

September 1, 2017

Urban County Planning Commission
Division of Planning – Planning Services Section
c/o Mr. William Wilson, Chairperson
200 East Main Street
Lexington, Kentucky 40507

Re: Jason L. Justice / Ashford Oaks Village
Rezone of Portion of 6800 Man O War Boulevard from EAR-2 to CC
Conditional Use Permit – Assisted Living Facility
Building Height Variance – 35 feet to 48 feet

Dear Members of the Planning Commission:

We represent Jason L. Justice for his application for a zone map amendment request for a portion of the property located at 6800 Man O War Boulevard, along with a conditional use permit and dimensional variance for a minor portion thereof. The subject property is 37.06 acres, and it is currently split zoned between the Expansion Area Residential 1 (EAR-1) Zone and the Expansion Area Residential 2 (EAR-2) Zone. The applicant is seeking the following: (1) A rezone of 5.13 acres (net) of the EAR-2 Zone to Community Center (CC) Zone; (2) A conditional use permit in the EAR-2 Zone for an assisted living facility consisting of 120 beds; and (3) A dimensional variance to increase the maximum allowable height of a building in the EAR-2 Zone from 35 feet to 48 feet for the above referenced assisted living facility.

The subject property is currently vacant, and it is used by the applicant as pasture and for other agricultural purposes. The applicant desires to develop the 37.06 acres site into a retirement community with services and amenities to promote independent living with 118 townhouse, villa and cottage units, along with an on-site assisted living facility in the future with 120 beds. The development will include the existing pond, pedestrian access ways, tennis courts, pools and other recreational and community facilities for the use of the residents. The development will also include a small commercial component to allow for targeted neighborhood businesses (e.g., restaurants, barbers, and stylists) to service the residents of the development. For the assisted living facility to fit within the density of the development, it needs the flexibility to have a third floor. The applicant's plan is for residents in the surrounding neighborhoods and area to have a high quality retirement community for themselves and their relatives, as their needs may arise in the future. There are currently no retirement communities in close proximity of the subject property.

Currently, the subject property is surrounded by complementary uses. The subject property is in close proximity to a number of residential subdivisions (Meadow Oaks (Ashford Oaks), Greenbrier Estates, and Glenneagles), along with the Greenbrier Golf & Country Club.

To the east, the subject property is bordered by Man O' War Boulevard. The applicant owns the property to the north and east of the subject property, which is being retained as his residence and farm. The closest retail store is almost 1 mile away by vehicle. Based on the above described properties, the proposed development will complement the surrounding area and provide commercial services that are not currently provided within close proximity.

The subject property was rezoned in 2001 from Agricultural Rural (A-R) Zone to EAR-1 and EAR-2 in compliance with the Expansion Area Master Plan, as adopted by the Comprehensive Plan. The approved development plan for the subject property proposed multi-family, townhouses, and single family units on the subject property. The Expansion Area Master Plan sets forth provisions to guide growth within the Expansion Area to the Urban Service Area, encouraging new development in the Expansion Area "to function as a 'community'" with a mix of uses, housing types and community facilities.

The zone change request for 5.13 acres (net) from EAR-2 Zone to CC Zone is appropriate for the subject property, as outlined above, and is in compliance with the stated Principles of the Expansion Area Master Plan. The zone change will allow neighborhood commercial uses and greater flexibility for the applicant to develop the subject property. The zone change satisfies Theme A, Goal 3, of the Comprehensive Plan, by expanding mixed use development options connected with pedestrian modes of transportation to housing communities. The zone change also satisfies Theme D, Goal 2, of the Comprehensive Plan, by providing accessible community facilities and services to meet the health, safety and quality of life needs of Lexington.

The applicant desires to have an assisted living facility in the EAR-2 Zone, which is a conditional use. The 2013 Comprehensive Plan acknowledges the strong growth of the medical industry in Lexington as "a large percentage of our population continues to age." As mentioned above, the applicant desires to allow the area residents to transition from the typical housing unit to an independent unit, and finally, transition to an assisted living facility in the development. An assisted living facility would not have an adverse influence on the subject property or surrounding neighborhoods. It would in fact expand the housing options and types in this area of Lexington.

The assisted living facility is proposed to be three stories in height. The height maximums for the EAR-2 Zone is for the typical building, which has a floor-to-floor dimension of 10 feet. A medical related building has a floor-to-floor dimension of 16 feet to accommodate the large amount of ductwork, cabling and other infrastructure in the ceiling between floors. Forty-eight feet is necessary for a three story medical related building. The additional height of the building is only 13 feet beyond what is permitted in the EAR-2 Zone. The proposed building will be almost 500 feet from the closest residence on the adjacent properties. Granting this variance is permissible under Section 7-6(b)(1) of the Zoning Ordinance.

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As discussed more fully below, these requests comply with the Comprehensive Plan and the Expansion Area Master Plan.

Very truly yours,

A handwritten signature in black ink, appearing to read "Job D. Turner, III". The signature is written in a cursive style with a large loop at the end.

Job D. Turner, III

cc: Mr. Jason L. Justice
P. Branden Gross, Esq.

JDT/pbg

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