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T. Bruce Simpson, Jr.  
[bruce.simpson@rgcmlaw.com](mailto:bruce.simpson@rgcmlaw.com)  
Office: 859-721-2100  
Cell: 859-721-2862

January 27, 2022

Mr. Larry Forester, Chairperson  
Lexington Fayette Urban County Planning Commission  
c/o Mr. Hal Baillie, Division of Planning  
101 East Vine Street  
Lexington, Kentucky 40507

Re: Supplemental Justification for Zone Map Amendment (Former Masonic  
Lodge Property, 4085 Harrodsburg Rd)

Dear Chairperson Forester,

This is a supplemental justification for the zone map amendment request that will be considered today by the Planning Commission for the property located at 4085 Harrodsburg Road. I and my colleagues met with the Planning staff on several occasions since the filing of this request. As always, they have been most professional, cordial, and responsive to our requests and questions. Even before filing this request, we sought the staff's input and recommendation as to the kind of development which should take place on the subject property. As always, we appreciate their recommendations because we know that the Planning Commission values their assessment, this is as it should be. As an attorney for both developers and neighborhoods who appear before the Planning Commission, one of my goals is always to try and obtain the staff's recommendation which is consistent with my respective client's position. Every other planning and zoning attorney does likewise.

Regrettably, from the outset, it was clear that what we were proposing with this zone map amendment request was not going to receive the staff's recommendation of approval. This is because there were three major differences between us as regards how our proposed development complied with the 2018 Comprehensive Plan. These differences centered around the proposed density of the development, the development's interconnectivity with Syringa Drive and the development's access to Harrodsburg Rd. While there may be some other differences, these are the main one's, as we understand it that prevent the staff from moving towards supporting this zone change request.

This supplemental justification will, in principal part address two place types in the Placebuilder section of the Comprehensive Plan which the staff suggested should be expanded

upon. These two place types are, "Enhanced Neighborhood" and "Corridor." Although we believe that our initial submittal/justification was sufficient to warrant approval for this zone map amendment request, this supplemental justification addresses how our application complies with these two place types. However, to be perfectly candid, this supplemental justification will not likely persuade the staff to recommend approval of this zone change. We clearly have two different views about the approvability of this zone map amendment request.

As a prelude to this supplemental justification, there can be no dispute that our team engaged the existing neighborhood which surrounds this 11.6-acre site several times before the zone map amendment request was filed and several times after it was filed. All totaled, we had 7 meetings with the Palomar Neighborhood board and the neighbors. We also invited the staff to attend one of these neighborhood meetings where they shared their position as regards our request and they also responded to questions. From the very first meeting until the last neighborhood meeting, which was held, this past Tuesday, January 25<sup>th</sup>, the neighbors have been resolute as regards their position on the development of the subject property. That is to say, they viewed the construction of apartments as being wholly incompatible with their single-family neighborhood. This neighborhood was developed between the late 1980's and 2000. Indeed, the subject property is surrounded on three sides by single family homes. Secondly, the neighborhood was adamant that the connection of the Syringa Drive stub street should be restricted to only the residential component of this development. This is because, Palomar Boulevard which connects to Harrodsburg Rd has, over the years, become inundated with excess cut through traffic to and from Harrodsburg Road and Man O War Boulevard. Additionally, the streets in the Palomar Neighborhood were designed with brick pavers at various locations throughout the neighborhood. These brick pavers are maintained, repaired, and replaced by the neighborhood association from the mandatory assessments paid by Palomar homeowners. The added cut through traffic has increased repairs and maintenance of these pavers.

The proposed zoning is from Agricultural Urban (A-U) to Highway Service Business (B-3) and Planned Neighborhood Residential (R-3). As was noted in the initial submittal and development plan, the request is for commercial on the front part of the property facing Harrodsburg Rd, the B-3 segment with townhomes and single-family homes towards the rear of the property. The proposed townhomes and single-family homes are next to the existing single-family homes in the surrounding neighborhood. There are 9 single family houses in the surrounding neighborhood which are next to the proposed commercial uses. However, there is significant separation between the proposed commercial buildings and 6 of these nine houses. The entire site, as reflected on our amended preliminary development plan will have an 8-foot-tall opaque wood fence with intermittent brick columns as well as additional plantings of trees and other vegetation. For the 9 houses closest to the commercial section there will be enhanced screening and buffering. The specific details of this screening and buffering will be finalized with the adjoining neighbors at the final development plan stage.

## **CORRIDOR PLACE TYPE (MEDIUM DENSITY NON RESIDENTIAL MIXED USE) AND CONDITIONAL ZONING**

The commercial element of this proposed amendment consists of 7.43 acres. Although the proposed zoning is B-3, there will be no pawn shops or adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers. The site priorities for the Corridor Place Type are, (1) transit-oriented development, (2) high density residential, (3) community gathering spaces, and (4) redevelopment of underutilized property. The proposed site has a bus route along Harrodsburg Rd. A bus shelter will be provided on Harrodsburg Road in coordination with Lextran as well as stopping points in the interior of the retail component. The residential component will be medium to low density so as to be context sensitive both in size of the proposed new residential homes and the surrounding single family residential uses. There are community gathering spaces in both the commercial and residential areas. The proposed zone change will also redevelop the subject property from its past use as an underutilized Masonic Lodge. The proposed B-3, Highway Service Business zone is an appropriate zoning category for the commercial uses which front Harrodsburg Rd.

One of the staff's concerns about the proposed commercial segment of this proposed zone change is that the commercial uses as outlined on the preliminary development plan are not dense enough. To increase the density of the proposed commercial component, the applicant would have to add an additional story or more to the buildings shown on the plan. Very simply, there is no market for constructing multi-story retail. There is little to no demand for commercial spaces above the ground level. To be sure, if there were a demand for multistory retail, the applicant would develop such a project.

### **Development Criteria for Medium Density Non Residential Mixed Use**

The following development criteria are reflected on the amended preliminary development plan and discussed below:

A-DS3-1 Multi-family residential development should comply with the Multi-family Design Standards in Appendix 1

**Response:** There is no multifamily development on the property.

A-DS4-2 New construction should be at an appropriate scale to respect the context of the neighborhood structures; however, along corridors it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.

**Response:** The new construction as will be reflected during the presentation before the Planning Commission will be of an appropriate scale to respect the context of the neighboring structures

and will also be in compliance with the compatibility polices set out in Imagine Lexington to preserve the character of the neighborhoods which surround the subject property.

A-DS5-3 Building orientation should maximize connections with the surrounding area and create a pedestrian friendly atmosphere.

Response: As reflected on the development plan and the renderings shown during the hearing, there are two pedestrian walkways from the proposed residential section to the proposed retail shops. These pedestrian connections are clearly delineated and include mini parks or public gathering spaces for the residents and the general public who will visit the retail shops.

A-DS5-4 Development should provide a pedestrian oriented and activated ground level.

Response: See above.

A-DS7-1 Parking should be oriented to the interior or rear of the property for nonresidential or multi-family developments.

Response: There is no multifamily development proposed. The parking for the retail shops is oriented to the interior of the property with pedestrian paths to provide safety for the customers who park in the retail parking area.

A-DS7-2 Any non-residential or multifamily parking not buffered by a building should be screened from the streetscape view of adjacent properties.

Response: As reflected on the preliminary development plan, the entire perimeter of the subject property will be screened by an 8-foot-tall fence with enhanced landscaping.

A-DS7-3 Parking structures should activate the ground level.

Response: There are no parking structures.

A-DS8-1 At the individual street level, medium density housing should be interspersed with single family detached units and should be context sensitive

Response: As reflected on the preliminary development plan, the proposal is for a mixture of townhomes and single-family homes that will be context sensitive as will be shown during hearing.

A-DS10-1 Residential units should be within a reasonable walking distance of a focal point.

Response: As reflected on the preliminary development plan and which will be depicted during the hearing, there are three green space gathering areas on the preliminary development plan which will be used as focal points.

A-DS11-1 Common public uses that serve as neighborhood focal points, such as parks and schools should be on single loaded streets.

Response: The relatively small focal points for the proposed development are all internal to the development and are accessed by pedestrian connections along streets which serve the residential units. Single loaded streets would be counter-productive to the scale of this proposed development.

A-DN2-1 Infill residential density should aim to increase density.

Response: The proposed townhome and single-family homes do increase density on the subject property which only had one home. Moreover, the proposed density is compatible and context sensitive the surrounding single-family neighborhoods.

A-DN2-2 Development should minimize significant contrasts in scale, massing and design, particularly along the edge of historic areas and neighborhoods.

Response: As depicted on the preliminary development plan the proposed townhomes and single family homes are compatible in scale, massing and design with the homes in the surrounding single family neighborhood.

A-DN3-1 Pedestrian oriented commercial opportunities should be incorporated within the residential neighborhoods.

Response: As reflected on the preliminary development plan, these pedestrian connections exist and lead to focal points.

A-DN3-2 Developments should incorporate residential units in commercial centers with context sensitive design.

Response: As reflected on the preliminary development plan, there are townhomes adjacent to the retail shops with pedestrian connections.

A-EQ3-1 Development should create context sensitive transitions between intense corridor development and existing neighborhoods.

Response: Since the proposed development is surrounded on three sides by single family neighborhoods, the proposed development will have significant screening and buffering along the border and the transition from the commercial to the residential component will be context sensitive and compatible with the existing neighborhoods.

A-EQ7-1 School sites should be appropriately sized.

Response: No schools are proposed.

B-PR9-1 Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.

Response: There are no environmentally sensitive areas nearby. The existing topography will be used to develop the site except where necessary.

C-DI1-1 Consider flexible zoning options that will allow for a wide range of jobs.

Response: The proposed B-3 zoning will allow for a variety of businesses to be constructed along the Harrodsburg Road corridor which needs more commercial uses. Approximately 98% of the existing retail buildings from the Beaumont development to the Bellerive development in northern Jessamine County are occupied.

C-DI5-1 In opportunity zones with a clearly defined local context, consider adaptive reuse to enhance the existing context.

Response: The subject property is not in an opportunity zone.

C-LI2-2 Nonagricultural uses at or near potential or existing gateways, as mapped in the Rural Land Management Plan, should be buffered.

Response: This criterion does not apply to the subject property. It is not identified as a gateway as mapped in the Rural Land Management Plan.

C-LI2-3 Design should create a positive gateway character at existing and proposed gateways as identified in the Rural Land Management Plan.

Response: See above response.

C-LI2-4 Setback's signage and screening should compliment the iconic Bluegrass landscape along historic turnpikes, scenic byways, turnpikes and other scenic roads listed in the Rural Land Management Plan.

Response: See above response. This is an urban area of Lexington.

C-LI6-1 Development should incorporate multifamily housing and walkable commercial uses into development along arterials/corridors.

Response: The proposed development provides for a mixture of residential housing, increases density above the current use but does not include multifamily housing in order to be compliant with the context of the surrounding single-family neighborhoods, where such density and its height would be incongruous with the single family oriented neighborhood.

C-LI7-1 Developments should increase mixed use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.

Response: This proposal provides all these elements as reflected on the preliminary development plan.

C-PS9-2 Modify current office space to include complimentary uses.

Response: This criterion does not apply as there is no current offices space.

C-PS10-2 Developments should explore options for shared and flexible parking for currently underutilized parking lots.

Response: This criterion does not apply as there are no parking lots on the subject property.

C-PS10-3 Over parking of new developments should be avoided.

Response: The proposed development as reflected on the preliminary development plan is not over parked.

D-PL7-1 Stakeholders should be consulted site opportunities and constraints prior to submitting an application.

Response: The stakeholders, being the surrounding neighbors, were consulted several times prior to filing this zone map amendment request. They have also been consulted on four different occasions after this request was filed.

D-PL9-1 Historically significant structures should be preserved.

Response: There are no historically significant structures on the property. However, there are four historic trees which have been identified and these trees will be preserved.

D-PL10-1 Activate the streetscape by designating public art easements in prominent locations.

Response: While there are no specific plans for such easements, they will be considered should the zone map amendment request be approved.

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.

Response: Easements for necessary infrastructure will be provided.

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.

Response: No cell towers will be located on the subject property.

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

Response: The subject property is relatively small and there is more emphasis on context sensitive development uses and scale to be compatible with the surrounding neighborhoods and provide what these neighbors would like to see developed.

E-GR4-1 Developments should incorporate reuse of viable existing structures.

Response: The former single-family home which is on the property will be assessed for how its components can be used for the proposed development and elsewhere.

E-GR5-1 Structures with demonstrated historical significance should be preserved or adapted.

Response: The existing house on the property is not of historical significance. It is also in great disrepair. Vandals have significantly damaged the house.

E-GR9-1 Live/work units should be incorporated into residential developments.

Response: The proposed development with its pedestrian connections will provide the opportunity for future residents to walk to work should they gain employment at one of the future businesses.

E-GR-9-4 Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods.

Response: The proposed development will intensify the vacant property but will also be contextually sensitive to the single-family neighborhoods which surround the property.

E-GR-10-2 Development should provide walkable service and amenity-oriented commercial spaces

Response: The proposed developments has a significant focus on pedestrian connectivity to the commercial spaces.

A-DS1-1 Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes

Response: A shelter will be provided along with appropriate seating within the interior of the commercial areas.

A-DS1-2 Direct pedestrian linkages to transit should be provided.

Response: These pedestrian linkages will be provided at the time of final development plan approval.

A-DS4-1 A plan for connected multimodal network to adjacent neighborhoods, greenspaces, developments, and complimentary uses should be provided.

Response: Pedestrian and bicycle linkages will be provided to the designated greenspaces, public gathering areas.

A-DS10-2 New focal points should be designated with multimodal connections to the neighborhood.

Response: The pedestrian and bike paths are directed towards the three focal points in this proposed development.

A-DS13-1 Stub streets should be connected.

Response: The Syringa stub street will be connected to the new residential section. Due to excessive cut through traffic in the Palomar neighborhood from Harrodsburg Rd and Man O War, there will be no connection of Syringa Drive to the commercial area of the new development. There will be pedestrian and bicycle linkages to the commercial area.

A-EQ3-2 Development on corridors should be transit oriented (dense and intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure and facilities.)

Response: A shelter will be created on Harrodsburg Rd. The entire development will be walkable internally and connected to adjacent neighborhoods. Seating will be provided for those persons using mass transit within the commercial development.

A-EQ7-2 Multimodal transportation options for healthcare and social service facilities should be provided.

Response: To the extent any such services are located on the subject property, the same multimodal options discussed above will be available.

B-SU4-1 Where greenspace/community centers are not located within walking distance of a new development, applicants should attempt to incorporate these amenities.



Response: As referenced above the greenspace areas will be accessible by residents via pedestrian and bicycle paths.

C-PS10-1 Flexible parking and shared parking should be utilized

Response: The parking for the commercial uses will be limited to the commercial uses based on the zoning requirements for required parking.

D-CO1-1 Rights of way and multimodal facilities should be designed to reflect and promote the desired place type.

Response: The rights of way and multimodal facilities as reflected on the preliminary development plan reflect compliance with this criterion.

D-CO2-1 Safe facilities for all users and modes of transportation should be provided.

Response: The proposed pedestrian and bicycle linkages are not connected to vehicle paths. They are separate. The bus shelter will help protect bus riders from inclement weather.

D-CO2-2 Development should create and/or expand a safe, connected multimodal transportation network that satisfies all users needs, including those with disabilities.

Response: As referenced above, there will be safe pedestrian and bike paths, sheltered bus stops, seating for bus riders within the commercial site. The site will be developed to be in compliance with the American with Disabilities Act and other relevant statutes applicable for use by disabled citizens.

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.

Response: The subject property at only 11 acres is not large enough to have the room or need for multiple parallel streets.

D-CO5-1 Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.

Response: There is only one new street being added to access the new residential units. It is a relatively short street with a curve which will encourage vehicles to be drive slowly.

D-SP1-3 Developments should provide multimodal transportation infrastructure to school sites, including sidewalks, shared use paths, and roadways that can accommodate the bus and vehicle traffic associated with the site.

Response: As discussed above, multimodal elements will be provided to and from the development and within the development. However, there are no school sites nearby.

E-ST3-1 Development along major corridors should provide for ride sharing, pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area.

Response: The subject property is too small to provide for park and ride functions and still be in compliance with the zoning ordinances governing required parking for the commercial spaces.

A-DS4-3 Development should work with existing landscape to the greatest extent possible, preserving key natural features.

Response: The plan is to work with the existing landscape, enhance it where necessary and to preserve the trees which need preserving.

A-EQ7-3 Community open spaces should be easily accessible and clearly delineated from private open spaces.

Response: As reflected on the preliminary development plan the community open spaces are clearly delineated from private open spaces.

B-PR2-1 Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.

Response: No environmentally sensitive areas will be impacted by this development.

B-PR2-2 Dividing floodplains into privately owned parcels with flood insurance should be avoided.

Response: There are no floodplains on the property.

B-PR2-3 Floodplains should be incorporated into accessible greenspace and additional protection should be provided to areas around them.

Response: See above response.

B-PR7-1 Connections to greenways, tree stands, and stream corridors should be provided.

Response: There are no nearby greenways or stream corridors. A significant tree stand will be protected.

B-PR7-2 Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability.

Response: As reflected on the proposed preliminary development plan, and perimeter landscape plan, there will a significant number of trees planted on the subject property particularly along the perimeter.

B-PR7-3 Developments should improve the tree canopy.

Response: The proposed development will significantly improve the tree canopy as reflected on the proposed preliminary development plan and renderings of the proposed development.

B-RE1-1 Developments should incorporate street trees to create a walkable streetscape.

Response: Street trees will be installed as required by the zoning ordinance. Additional trees will be added in the mini park areas.

B-RE2-1 Green infrastructure should be used to connect the greenspace network.

Response: Green infrastructure will be used to the extent it is economically viable to do so.

D-SP2-1 Visible usable greenspace and other natural components should be incorporated into school site.

Response: There is no school site planned for the subject property.

D-SP2-2 Active and passive recreation opportunities should be provided on school sites.

Response: See response above.

E-GR3-1 Physical and visual connections should be provided to existing greenway networks

Response: There are no existing greenway networks adjacent to the subject property.

E-GR3-2 New focal points should emphasize geographic features unique to the site.

Response: The proposed focal points are relatively small but in the context of the proposed development they are significant areas where people can gather, socialize and in the larger mini park, the children can play.

### **ENHANCED NEIGHBORHOOD PLACE TYPE (LOW DENSITY RESIDENTIAL)**

The residential portion of the proposed development can best be assessed under the Enhanced Neighborhood (Low Density Residential) Place Type as referenced in the Placebuilder section of the 2018 Comprehensive Plan. This residential component will be integrated into an existing single-family neighborhood (Palomar Hills) which also has some townhomes located closer to the Man O War access point to the Palomar neighborhood. The proposed residential homes will be similar in scale to the homes in the existing neighborhood but will likely be more expensive. Access to this new residential area will be off Syringa Drive. There is also the prospect that this new residential section will become part of the formal Palomar neighborhood association. Below is a discussion of how the development criteria for this Place Type will be met with the proposed development. Many of these same development criteria also apply to the nonresidential component of this proposed development addressed above.

A-DS5-3 Building orientation should maximize connections with the surrounding area and create a pedestrian friendly atmosphere.

Response: As reflected on the development plan, there are two pedestrian walkways from the proposed residential section to the proposed retail shops. These pedestrian connections are clearly delineated and include mini parks or public gathering spaces for the residents and the general public who will visit the retail shops.

A-DS7-1 Parking should be oriented to the interior or rear of the property for nonresidential or multi-family developments.

Response: There is no multifamily development proposed. The parking for the retail shops is oriented to the interior of the property with pedestrian paths to provide safety for the customers who park in the retail parking area

A-DS7-2 Any non-residential or multifamily parking not buffered by a building should be screened from the streetscape view of adjacent properties.

Response: As reflected on the preliminary development plan, the entire perimeter of the subject property will be screened by an 8-foot-tall fence with landscaping.

A-DS10-1 Residential units should be within a reasonable walking distance of a focal point.

Response: As reflected on the preliminary development plan and which will be depicted during the hearing, there are three green space gathering areas on the preliminary development plan which will be used as focal points.

A-DS11-1 Common public uses that serve as neighborhood focal points, such as parks and schools should be on single loaded streets.

Response: The relatively small focal points for the proposed development are all internal to the development and are accessed by pedestrian connections along streets which serve the residential units. Single loaded streets would be counterproductive to the scale of this proposed development.

A-DN2-1 Infill residential density should aim to increase density.

Response: The proposed townhome and single-family homes do increase density on the subject property which only had one home. Moreover, the proposed density is compatible and context sensitive the surrounding single-family neighborhood.

A-DN6-1 Allow and encourage new compact single family housing types.

Response: The proposed residential development will have comparatively smaller lots than the existing neighborhood. These houses will be closer together than most of the homes in Palomar. The townhomes, of course, will be much smaller than the single family houses in Palomar, although likely as expensive as the single family homes in Palomar.

A-EQ7-1 School sites should be appropriately sized.

Response: No schools are proposed.

B-PR9-1 Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.

Response: There are no environmentally sensitive areas nearby. The existing topography will be used to develop the site except where necessary.

B-SU11-1 Green infrastructure should be implemented in new development.

Response: Green infrastructure will be considered during the development of the property, but its cost will be a major factor in determining whether it will be used.

C-LI6-2 ADU's and/or affordable housing options should be incorporated into existing and new single family residential development.

Response: The cost of the subject property at \$4.6 million dollars precludes the creation of affordable housing on this site unless government subsidies are made available.

C-LI7-1 Developments should increase mixed use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.  
Response: This proposal provides all these elements as reflected on the preliminary development plan.

C-PS10-2 Developments should explore options for shared and flexible parking for currently underutilized parking lots.  
Response: This criterion does not apply as there are no parking lots on the subject property.

C-PS10-3 Over parking of new developments should be avoided.  
Response: The proposed development as reflected on the preliminary development plan is not over parked.

D-PL7-1 Stakeholders should be consulted site opportunities and constraints prior to submitting an application.  
Response: The stakeholders, being the surrounding neighbors, were consulted several times prior to filing this zone map amendment request. They have also been consulted on four different occasions after this request was filed.

D-PL9-1 Historically significant structures should be preserved.  
Response: There are no historically significant structures on the property. However, there are four historic trees which have been identified and these trees will be preserved.

D-SP1-1 Elementary and middle schools should be located within residential neighborhoods and high schools primarily along collector streets.  
Response: There are no schools planned for the subject property.

D-SP1-2 An open and inviting school campus/locale should utilize frontage on single loaded streets (also true for other support facilities, like parks, community centers, social services, and healthcare)  
Response: See response above. There are only mini parks planned for the subject property which are designed to serve the residents of this new subdivision.

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.  
Response: Easements for necessary infrastructure will be provided.

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.  
Response: No cell towers will be located on the subject property.

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

Response: The subject property is relatively small and there is more emphasis on context sensitive development uses and scale to be compatible with the surrounding neighborhoods and provide what these neighbors would like to see developed.

E-GR4-1 Developments should incorporate reuse of viable existing structures.

Response: The former single-family home which is on the property will be assessed for how its components can be used for the proposed development and elsewhere.

E-GR5-1 Structures with demonstrated historical significance should be preserved or adapted.

Response: The existing house on the property is not of historical significance. It is also in great disrepair. Vandals have significantly damaged the house.

E-GR9-1 Live/work units should be incorporated into residential developments.

Response: The proposed development with its pedestrian connections will provide the opportunity for future residents to walk to work should they gain employment at one of the future businesses.

E-GR9-3 Less intense multifamily residence types (duplexes, four-plexes, courtyard apartments, etc.) should be incorporated into primarily single-family areas.

Response: Because single family homes surround the subject property on three sides, it is more context sensitive and compatible to have single family homes and townhomes, which is also what the stakeholders prefer.

E-GR-9-4 Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods.

Response: The proposed development will intensify the vacant property but will also be contextually sensitive to the single-family neighborhoods which surround the property.

A-DS1-1 Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes

Response: A shelter will be provided along with appropriate seating within the interior of the commercial areas.

A-DS1-2 Direct pedestrian linkages to transit should be provided.

Response: These pedestrian linkages will be provided at the time of final development plan approval.

A-DS4-1 A plan for connected multimodal network to adjacent neighborhoods, greenspaces, developments, and complimentary uses should be provided.

Response: Pedestrian and bicycle linkages will be provided to the designated greenspaces, public gathering areas.

A-DS5-1 Adequate multimodal infrastructure should be provided to ensure vehicle separation from other modes of transport.

Response: As reflected on the preliminary development plan, the pedestrian and bicycle paths are separated from vehicle use areas.

A-DS5-2 Roadways should provide a vertical edge such as trees and buildings.

Response: The proposed roadways in this development comply with this criterion.

A-DS10-2 New focal points should be designed with multimodal connections to the neighborhood.

Response: Pedestrian and bicycle paths are provided to the new focal points in the development.

A-DS13-1 Stub streets should be connected.

Response: The Syringa stub street will be connected to the new residential section. Due to excessive cut through traffic in the Palomar neighborhood from Harrodsburg Rd and Man O War, there will be no connection of Syringa Drive to the commercial area of the new development. There will be pedestrian and bicycle linkages to the commercial area.

B-SU4-1 Where greenspace/community centers are not located within walking distance of a new development, applicants should attempt to incorporate these amenities.

Response: As referenced above the greenspace areas will be accessible by residents via pedestrian and bicycle paths.

D-CO1-1 Rights of way and multimodal facilities should be designed to reflect and promote the desired place type.

Response: The rights of way and multimodal facilities as reflected on the preliminary development plan reflect compliance with this criterion.

D-CO2-1 Safe facilities for all users and modes of transportation should be provided.

Response: The proposed pedestrian and bicycle linkages are not connected to vehicle paths. They are separate. The bus shelter will help protect bus riders from inclement weather.

D-CO2-2 Development should create and/or expand a safe, connected multimodal transportation network that satisfies all user needs, including those with disabilities.

Response: As referenced above, there will be safe pedestrian and bike paths, sheltered bus stops, seating for bus riders within the commercial site. The site will be developed to be in compliance with the American with Disabilities Act and other relevant statutes applicable for use by disabled citizens.

D-CO4-2 Dead end streets and cul-de-sacs should be discouraged except where connections are not topographically or environmentally feasible.

Response: This development does incorporate a cul-de-sac with the Syringa Drive extension. The purpose of this is to keep the higher intensity commercial traffic from using

the streets in Palomar as a cut through path. There are bicycle and pedestrian connections from the Syringa cul-de-sac extension to the retail shops.

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.

Response: The subject property at only 11 acres is not large enough to have the room or need for multiple parallel streets.

D-CO5-1 Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.

Response: There is only one new street being added to access the new residential units. It is a relatively short street with a curve which will encourage vehicles to be drive slowly.

D-SP1-3 Developments should provide multimodal transportation infrastructure to school sites, including sidewalks, shared use paths, and roadways that can accommodate the bus and vehicle

Associated with the site.

Response: As discussed above, multimodal elements will be provided to and from the development and within the development. However, there are no school sites nearby.

A-DS4-3 Development should work with existing landscape to the greatest extent possible, preserving key natural features.

Response: The plan is to work with the existing landscape, enhance it where necessary and to preserve the trees which need preserving.

A-EQ7-3 Community open spaces should be easily accessible and clearly delineated from private open spaces.

Response: As reflected on the preliminary development plan the community open spaces are clearly delineated from private open spaces.

B-PR2-1 Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.

Response: No environmentally sensitive areas will be impacted by this development.

B-PR2-2 Dividing floodplains into privately owned parcels with flood insurance should be avoided.

Response: There are no floodplains on the property.

B-PR2-3 Floodplains should be incorporated into accessible greenspace and additional protection should be provided to areas around them.

Response: See above response.

B-PR7-1 Connections to greenways, tree stands, and stream corridors should be provided.

Response: There are no nearby greenways or stream corridors. A significant tree stand will be protected.



B-PR7-2 Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability.

Response: As reflected on the proposed preliminary development plan, and perimeter landscape plan, there will a significant number of trees planted on the subject property particularly along the perimeter.

B-PR7-3 Developments should improve the tree canopy.

Response: The proposed development will significantly improve the tree canopy as reflected on the proposed preliminary development plan and renderings of the proposed development.

B-RE1-1 Developments should incorporate street trees to create a walkable streetscape.

Response: Street trees will be installed as required by the zoning ordinance. Additional trees will be added in the mini park areas.

B-RE2-1 Green infrastructure should be used to connect the greenspace network.

Response: Green infrastructure will be used to the extent it is economically viable to do so.

D-SP2-1 Visible usable greenspace and other natural components should be incorporated into school site.

Response: There is no school site planned for the subject property.

D-SP2-2 Active and passive recreation opportunities should be provided on school sites.

Response: See response above.

E-GR3-1 Physical and visual connections should be provided to existing greenway networks

Response: There are no existing greenway networks adjacent to the subject property.

E-GR3-2 New focal points should emphasize geographic features unique to the site.

Response: The proposed focal points are relatively small but in the context of the proposed development they are significant areas where people can gather, socialize and in the larger mini park, the children can play.

In summary the 2018 Comprehensive Plan, more so than any previous Comprehensive Plan devotes a great deal of emphasis on early neighborhood engagement and context sensitive development. The proposed development is the product of numerous meetings with the stakeholders with the result being that the proposed development is designed to be compatible with the as built single family neighborhood that surrounds the subject property on three sides. The 2018 plan also emphasizes the incorporation of greenspace within proposed new developments as well pedestrian, and bicycle connections to adjoining neighborhoods and new shopping venues. This proposed development provides for these features. There is approximately 58,000 square feet of open space in this development or 1.3 acres. The 2018 Comprehensive Plan urges the creation of focal points within new developments. In this development, though it is only 11.6

acres in size, there are three mini parks or public gathering spaces, two within the residential section and one in the commercial area. The 2018 Comprehensive Plan encourages increasing the tree canopy and this development will substantially increase the tree canopy should the zone map amendment be approved. This proposal complies with almost all the development criteria set out in Placebuilder. While there may be room for discussion on the amount of density being added and the Syringa Drive connection, all relevant planning criteria being considered as a whole, this proposal is substantially in conformance with the 2018 Comprehensive Plan.

This zone map amendment request can also be approved, pursuant to the provisions of KRS 100.213(1)(a) which provides that a zone map amendment can be approved if it is established that the existing zoning, in this case Agricultural Urban (A-U), is inappropriate and the proposed zoning, Highway Service Business (B-3) and Planned Neighborhood Residential (R-3) is appropriate. It is clear that the existing zoning of Agricultural Urban is not appropriate for the subject property which is inside the Urban Services Area and bounded on three sides by single family residential homes. As stated in the "Intent" section of this ordinance, the A-U zone is "intended to control the development of rural land within the Urban Service Area over a period of time so as to manage the growth of the community. In order to avoid premature or improper development, land should remain in this zone until public facilities and services are or will be adequate to serve urban uses." There is no dispute that public facilities and services are available to serve the subject property. Water, gas, electric, fiber optic cable, phone lines and sanitary sewers are available. In fact, a new public sanitary sewer line has been constructed to serve this development and other parcels which front along Harrodsburg Road from the intersection of Man O War Boulevard and Harrodsburg Road to the Villages at South Elkhorn. The subject property will be served by new sanitary sewer line and will not need to be connected to the Palomar neighborhood sewer system.

The principal uses in the A-U zone are also the same uses permitted in the Agricultural Rural (A-R) zone which is expressly devoted to land uses outside of the Urban Services Area. The two principal uses listed in the A-R zone are: "(1.) Land used solely for agricultural purposes, including small farm wineries and equine-related activities, as outlined in KRS 100 and (2.) single-family detached dwellings. The A-U zone also expressly permits "farm tours and hayrides." The subject property has not been used for agricultural purposes for more than 60 years. The Masons and Shriner's Hospital owned the subject property for 38 years until they sold it to the applicant in 2021. The Mason's used the property for their meetings and fish fry's to raise money for their organization. Prior their use the property was used only as a single-family home.

Urban development has surrounded the subject property and it has been ripe for urban development since the Palomar subdivision was first establish in the 1980's. Agricultural uses such as growing crops, raising cattle, breeding, boarding, and training horses are wholly incompatible when such uses are surrounded by single family subdivisions. No hayrides or farm tours will take place on the subject property. There is no farm to tour and there is no hay on the property for a hayride. The existing A-U zone is not appropriate given its location within the urban core of Lexington and surrounded by higher intensity urban uses. However, the proposed mixed-use zoning of B-3 and R-3, for commercial and residential uses, respectively is appropriate. The demand for residential housing has been high in Lexington for more than 2 years. Housing prices

have increased significantly. Similarly, there is a need for commercial uses in the Harrodsburg Road corridor. Approximately 98% of the existing zoned retail space between the Beaumont commercial center at the intersection of Harrodsburg Road and New Circle Rd and the Bellerive commercial development just across the Fayette County line in northern Jessamine County is fully leased. Within 560 feet of the subject property to south is a commercially zoned and residentially zoned property also fronting Harrodsburg Rd. This property known as the Ethington property is being developed in the same manner that is being proposed for the subject property, to wit: commercial, townhomes and single-family homes. The Fountains commercial development adjoins the subject property to the north along Harrodsburg Rd. The proposed zoning with its context sensitivity to the surrounding residential homes is more appropriate. Thus, this proposed zone change can most certainly be approved based on KRS 100.213(1)(a). (The existing zoning classification given to the subject property is inappropriate, and the proposed zoning classification for the subject property is appropriate.)

Best regards,

A handwritten signature in blue ink that reads "T. Bruce Simpson, Jr." The signature is written in a cursive style with a large, stylized "T" and "S".

T. Bruce Simpson, Jr.

TBS/skh