

July 3, 2017

Mr. William Wilson, Chairman
Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, Kentucky 40507

RE: Zone Change Application from A-U/R-1T to R-3
2311 Armstrong Mill Road and 3539 Kenesaw Drive

Dear Chairman Wilson:

Please be advised that we represent Atchison Heller Construction, which has a contract to purchase 2311 Armstrong Mill Road and 3539 Kenesaw Drive here in Lexington. The Planning Commission previously heard this application at its March 2017 meeting, and approved our early rehearing request at its June 22, 2017 meeting. My client desires to rezone the above-mentioned parcels from their current agricultural category (and a small portion of R-1T zoned property) to the Planned Neighborhood Residential Zone (R-3). We believe this parcel can be redeveloped in accord with the goals and objectives of the 2013 Comprehensive Plan. Additionally, we submit that the present zoning is no longer appropriate and the proposed zone is appropriate.

The above referenced properties are located about seven tenths of a mile from the current eastern boundary of the Urban Service Area. To the south is the entrance to Hartland, one of Lexington's largest residential communities. To the east are several R-1T zoned properties and the Squire Mill Townhomes development, an R-3 zoned project. To the north are R-1E zoned single family residential properties, and to the west is the Victory Baptist Church. The general area, at this point, has mostly been developed, though there are a few remaining undeveloped parcels. The land use in the area is almost exclusively residential.

My client proposes to develop the subject property with a mix of single-family residential units and townhomes. We believe our proposal is a reasonable request, an appropriate use of the land considering the surrounding uses, and is in accord with many of the goals and objectives of the 2013 Comprehensive Plan. Our plan attempts to achieve an appropriate amount of residential density, while at the same time endeavors to save several of the large trees on the lot. We believe the proposal largely mirrors the types of uses that are already present in the area, and should not be a significant change for adjoining property owners. Additionally, the preliminary development plan has gone through several changes in light of staff and Commission concerns raised during the initial zone change hearing. The

numerous points of agreement with the 2013 Comprehensive Plan will be discussed in detail below.

Additionally, we submit that the A-U zoning designation is no longer appropriate and R-3 zoning is appropriate. The intent of the A-U zone, as articulated in Zoning Ordinance §8-4(a), states that the zone is appropriate “until public facilities and services are or will be adequate to serve urban uses.” The subject property has roadway access, access to sanitary and storm sewers, and can be serviced by LFUCG Emergency Services, Waste Management vehicles, and utilities. In short, the “holding” zone, based on the intent section of the zone, becomes inappropriate once public services are available. Here, it is clear that there are adequate public facilities and services to serve the proposed development. Additionally, it appears the property is too small (only about 11 ½ acres, in total) to provide for a viable agricultural use.

In sum, we believe that this rezoning request is in accord with many of the goals and objectives of the Comprehensive Plan, and further submit that the current zone is inappropriate and the proposed zone is appropriate. We are pleased with the compromises we have been able to reach with staff regarding their concerns, and believe the request is now approvable by the Commission. Our conclusion that this rezoning request is in agreement with the 2013 Comprehensive Plan (hereinafter “Comp Plan”) is based on the following:

Growing Successful Neighborhoods

Theme A of the Comp Plan embraces several goals regarding residential life in Fayette County. We believe this redevelopment proposal embraces Goals 1, 2 and 3 articulated in Theme A of the Comp Plan.

Expand housing choices. The first goal articulated in the first theme of the Comp Plan is to expand housing choices. Our proposal seeks to integrate two different forms of housing choice in to the same “neighborhood” – single family and townhome. We believe providing a diversity of housing options in the same general area makes for a desirable community. Additionally, market trends indicate that many individuals, including young professionals and the elderly, sometimes prefer a townhome option to a single family residential home due to a desire to limit maintenance obligations, though single family residential is still a very popular option. Mixed housing types in neighborhoods are emphasized in the Comp Plan, and several successful Lexington neighborhoods demonstrate the successful nature of this concept.

Support infill and redevelopment throughout the Urban Service Area as a strategic component of growth. This goal is accomplished by identifying areas of opportunity for infill, redevelopment and adaptive reuse that respect the area’s context and design features whenever possible. This project would provide additional residential density while still respecting the context of the surrounding area. As you are no doubt aware, 95% of Fayette

County's population resides within the Urban Services Area ("USA"), and this number is expected to rise by nearly 35,000 people by 2020 (Comp Plan, p. 13). It is anticipated that the USA will reach its capacity within the next 12 to 17 years. Thus, redevelopment is needed to provide services to the ever increasing population within the USA.

Provide well designed neighborhoods and communities. The Comp Plan calls not only for well-designed new developments, but to provide enhancements to existing neighborhoods to increase their desirability (Comp Plan, p. 38). The proposed development will add density and diversity of housing choice in a highly desirable area. We believe by providing similar uses to those in the area, the existing residential neighborhoods in the area will be enhanced. We have also endeavored to preserve large trees on the lot. We have provided for mixed-type housing options, as specifically called for in the objectives of this Goal.

Creating Jobs and Prosperity

Theme C of the Comp Plan embraces goals related to continued economic prosperity in Fayette County. We believe this redevelopment proposal embraces elements of Goal 2 of Theme C of the Comp Plan.

Attract the world's finest jobs, encourage entrepreneurial spirit, and enhance our ability to recruit and retain a talented, creative workforce by establishing opportunities that embrace diversity with inclusion in our community. One way to attract new jobs and young professionals to Lexington is by providing housing choice and other quality of life opportunities that will bring a workforce of all ages and talents to the city. The proposed development will allow new residences and greater residential density in a desirable area. This, in turn, will make Lexington a more desirable place to live.

Maintaining a Balance Between Planning for Urban Uses and Safeguarding Rural Land

Theme E of the Comp Plan embraces goals related to preserving rural land while encouraging growth. We believe this redevelopment proposal embraces elements of Theme E of the Comp Plan.

Uphold the Urban Services Area concept. This goal requires close monitoring of the absorption of vacant or under-utilized land in the Urban Service Area as well as encouraging the compact, contiguous, and/or mixed-use sustainable development within the Urban Service Area to accommodate future growth needs. As discussed above, this provides additional residential density in a desirable neighborhood, thus reducing the demand for new housing and an expansion of the USA.

The Comp Plan also encourages maintenance of this balance by encouraging infill, redevelopment, and adaptive reuse. The project discussed here would involve both infill and redevelopment concepts. The Comp Plan provides guidelines in what it calls "context-sensitive design." This allows for a project to approach the development with an eye

towards the exterior and architectural features that reflect, relate to, or are in proportion to the surrounding neighborhood (Comp Plan, p. 98). Context-sensitive design can quell many of the fears expressed by neighborhood residence when presented with an infill project (Comp Plan, p. 101). Infill and redevelopment are geared towards improvement, reinvigoration, and development of the quality neighborhoods that create compact development, livable neighborhoods, and viable neighborhood commercial centers (Comp Plan, p. 98). The Comp Plan admits that to successfully achieve infill and redevelopment, regulatory change to the Zoning Ordinance must be reviewed on a regular basis (Comp Plan, p. 99). Of course, we are committed to a context-sensitive residential development, and demonstrate that commitment through our zoning development plan.

Present Zone Inappropriate, Proposed Zone Appropriate

As was discussed above, we also submit that the present A-U zone is no longer appropriate and that R-3 zoning is appropriate. The intent of the A-U is to provide for a "holding" zone "until public facilities and services are or will be adequate to serve urban uses." It is unquestionable that the subject property can be adequately served by the existing infrastructure and services in the area. Simply stated, this parcel is ready for development.

Having addressed the inappropriateness of the A-U zone, it is further appropriate to determine whether R-3 is an appropriate zone. We submit that R-3 is wholly appropriate for this location. The zoning development plan reflects the suitability of R-3 zoning for the site, as it allows housing variety, while also providing for additional density in a desirable neighborhood. Further, many neighborhoods have flourished with a combination of single family housing and townhome developments. For instance, Masterson Station, one of the largest residential communities in Lexington, is a combination of single family residential (R-1D, R-1E) and planned neighborhood residential (R-3) zones.

Alterations from Prior Plan

The preliminary development plan filed contemporaneously with this application reflects several improvements from its prior iteration. Specifically, the plan recognizes the need to set residential structures back from a potential (albeit currently unmapped) flood plain; reflects staff's desire for an appropriate termination of Beringer Drive; and has the addition of a trail system. We think these improvements address many of the deficiencies noted by staff and the Commission during the prior zone change.

Conclusion

As you can see, this proposal comports with many of the applicable goals and objectives of the Comp Plan. We believe this project is important in that it implements numerous goals and objectives of the Comp Plan, while respecting the existing development in the area. This type of infill project is vitally important to preserving the USA boundary at its current location. In short, this project complies with the goals and objectives of the 2013

Comprehensive Plan. We further submit that the A-U zone is no longer appropriate for this location, and R-3 zoning is appropriate.

Based on the foregoing, we respectfully request approval of our application as submitted. We look forward to presenting this application to you and discussing it with you.

Sincerely,



Jacob C. Walbourn

JCW/klm
Enclosures

4814-1043-2331, v. 1