

February 2, 2026

Mr. Zach Davis  
and Members of the Lexington-Fayette Urban County Planning Commission  
200 East Main Street  
Lexington, KY 40507

***HAND DELIVERY***

**Re: Proposed zone change for 4184 Todds Road**

Dear Chairman Davis and Members of the Planning Commission:

I am writing on behalf of 4184 Todds LLC, (“Applicant”), which is filing a zone change application and development plan for the property at 4184 Todds Road, Lexington, Kentucky 40509 (“Property”), totaling 2.33 net acres.

The Property consists of two separately zoned parts:

- (1) “Tract 1”: approximately 0.36 net acres (0.47 gross acres) currently zoned Expansion Area Residential 1 (EAR-1) pursuant to the 1996 Expansion Area Master Plan (“EAMP”);  
and
- (2) “Tract 2”: approximately 1.97 net acres (2.30 gross acres) currently zoned Agricultural Rural (A-R).

For the smaller Tract 1 of the Property, currently zoned EAR-1, we are requesting a zone change from EAR-1 to Expansion Area Residential 2 (EAR-2). For Tract 2 of the Property, we are requesting a zone change from A-R to Medium Density Residential (R-4). We are requesting this zone change in order to allow development of a single-family attached townhome development on the Property.

**THE PROPERTY AND DESCRIPTION OF THE PROJECT.**

The Property fronts Todds Road and is entirely within the Urban Service Area. However, the current zoning of the Property, and how that came to be, requires some background and explanation.

The subject Property is bounded to the west by 4176 Todds Road. 4176 Todds Road is zoned EAR-1 and has been developed into the Garden Estates Apartments consisting of 91 apartment units. The subject Property was formerly a part of 4176 Todds Road. At the time of adoption of the EAMP, the boundary of Expansion Area 2b under the EAMP was drawn in such a

way that 0.47 gross acres of 4176 Todds Road (now Tract 1) was within Expansion Area 2b under the EAMP, with a future land use designation of EAR-1. However, at the time, 2.30 gross acres of 4176 Todds Road (now Tract 2), zoned A-R, was outside the boundary of Expansion Area 2b under the EAMP. Ultimately, Tract 1 within EAMP Expansion Area 2b was rezoned EAR-1, with the remaining Tract 2, consisting of approximately 2.30 gross acres (1.97 net acres) was left as zoned A-R.

Subsequent to the development of the 91-unit Garden Estates Apartments, 4176 Todds Road was subdivided pursuant to an Amended Final Record Plat approved by the Planning Commission on October 8, 2020 (see PLN-FRP-20-00049; Plat Bk. S, Pg. 417). That subdivision created what is shown on the referenced Amended Final Record Plat as “Lot 3” – Tract 1 and Tract 2 of the subject Property herein – consisting of 0.36 net acres zoned EAR-1 and 1.97 net acres zoned A-R.

The subject Property is bounded to the east by 4200 Todds Road which, although currently zoned A-R, was included within “Area 4” of the 2024 Urban Growth Master Plan (“UGMP”) and thereby brought within the expanded Urban Service Area as an area planned for future mixed-density, mixed-use development.

The subject Property presents a unique case in that Tract 2 was not included within the EAMP based on how the boundary line of Expansion Area 2b was drawn and, thus, not subject to the future land use element of the EAMP; nor was Tract 2 of the Property included within “Area 4” (or any other area) of the UGMP. Tract 2 of Property, therefore, is an A-R “island” sandwiched between larger properties have either have already been developed into medium-high density residential, pursuant to the EAMP, or slated for future development into mixed-density residential pursuant to the UGMP.

Under Tract 2’s current A-R zoning, only one (1) single-family detached dwelling could be constructed on the Property. The Applicant, 4184 Todds LLC, seeks the requested rezoning to allow development of Tract 1 and Tract 2 into a single development of townhomes on the Property, offering much greater density than one single-family detached dwelling, consistent with the current land use at 4176 Todds Road and the future land use planned for the 124-acre property to the east and south. immediately surrounding properties. This proposed development would not only provide much-needed housing stock for our community, but would offer an appropriate density transition and connectivity from the medium/high-density 91-unit apartment complex to the west, and the future mix-density, mix-used development planned for the neighboring property to the east, 4200 Todds Road.

## **GOALS AND OBJECTIVES OF THE 2023 COMPREHENSIVE PLAN (IMAGINE LEXINGTON 2045)**

The Applicant’s proposal is in agreement with the Goals and Objectives of the 2023 Comprehensive Plan – Imagine Lexington 2045 (“Comprehensive Plan”). This development will supply housing for sale or rent to working families, which will provide an additional option to residents in this area of the community. Again, the Property is immediately adjacent to a 91-unit apartment complex; is in close proximity of a number of detached single-family developments

(across Todds Road and down Polo Club Blvd); and is bounded to the east by approximately 124 acres planned for future development into mixed-density residential and other mix-used development. The Applicant's project will supply an option for attached single-family housing for individual sale or rent, thus complying with the objectives of Theme A, Goal 1, "Expand Housing Choices," and Objective A.1.b., accommodating the demand for housing in Lexington responsibly, prioritizing higher-density and a mixture of housing types.

The Applicant's project proposes to develop townhomes on a tract which has been vacant for many years and which, under current A-R zoning, would be limited to one detached single-family dwelling. Accordingly, the Applicant's project is supportive of Goal A.2, to support infill and redevelopment through the Urban Service area as a strategic component of growth. Likewise, the Applicant's proposed project complies with Objective A.2.a. and A.2.b. by allowing infill development of this parcel into a townhome development which will be compatible with surrounding land uses and planned future land use on a large parcel next door to the east.

The Applicant's proposed rezoning and development of the Property is also in agreement with Goal A.3. of the Comprehensive Plan, which calls for the provision of well-designed neighborhoods and communities. The proposed development of the Property will offer pedestrian connectivity and the opportunity for social interaction with and between the 91-unit apartment complex immediately to the west and the future mix-density, mixed-use development planned for the 124-acre property immediately to the east. As such, the proposed rezoning and development will achieve Objective A.3.b., which calls for positive and safe social interaction in neighborhoods, including neighborhoods that are connected for pedestrians and various modes of transportation. The development of this long-vacant tract will minimize the disruption of natural features in furtherance of Objective A.3.c. Further, the proposed rezoning and development of the Property is in accord with Objective A.3.e., as it incorporates sidewalk connections between new and existing development. Additionally, by providing housing for sale to working families, the Applicant's proposal is supportive of Goal A.5., to provide equitable development and to rectify Lexington's segregation caused by historic planning practices and policies.

The Applicant's proposed project also complies with Theme D, "Improving a Desirable Community." Again, the proposal will offer connectivity between the proposed development on the Property and the adjacent medium-high density residential development to the west as well as the future mixed-use development planned for the neighboring property to the east, thus accommodating a pedestrian design and offering an alternative/relief to automotive traffic on Todds Road (Objective D.1.a.), and providing walkways as called for in Objective D.1.b.

Finally, the Applicant's proposed rezoning and development of the Property complies with Theme E, "Maintaining a Balance Between Planning for Urban Uses and Safeguarding Rural Land." The proposed rezoning and development of the Property assists in upholding the Urban Service Area concept by developing a parcel on an underutilized corridor (Objective E.1.d.), and by maximizing development on vacant land within the Urban Service Area and enhancing urban form (Objective E.1.e.). Also, by developing this vacant parcel, it assists in maintaining the Urban Service Area Concept (Goal E.1.).

## **POLICIES**

The Applicant’s proposed rezoning and development of the Property more than adequately addresses the policies of the 2023 Update to the Comprehensive Plan.

Pertaining to the Design Policies under Theme A, “Building and Sustaining Successful Neighborhoods,” this development is designed with walkways that offer pedestrian connectivity for both residents of the proposed development and those of adjacent developments, enabling non-vehicular movement and ensuring that roadways are moving people most efficiently (Policy 1). Todds Road is fully constructed to ensure that police and fire service times and access are more than adequate (Policy 2). The proposed development is sensitive to the surrounding context as it will seamlessly blend into the existing neighborhood by providing an appropriate “step-down” transition from the medium-high density Garden Springs Apartments (91-unit apartment complex) to the west of the Property, to the future mixed-density mixed-use development planned for 4200 Todds Road, while as the same time providing appropriate balance with the single-family detached neighborhood developments to the north, across Todds Road and down Polo Club Blvd (Policy 4). The development will provide pedestrian connections and will be walkable (Policy 5). A majority of the parking in the development will be in garages and in driveways, and therefore, the three small parking areas provided in the project design are not the primary visual component of the neighborhood (Policy 7). As mentioned above, the development of attached townhomes for sale individually or for rent to working families will provide another varied housing choice in this neighborhood that currently consists of medium-high density apartments and single-family detached dwellings (Policy 8).

As to the Density policies under Theme A, the Property is an infill lot on a long-overlooked parcel, with the Applicant proposing a context-sensitive design that will greatly increase density from one single-family detached dwelling (maximum under current A-R zoning) to townhomes under the proposed R-4 zoning (Policy 2). The Applicant’s proposed rezoning and development of the Property is in line with Density Policy #4, as it will provide a new compact single-family housing type in the neighborhood that will help address the market demand as reflected under Density Policy #4.

As to the equity policies under Theme A, the provision of housing available for purchase and rent by working families helps meet the demand for housing across all income levels, as called for in Equity Policy #1.

## **PLACE-TYPE, DEVELOPMENT TYPE & DEVELOPMENT CRITERIA**

With respect to Tract 2, the Applicant’s proposal fits within the Enhanced Neighborhood Place-Type, and within the Medium Density Residential (MR) Development Type. We are requesting the Planned Neighborhood Residential (R-4) zone for Tract 2, which is a recommended zone for our Place-Type.

Additionally, below is a discussion of development criteria applicable to the Place-Type and Development Type:

- A-DN2-1. This is infill residential, and the proposed rezoning and development would increase density over that which could be achieved under current A-R zoning.
- B-SU3-1. The proposed development would provide new compact single-family housing types.
- A-DS4-2 and A-DN2-2. By utilizing attached single-family residential uses, this development acts as an appropriate transition between the 91-unit apartment complex to the immediate west of the Property and the future mixed-density, mixed-used development planned for the approximately 124-acre parcel to the immediate east of the Property. Further, the proposed development will provide a new compact single-family housing type that offers appropriate balance with the detached single-family residential developments across Todds Road and down Polo Club Blvd.
- B-PR7-1 and B-PR9-1. The proposed development will minimize to the greatest extent possible disturbance to the existing trees and topography. There are no environmentally sensitive areas on the property.
- C-PS10-2, and A-DS7-1. Under the proposed development, the Property will not be over-parked. Most parking will be provided for in garages and driveways. The few striped guest parking spaces within the proposed development are minimal and oriented to the interior of the Property.
- A-DS5-1 and C-LI8-1. The proposed development will offer sidewalks through the development and points where those sidewalks will connect the proposed development with (1) the existing 91-unit apartment complex to the west, and (2) the future mixed-density, mixed-used development planned for the approximately 124-acre parcel to the immediate east of the Property. By doing so, the proposed development will offer pedestrian connectivity that will promote vehicle separation from pedestrians and a well-connected and activated public realm.
- B-RE1-1. The proposed development will improve the tree canopy.
- D-PL7-1. As mentioned below, the Applicant has attempted community engagement and will continue in its efforts to do so as the development process proceeds.

## **COMMUNITY ENGAGEMENT**

On November 24, 2025, the Applicant held a public meeting at Crossroads Church located at 4128 Todds Rd., Lexington, KY 40509, for the purpose of obtaining neighbor feedback regarding the proposed zone change and development of the Property. More than a week in advance of that meeting, the Applicant sent notice letters to each adjoining property owner within a 500-ft radius. One such neighbor was Crossroads Church, which was gracious enough to provide a space for the meeting. The only attendee at the meeting was a representative of Crossroads Church, and the undersigned and representatives of the Applicant had a nice discussion of the proposed development with the Crossroads Church representative. We will continue to seek out

opportunities to engage community members and obtain feedback about the proposed development.

### **COMPLIANCE WITH EAMP (TRACT 1)**

As stated, Tract 1 of the Property consists of 0.36 net acres (0.47 gross acres) within Expansion Area 2b of the EAMP and currently zoned EAR-1. The EAR-1 zone allows for residential development of 0-3 units per gross acre. Here, Tract 1 consists of 0.47 gross acres which, under the current EAR-1 zoning classification, would permit the Applicant 1.41 units on that portion of the Property. As shown in the proposed preliminary development plan, the Applicant's proposed development would include slightly more than 1.5 units on Tract 1. Thus, to be fully compliant, we are requesting a zone change for Tract 1 from EAR-1 to EAR-2 to permit up to six (6) dwelling units per gross acre, which is more than sufficient to accommodate our development plan.

The requested zone change for Tract 1 from EAR-1 to EAR-2 is compliant and in agreement with the EAMP. Under the EAMP, Expansion Area 2b was envisioned to have a full range of housing densities including low-, medium- and high-density. (See EAMP, p. 9.) The proposed development presents a negligible divergence from the density requirements for EAR-1 as it stands, seeking to develop what would equate to slightly more than 3 units per gross acre on Tract 1. Thus, the requested zone change from EAR-1 to EAR-2 to achieve compliance with maximum density requirements would not render Tract 1 out of compliance with the EAMP.

Rather, the requested zone change for Tract 1 from EAR-1 to EAR-2 would further the intent and objectives of the EAMP as it concerns Expansion Area 2b by blending a single-family attached housing type option into a neighborhood that already offers a 91-unit apartment complex (medium-high density on an EAR-1 lot next door) and single-family detached developments (low density across Todds Road and down Polo Club Blvd). In that way, the proposed rezoning of Tract 1 to EAR-2 will allow another varied housing choice in this neighborhood that currently consists largely of medium-high density apartments and single-family detached dwellings across Todds Road and down Polo Club Blvd, which is squarely in line with the vision for Expansion Area 2b and in agreement with the overall design principles, objectives and intent of the EAMP. (See EAMP, p. 20 at ¶6, "Residential development within the Expansion Areas should provide a range of housing types, sizes and costs.").

Alternatively, the EAR-1 zone is inappropriate and the EAR-2 zone is appropriate for Tract 1 because, since 1996, the housing needs of our community have shifted from lower to higher density such that requisite housing stock for working families in our community would be much better served by developing infill lots with 3-6 units per gross acre rather than 0-3 units per gross acre. Additionally, as discussed above, as compared to the 91-unit apartment complex next door and the single-family detached residential developments across Todds Road, the proposed development would offer diversity in housing types and prices points, which is in agreement with the Comprehensive Plan at the least.

## ALTERNATIVE JUSTIFICATION

In the alternative to the above, pursuant to KRS 100.213(1)(a), the Applicant submits that the Planning Commission can and should find, if necessary, that the existing zoning classifications of the subject Property (EAR-1 for Tract 1 and A-R for Tract 2) are inappropriate and that the proposed zoning classifications (EAR-2 for Tract 1 and R-4 for Tract 2) are appropriate.

Since 1996, the EAMP has designated the land to the west and north of the subject Property (and Tract 1 as well) as appropriate for low-, medium- or high density residential, and the EAR-1 tract to the immediate west of the Property has been developed into a 91-unit apartment complex. More recently, under the UGMP, no less than 124 acres immediately to the east and south of the subject Property were brought into the Urban Service Area, with a plan for future mixed-density and mix-use development of that land. In other words, the properties to the immediate east, south and west of the subject Property are either already densely developed or slated for dense residential development in the future. Given the development of 91 apartment units next door (zoned EAR-1) and changes to the planned future land use in the area (and the shifts in housing demand that necessitated those changes), the current zoning classifications of the subject Property – EAR-1 for Tract 1 and A-R for Tract 2 – are inappropriate to serve the needs of our community. Rather, proposed zone changes to EAR-2 for Tract 1 and R-4 for Tract 2 to allow higher density than that permitted under the current EAR-1 zoning for Tract 1 (0-3 units per gross acre) and especially the A-R zoning for Tract 2 (1 dwelling unit) is warranted and appropriate to maximize the utility of the Property in addressing the housing needs of working families in our community.

## CONCLUSION

Our proposed zone change will allow development of a long-vacant parcel within the Urban Service Area into attached single-family housing that will provide much-needed housing stock in our community while blending well into the fabric of the existing neighborhood and future residential and/or mixed-use developments envisioned for the immediate area. The proposed zone change and development is in agreement with the Comprehensive Plan, and we respectfully request that the Planning Commission approve the requested zone change.

Thank you for your consideration of this zone change request.

Sincerely,



J. Wesley Harned  
Attorney for 4184 Todds LLC