



NICK NICHOLSON
DIRECT DIAL: (859) 231-3950
Nick.Nicholson@skofirm.com

300 WEST VINE STREET
SUITE 2100
LEXINGTON, KY 40507-1801
MAIN: (859) 231-3000
FAX: (859) 253-1093

March 2, 2022

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

Zone Change Request for 4630 Old Schoolhouse Lane

Dear Members of the Planning Commission:

We represent Cowgill Development, LLC (“Cowgill” or “Applicant”) and on its behalf have filed a zone change request for the property located at 4630 Old Schoolhouse Lane (the “Property”). The Property consists of 14.773 net (15.519 gross) acres currently zoned Agricultural-Urban (A-U). The Applicant’s request is to rezone the Property to Planned Neighborhood Residential (R-3) zone to allow for a single-family residential development.

The Property is located between the Dogwood Trace neighborhood and SF lots on English Station Drive and in close proximity to the Tracery development. The proposed development consists of 88 single family lots. It is adjoined entirely by complementary single-family residential neighborhoods on both sides of Harrodsburg Road with multi-family units rounding out the residential uses along Old Schoolhouse Lane. The proposed development is consistent with the residential types and mix of dwelling units that have become prevalent in this area of town. This will ensure that much needed residential development on underutilized land will be installed in a consistent manner that allows for Lexington to add additional single-family lots without overburdening the property with density.

This request is in agreement with the Comprehensive Plan for the multitude of reasons outline below. Primarily, the Zone Map Amendment Request offers a chance to develop longtime underutilized agricultural land inside the Urban Service Area for much needed residential use. This is an ideal property for the proposed neighborhood consisting of single-family residential with direct access to a long-planned expansive neighborhood focal point with the LFUCG trail system between Dogwood Trace and Copperfield neighborhoods. This well-designed project upholds the Urban Service Area preservation strategy, is appropriate infill in an area that is mostly SF residential, provides varied housing choices with the proposed lot sizes which meet several community needs, encourages community interaction through pedestrian connectivity and greenway trails, all while respecting its neighbors. Indeed, this project allows for additional lots to develop on vacant land inside the Urban Service Area while acknowledging the desperate need for additional single-family houses as detailed in the 2017 Fayette County Housing Demand Study and a growing number of local media coverage on Lexington’s housing market.

This project aligns with the aspects of a desirable community and the place making concepts the Comprehensive Plan stresses such as openness, social offerings, and aesthetics with its placement of the greenway lot with ample pedestrian and bike access to the proposed greenway trail system. The proposed development plan follows many of the specific recommendations of the Comprehensive Plan in its discussion on how to grow successful neighborhoods while protecting the environment as the Applicant is finishing out this area with single-family detached residential lots after the Tracery development added in the much needed multi-family residential units to this area of town; supporting infill and redevelopment throughout the urban service area; providing a well-designed neighborhood that furthers the commitment to mixed-type housing with locations for safe and positive social interactions including easy access to the protected greenway system; and developing vacant and underutilized gaps within existing neighborhoods. The development will not put undue strain on the surrounding infrastructure and ensures excellent connectivity by providing connections to all streets that are currently stubbed into the Property. The Applicant fully acknowledges the barricade the Urban County Council placed on Agape Drive and this development is not proposing to alter that barricade in any way. With direct access to Old Schoolhouse Lane and its traffic signal on Harrodsburg Road, we believe an overwhelming majority of trips to and from the Property will utilize Old Schoolhouse Lane as opposed to cutting through the existing neighborhoods. The Applicant is also proposed to improve Old Schoolhouse Lane to ensure it is a proper connection for the homeowners.

Cowgill is quite confident in calling this project a well-designed project as it furthers many of the design policies laid out in the Comprehensive Plan. By providing pedestrian sidewalks and greenway connections to a long planned LFUCG trail system, we are utilizing a people-first/pedestrian friendly street pattern design with efficient roadways and separate pedestrian infrastructure that is making the proper road connections to enhance emergency services accessibility while creating inviting streetscapes. (Design Policy #1, #2, #5, #6, and #13). The proposed residential use is certainly sensitive to the surrounding context of both the adjacent neighborhoods as it is proposing SF lots adjacent to SF lots. (DP #4). While this is a small tract only proposed for single-family, the area already has a strong mix of single-family, townhouses, and apartments that provide varied housing choices. (DP #8). The featured useable open space amenity is accessible through a dedicated 15-foot easement allowing pedestrian or bicycle access to this neighborhood focal point that is within easy walking distance for all residents. (DP #9 and #10). We've featuring a major open space focal point in the adjacent useable open space, to incorporate open space amenities into the neighborhood as called for by the Comprehensive Plan's neighborhood design policies encouraging greenspace to be in close proximity to residents and to create open space that is truly usable and a focal point of the development instead of merely an afterthought. (DP #9, and #10).

In summary, this well-designed project upholds the Urban Service Area preservation strategy, is appropriate development of a long-underutilized parcel, provides additional housing units with a mix of housing types throughout the area, encourages community interaction through pedestrian connectivity, encourages a more comprehensive transportation system, all while respecting its neighbors and protecting the environment with landscaping buffers and protected greenspace. As such, it is quite clear that the proposed zone change is in compliance with the 2018 Comprehensive Plan. As outlined above, the proposed project meets the following Goals and Objectives of the Comprehensive Plan:

Theme A - Growing Successful Neighborhoods

Goal 1: Expand housing choices.

Objectives:

- b. Accommodate the demand for housing in Lexington responsibly...
- c. Plan for safe, affordable and accessible housing to meet the needs of older and/or disadvantaged residents.

Goal 2: Support infill and redevelopment throughout the Urban Service Area as a strategic component of growth.

Objectives:

- b. Respect the context and design features of areas surrounding development projects and develop design standards and guidelines to ensure compatibility with existing urban form.
- c. Incorporate adequate greenspace and open space into all development projects, which serve the needs of the intended population.

Goal 3: Provide well-designed neighborhoods and communities.

Objectives:

- a. Enable existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-type housing throughout Lexington-Fayette County
- b. Strive for positive and safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation.
- c. Minimize disruption of natural features when building new communities.

Goal 4: Address community facilities at a neighborhood scale.

Objectives:

- c. Establish and promote road network connections in order to reduce police, EMS, and fire response times.

Theme B - Protecting the Environment

Goal 2: Reduce Lexington-Fayette County's carbon footprint.

Objectives:

- d. Prioritize multi-modal options that de-emphasize single-occupancy vehicle dependence.

Goal 3: Apply environmentally sustainable practices to protect, conserve and restore landscapes and natural resources.

Objectives:

- b. Identify and protect natural resources and landscapes before development occurs.

Theme D - Improving a Desirable Community

Goal 1: Work to achieve an effective and comprehensive transportation system.

Objectives:

- a. Support the Complete Streets concept, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit and other vehicles.
- b. Develop a viable network of accessible transportation alternatives for residents and commuters, which may include the use of mass transit, bicycles, walkways, ridesharing, greenways and other strategies.

Goal 2: Support a model of development that focuses on people-first to provide accessible community facilities and services to meet the health, safety and quality of life needs of Lexington-Fayette County's residents and visitors.

Objectives:

- a. Encourage public safety and social sustainability by supporting Secured-by-Design concepts and other policies and programs for the built and natural environments of neighborhoods to help reduce opportunities for crimes.

Theme E - Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land

Goal 1: Uphold the Urban Service Area concept.

Objectives:

- b. Ensure all types of development are environmentally, economically, and socially sustainable to accommodate the future growth needs of all residents while safeguarding rural land.
- c. Emphasize redevelopment of underutilized corridors.
- d. Maximize development on vacant land within the Urban Service Area and promote redevelopment of underutilized land in a manner that enhances existing urban form and/or historic features.
- e. Pursue strategies to activate large undeveloped landholdings within the Urban Service Area.

Goal 3: Maintain the current boundaries of the Urban Service Area and Rural Activity Centers; and create no new Rural Activity Centers. To ensure Lexington is responsive to its future land use needs, this Goal shall be superseded and no longer in effect upon completion of Theme E, Goal 4, Objective D.

Placebuilder

The Property is located outside New Circle Road and is an undeveloped tract flanked by existing single-family houses. As such, the natural Place Type is Enhanced Neighborhood and the Development Type is Low Density Residential. We submit that these classifications are appropriate due to the location of the Property outside the 2nd tier urban neighborhoods with the proposed use being single-family housing that maintains development trends in the area. The R-3 zone is one of the suggested zoning categories for this Place Type.

Also submitted with the Zone Map Amendment Request is the color-coded reflection of how the proposed project addresses the design criteria for the selected Development Type. Items highlighted in green are represented graphically on the submitted preliminary development plan; items in yellow are addressed in this letter, and items highlighted in orange are not applicable to this proposal.

Standards That Are Applicable to Our Proposal

SITE DESIGN, BUILDING FORM, & LOCATION

A-DS5-3 Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere. The neighborhood design ensures the lots and surrounding neighborhoods are well connected throughout the site in a pedestrian friendly manner, while not overburdening the surrounding road system.

A-DS10-1 Residential units should be within reasonable walking distance to a focal point. All units are within reasonable walking distance of the open space focal point.

A-DN2-1 Infill residential should aim to increase density. The proposed lotting scheme will allow for 88 lots which will increase the density in the area without overburdening the transportation system.

A-DN6-1 Allow and encourage new compact single-family housing types. The proposed lotting scheme will allow for 88 lots which will increase the density in the area without overburdening the transportation system.

B-PR9-1 Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible. This has been done where feasible.

B-SU11-1 Green infrastructure should be implemented in new development. (E-GR3). We will be adding additional green infrastructure through our street tree canopy provisions and water quality components in the proposed detention basin.

C-LI7-1 Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment. This development is adding residential units with safe access to community facilities and greenspace.

C-PS10-3 Over-parking of new developments should be avoided. (B-SU5). This development is not overparked.

D-PL7-1 Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application. A neighborhood meeting with Planning Staff was held prior to filing the zone change request.

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. This development has adequate right-of-way for the proposed transportation infrastructure.

E-GR9-4 Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods. This is exactly what is being proposed on the Property.

TRANSPORTATION & PEDESTRIAN CONNECTIVITY

A-DS4-1 A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. (A-DS2, A-DN1, B-SU1, B-SU2, C-LI7, E-AC5). Direct access to a long-planned expansive neighborhood focal point with the LFUCG trail system between Dogwood Trace and Copperfield neighborhoods is provided.

A-DS5-1 Adequate multi-modal infrastructure should be provided to ensure vehicular separation from other modes of transport. Direct access to a long-planned expansive neighborhood focal point with the LFUCG trail system between Dogwood Trace and Copperfield neighborhoods is provided.

A-DS5-2 Roadways should provide a vertical edge, such as trees and buildings. This has been achieved where feasible.

A-DS10-2 New focal points should be designed with multi-modal connections to the neighborhood. Direct access to a long-planned expansive neighborhood focal point with the LFUCG trail system between Dogwood Trace and Copperfield neighborhoods is provided.

A-DS13-1 Stub streets should be connected. (D-CO4). All stub streets are connected to the Property.

B-SU4-1 Where greenspace/community centers are not located within walking distance of a new development, applicants should attempt to incorporate those amenities. (A-DS9). Direct access to a long-planned expansive neighborhood focal point with the LFUCG trail system between Dogwood Trace and Copperfield neighborhoods is provided.

D-CO1-1 Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type. This has been done where feasible.

D-CO2-1 Safe facilities for all users and modes of transportation should be provided. This is achieved as explained above with stub street connections and direct access to the greenway.

D-CO2-2 Development should create and/or expand a safe, connected multimodal transportation network that satisfies all users' needs, including those with disabilities. Direct access to a long-planned expansive neighborhood focal point with the LFUCG trail system between Dogwood Trace and Copperfield neighborhoods is provided.

D-CO4-1 Dead-end streets and Cul-de-sacs should be discouraged except where connections are not topographically or environmentally feasible. There are no dead-end streets or cul-de-sacs on this project.

D-CO4-2 Roadway capacity should be increased by providing multiple parallel streets, which alleviate traffic and provide multiple route options, in lieu of additional lanes. This has been done where feasible.

D-CO4-3 Street pattern and design should consider site topography and minimize grading where possible. This has been done where feasible.

D-CO5-1 Streets should be designed with shorter block lengths, narrower widths, and traffic calming features. This has been done where feasible.

GREENSPACE & ENVIRONMENTAL HEALTH

A-DS4-3 Development should work with the existing landscape to the greatest extent possible, preserving key natural features. This has been done where feasible.

A-EQ7-3 Community open spaces should be easily accessible and clearly delineated from private open spaces. This has been done where feasible.

B-PR2-1 Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site. This has been done where feasible.

B-PR2-2 Dividing floodplains into privately owned parcels with flood insurance should be avoided. No single-family lots are impacted by floodplain.

B-PR2-3 Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them. This has been done where feasible.

B-PR7-1 Connections to greenways, tree stands, and stream corridors should be provided. This has been done where feasible.

B-PR7-2 Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability. This has been done where feasible.

B-PR7-3 Developments should improve the tree canopy. This development intends to increase total tree canopy on the site.

B-RE1-1 Developments should incorporate street trees to create a walkable streetscape. This has been done where feasible.

B-RE2-1 Green infrastructure should be used to connect the greenspace network. The project utilizes impervious area disconnects, which direct impervious area runoff to greenspace between the existing streambank and the 100-year floodplain boundary.

E-GR3-1 Physical and visual connections should be provided to existing greenway networks. This has been done where feasible.

E-GR3-2 New focal points should emphasize geographic features unique to the site. This has been done where feasible.

Standards Not Applicable

SITE DESIGN, BUILDING FORM, & LOCATION

A-DS7-1 Parking should be oriented to the interior or rear of the property for nonresidential or multi-family developments. There are no proposed nonresidential or multi-family uses on the site.

A-DS7-2 Any non-residential or multi-family parking not buffered by a building should be screened from the streetscape view and adjacent properties. There are no proposed nonresidential or multi-family uses on the site.

A-DS11-1 Common public uses that serve as neighborhood focal points, such as parks and schools, should be on single loaded streets. The greenway feature is connected to the neighborhood, but a single loaded street is not feasible due to the existing stub locations.

A-EQ7-1 School sites should be appropriately sized. There is no school site proposed.

C-LI6-2 ADUs and/or affordable housing options should be incorporated into existing and new single-family residential development. (A-DN5). ADU's are still not permitted in the selected zone.

C-PS10-2 Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots. This is an agricultural lot that does not have an underutilized parking lot.

D-PL9-1 Historically significant structures should be preserved. There are no historically significant structures on this site.

D-SP1-1 Elementary and middle school should be located within residential neighborhoods, and high schools primarily along collector streets (A-EQ-7). There is no school site proposed.

D-SP1-2 An open and inviting school campus/locale should utilize frontage on single-loaded streets. There is no school site proposed.

D-SP3-2 Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping should be used to improve the visual impact from the roadway and residential areas. There no proposed cellular tower antennae that are proposed as part of this development.

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. While there are no identified senior living/disabled units proposed in this project, adding different lotting types does promote residential units that are affordable for senior citizens and the homes will be ADA compliant.

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

E-GR5-1 Structures with demonstrated historic significance should be preserved or adapted. There are no historic structures on the site.

E-GR9-1 Live/work units should be incorporated into residential developments. This is a residential development that does not anticipate any dedicated flex space.

E-GR9-3 Less intense multi-family residence types should be incorporated into primarily single-family areas. The Property is too narrow to effectively develop multi-family units and is flanked by single family lots. The Tracery development is in close proximity with substantial multi-family units to round out this area.

TRANSPORTATION & PEDESTRIAN CONNECTIVITY

A-DS1-1 Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7). Mass transit is not available to the Property at his time. However, increasing the residential users in this area could increase the demand for LexTran to serve the area in the future.

A-DS1-2 Direct pedestrian linkages to transit should be provided. Mass transit is not available to the Property at his time. However, increasing the residential users in this area could increase the demand for LexTran to serve the area in the future.

D-SP1-3 Developments should provide multi-modal transportation infrastructure to school sites, including sidewalks, shared-use paths, and roadways that can accommodate the bus and vehicle traffic associated with the site. There are no school sites in close proximity to connect to.

GREENSPACE & ENVIRONMENTAL HEALTH

D-SP2-1 Visible, usable greenspace and other natural components should be incorporated into school sites. There are no proposed school sites.

D-SP2-2 Active and passive recreation opportunities should be provided on school sites. There are no proposed school sites.

In addition to compliance with the Comprehensive Plan, the request is justified because the existing zoning is inappropriate and improper, and the proposed zoning is appropriate. The current zoning is A-U and any type of agricultural use on the Property is simply not feasible as the surrounding area has developed into residential subdivisions. The Zoning Ordinance describes the intent of the A-U zone that land should remain in this zone until public facilities and services are or will be adequate to serve urban uses. This parcel has been inside the Urban Service Area for at least 55 years since the 1967 Comprehensive Plan. Urban services have been available to serve it for almost as long. The Property already has sewer available and is able to be seamlessly tied into the surrounding transportation system. There are major commercial centers, multi-family developments, single-family residential neighborhoods, and neighborhood parks all within 1.5 miles. Simply put, it is prime land to be developed; as such the Agricultural-Urban zoning is clearly inappropriate.

On the other hand, the proposed R-3 zoning is clearly appropriate. R-3 zoning is by far the predominant residential zoning category adjacent to the Property with Firebrook, The Tracery, and part of Dogwood Trace utilizing this zoning. The proposed lotting scheme ensures the continuity in neighborhood character preservation to respect the existing atmosphere of the area while also increasing density for much needed housing. This further justifies the use of the proposed R-3 zone to ensure appropriate consistency between existing neighborhoods and proposed new development. This proposed zoning allows the development to capture much needed residential acreage in an area that has long been residential in nature. As such, it is without question that the proposed zone is appropriate for the Property.

We will be at the April public hearing in order to make a complete presentation of this application and request your favorable consideration.

Sincerely,

Stoll Keenon Ogden PLLC



Nick Nicholson

NN:NN