family houses. The residents complained about the amount of traffic on Parkers Mill Road and its narrow width. They expressed serious objections to increasing density on the subject property due to the public safety issues associated with Parkers Mill Road. The residents also expressed concern about stormwater management.

REMOVAL OF THE HOMEPLACE As has been previously explained and discussed at several meetings of the Planning Commission's Subdivision and Zoning Committees, the original house on the subject property was removed. The house was in such poor condition that it was beyond economically justifiable repair. An extensive investigation was conducted to determine the cost of repair, and it was determined to be infeasible. This assessment will be expanded upon during our presentation if needed. The house had undergone additions over the years that substantially diminished its historical significance. The President of the Bluegrass Trust for Historic Preservation was invited to tour the house before a decision was made to demolish it. The original house's structure was structurally substandard.

REMOVAL OF TWO SIGNIFICANT TREES Before filing the zone map amendment request, a comprehensive tree inventory was undertaken of trees on the subject property in connection with the Urban Forester. The significant trees were identified for preservation. However, during the demolition of the house, two of these trees were inadvertently damaged and subsequently removed. All the remaining significant trees have been and will be preserved. Additionally, the entire tree canopy for the developed property will be 30% per the ordinance and will be further enhanced by additional trees in other locations as the property is developed. Trees have historically added value to residential development, in addition to strengthening neighborhood ambiance.

CONDITIONAL ZONING RESTRICTION The subject property shall be limited to the development of thirty single-family houses to ensure compatibility with the long-term history of the surrounding neighborhood.

PLACE BUILDER POLICIES AND CRITERIA FOR ENHANCED NEIGHBORHOOD LOW DENSITY RESIDENTIAL These Placebuilder policies and criteria were discussed in the initial justification tendered on October 7, 2024, and are reflected in the amended preliminary development plan. They are further elaborated upon here, especially the environmental criteria.

ENHANCED NEIGHBORHOOD LAND USE

A-DN2-1 Infill residential should aim to increase density. The pending application will increase density from approximately nine one-acre lots under the current zoning to thirty residential units.

A-DN4-1 Provide new compact single-family housing types. The houses will be substantially like those in the surrounding neighborhoods, thereby ensuring the preservation of the historic character of the neighborhood.

B-SU3-1 Development should provide compact and/or mixed-use development. This development will be compact in terms of its single-family-oriented design, but all the homes will be single-family on this small remnant parcel among large lot subdivisions.

C-LI6-1 ADUs and/or affordable housing options should be incorporated into existing and new single-family residential development. (A-DN5) There are no affordable housing units provided on the proposed development. Historically, ADUs have not been a characteristic feature of this area of Lexington.

C-LI7-1 Developments should create mixed-use neighborhoods with safe access to community facilities, green space, employment, businesses, shopping, and entertainment. The subject property is situated within walking distance of Cardinal Run Park and various retail stores located on Versailles Road.

C-PS15-2 Improve options for affordable and nutritious food where not currently available. This is not applicable.

D-PL7-1 Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application. There have been two major stakeholder meetings, one before the application was filed and another one before the scheduled hearing. Both meetings were well attended. There were several meetings with the church representatives who own property next to the subject property.

D-SP1-1 Elementary and middle schools should be located within residential neighborhoods, and high schools primarily along collector streets. (A-EQ7) The subject property is well situated

to be served by the existing Fayette County Public Schools along with the existing neighborhoods which have been similarly served for decades.

D-SP9-1 Encourage co-housing, shared housing environments, planned communities and accessory dwelling units for flexibility and affordability for senior adults and people with disabilities. This single-family oriented development on a small 11-acre parcel fills in the rest of the development evolution of vacant land in this part of Lexington which has historically been larger lot subdivisions served by a substandard road, Parkers Mill. This property is more well suited for lower density development because of this constraint.

E-ST8-2 Development should provide community-oriented places and services. This development will be well suited to blend in within the existing community services and park. The proposed development will blend in perfectly with the existing community. The housing types and lots are entirely complimentary to the existing neighborhoods.

E-GR3-1 Development should meet recreational needs by following the recommendations of the Parks Master Plan. Cardinal Run Park is within walking distance of the newly proposed small single-family neighborhood. The subject property is not large enough to accommodate any recreations expansion for the public, but it is within walking distance of Cardinal Run Park.

E-GR9-1 Live/work units should be incorporated into residential developments. The subject property is not situated for a live work arrangement nor is it large enough to incorporate a commercial mixed use to accommodate this criterion. This criterion is not applicable on this small parcel.

E-GR9-3 Less intense multi-family residence types should be incorporated into primarily single-family detached areas. The proposed developed neighborhood seeks to finish out the historic character and development of Parkers Mill Road by creating low density residential development off a substandard road which is not designed to incorporate higher density.

TRANSPORTATION, CONNECTIVITY, AND WALKABILITY

A-DS1-1 Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. The subject property is located off Parkers Mill Road, which has a bus route.

A-DS1-2 Accessible pedestrian linkages to transit should be provided. An appropriate right-of-way will be established for the expansion of Parkers Mill Road, along with the addition of a sidewalk.

A-DS4-1 A plan for a connected multi-modal network to adjacent neighborhoods, green spaces, developments, and complementary. The dedication of the right of way adjacent to Parkers Mill will provide expanded opportunities for multimodal transportation to adjacent neighborhoods.

A-DS5-1 Safe multi-modal facilities should be provided to ensure vehicular separation from bicycles, pedestrians, and other modes of transport. The right-of-way dedication to the expansion of Parkers Mill Road will accomplish this objective.

A-DS5-2 Developments should incorporate vertical elements, such as street trees and buildings, to create a walkable streetscape. There will be street trees populating the entire development along with additional landscaping along Parkers Mill Road and throughout the development.

A-DS10-1 New developments should incorporate clear and dedicated connections to nearby community anchors. This small 11-acre parcel is within walking distance of Versailles Road and Cardinal Run Park.

A-DS11-1 Street layouts should provide clear, visible access to neighborhood- focused open space and green spaces. As reflected in the development plan for this small parcel, these features are incorporated into the development.

A-DS13-1 Stub streets should be connected. There are no stub streets in the proposed development.

C-PS10-1 Flexible parking and shared parking arrangements should be utilized. In this small development, on-street parking will be available.

D-CO1-1 Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type. As mentioned before, a right-of-way for the expansion of Parker's Mill and a sidewalk are being dedicated.

D-CO2-1 Development should create and/or expand a connected multimodal transportation network that satisfies all users' needs. This will be facilitated by the dedication of the right of way.

D-CO2-2 Development should comply with Lexington's Complete Streets Policy. This development does this.

D-CO4-1 Dead-end streets and cul-de-sacs should be discouraged. The subject property cannot be connected to any adjacent development.

D-CO4-2 Provide multiple route options (grid type structure) to alleviate congestion in lieu of additional lanes upon existing roadways. This small 11-acre parcel is limited in terms of its access to other route options, which is why it is better suited for low-density single-family use.

D-CO4-3 Street pattern and design should consider site topography and minimize grading where possible. This development is reflected in the development plan.

D-CO5-1 Streets should be designed with shorter block lengths, narrower widths, and traffic calming features. There will only be thirty houses maximum on this development so that these features are not necessary.

ENVIRONMENTAL SUSTAINABILITY AND RESILIENCE

B-PR2-1 Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site. Great care and attention have been given to staying away from the existing floodplain with no lots depicted in the floodplain. There has been much research and study on the existing floodplain, and these studies were provided previously to the Division of Engineering and the Division of Planning. Finally, a wetland area will be preserved on the subject property.

B-PR2-2 Development should include regularly spaced access with adequate width to the greenway network and conservation areas. In this small parcel with large single-family lots, open spaces will be abundant.

B-PR3-1 Minimize impact of development adjacent to land conservation properties through buffering. Extensive work with the adjoining church has been ongoing for several months, with a continued commitment to collaborating on a screening and buffering plan.

B-PR7-1 Developments should be designed to minimize tree removal and to protect and preserve existing significant trees. All significant trees previously identified on the subject property will be maintained. Two of these trees, however, were damaged during the demolition of the house.

B-PR9-1 Minimize grading and topsoil disturbance by utilizing the existing topography to the greatest extent possible and preserving key natural features. Grading will be minimized in association with the plans for our stormwater management plan.

B-PR10-1 Development should avoid overlighting and upward directed lighting. There will be no over lighting for this low-density residential neighborhood.

B-SU4-1 Development should minimize and/or mitigate impervious surfaces. This low-density development will limit impervious services with its large lots.

B-SU5-1 Developments should incorporate energy efficient systems and renewable energy resources (i.e., wind, solar, etc.). Energy efficient systems will be installed in each of these custom homes.

B-SU9-1 Green Stormwater Infrastructure (GSI) should be implemented in new development. These will be incorporated as part of our stormwater management facilities.

B-SU11-1 Development should incorporate low impact landscaping and native plant species. These will be featured throughout the development.

B-RE1-1 Developments should improve the tree canopy. Tree canopy will be 30% or greater.

Lexington's green infrastructure network, including parks, trails, greenways, or natural areas should be highly visible and accessible. The subject property is located amidst other single-family homes which have the same access to Cardinal Run Park and other natural areas.

B-RE5-1 Dividing floodplains into privately owned parcels with flood insurance should be avoided. There will be no buildable lots in the flood plain. There will be no need for flood insurance for any property owner.

B-RE5-2 Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them. The floodplain will be preserved as approved by FEMA.

B-RE5-3 Developments within the Royal Springs Aquifer should consult with the Royal Springs Water Supply Protection Committee. The subject property is not within the Royal Springs Aquifer.

D-SP10-1 Prioritize Street trees in the planting strip. This will be a priority for this new development.

SITE DESIGN

A-DS7-1 Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments. There are no multifamily or non-residential uses.

A-D S9-1 Development should provide active and engaging amenities within neighborhood focused open spaces. This small 11-acre parcel has limited availability for amenities. The large lots with open spaces will provide community oriented open spaces which will be complementary to the existing neighborhoods.

A-D S9-2 Where neighborhood open space or parks are not located within walking distance of a new development, applicants should incorporate these facilities. Cardinal Run Park is within walking distance for the subject property.

A-E Q9-1 School sites should be appropriately sized. There is adequate capacity in the public school system which serves this area of Lexington.

A-E Q9-2 Shared open spaces should be easily accessible and clearly delineated from private open spaces. This small parcel does not have shared open spaces.

C-LI8-1 Development should enhance a well-connected and activated public realm. There will be a new street installed to serve this development off Parkers Mill Road. This street connection will be signalized-PS10-2. Over-parking of new developments should be avoided.

D-PL4-1 Enhance open space through the provision of programmatic elements and amenities. This small parcel will have an abundant amount of open spaces via the large lots for the maximum of thirty houses.

D-SP1-2 School design should prioritize a high percentage of open and accessible street frontage. This criterion does not apply.

D-SP2-1 Visible, usable greenspace and other natural components should be incorporated into school sites. This criterion does not apply.

D-SP3-1 Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington. The right-of-way to be dedicated with facilitate this.

D-SP3-2 Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping used to improve the visual impact from the roadway and residential areas. There will be no cell towers.

Building Form Th

A-DS3-1 multi-family residential developments should comply with the Multi- family Design Standards in Appendix A. This criterion does not apply.

A-DS5-3 Building orientation should maximize connections with the street and create a pedestrian-friendly atmosphere. This small development will be pedestrian friendly.

A-DS8-1 Where single family detached residential units are provided, a variety of other housing types should be regularly interspersed along the street frontage. This small parcel of eleven acres will be all single family consistent with the character of the surrounding neighborhoods and the need for a low-density development off Parkers Mill Road and the need to reduce impervious surfaces.

E-GR4-1 Developments should incorporate reuse of viable existing structures. There are no existing structures.

E-GR5-1 Structures with demonstrated historic significance should be preserved or adapted. It was not feasible to preserve the house on the property.

SUMMARY

To be sure, this proposed development is not in line with the recent trend for higher density residential development. However, this is a unique location with a unique development history due in large part to the participation of all the surrounding neighborhoods more than 30 years. The original owner of the subject property was one of the leaders in preserving the low-density character of the neighborhood. The property could be developed by right with approximately 9 one-acre lots. This application proposes to increase density by 330%. This area has historically been plagued with stormwater problems and too much traffic on too narrow a road, Parkers Mill Road. Adding 22 to 30 hours will have a negligible impact on the traffic. The low-density use will help with storm water management compared to higher density uses with more impervious

surfaces. The subject property is the last piece of the "development pie" created with the Sturgill property was developed in the mid 1990's that now constitutes Colony II and Parkers Landing, both large lot subdivisions. There is a need to keep density to minimal levels for the subject property to minimize adverse traffic and stormwater impacts. Additionally, this proposed development certainly enhances the existing large lot neighborhoods which have surrounded the subject property for more than 75 years. This is a unique situation involving a small parcel that, given all relevant and important considerations of the Comprehensive Plan, as outlined herein, justify approval.

Thank you,

A handwritten signature in cursive script that reads "T. Bruce Simpson". The ink is dark and the signature is fluid, with a large, stylized "S" at the end.

Bruce Simpson