

June 5, 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 to R-1D
3455 Saybrook Road

Dear Chairman Wilson:

Please be advised that we represent Wynndale Development, LLC, which is the owner 3455 Saybrook Road here in Lexington. My client desires to rezone the above-mentioned parcel from its current agricultural category to the Single Family Residential (R-1D) Zone. 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 property located at 3455 Saybrook Road is one of few remaining Agricultural Urban parcels left in Fayette County that is under private ownership but is otherwise vacant (e.g., readily able to be developed). The A-U zone has been described by Planning staff in the past as a "placeholder" zone, which is used to classify property that is not yet "ready" or proposed for development. The subject parcel is certainly ready to be developed. It is completely surrounded by R-1C zoned single family residential property, which are known as the Monticello and Robinwood subdivisions. This parcel is the previous location of the Monticello Wastewater Treatment Plant, which was a private sanitary sewer package plant. In 1984, the plant was condemned by the Urban County Government. Subsequent to the removal of the package plant, the property was used as a private park. In 1993, the government abandoned the park and removed all recreational facilities from it.

The property has been the subject of a somewhat lengthy zoning history, and the Commission is well aware of the issues surrounding the same. The property has been the subject of three rezoning requests. In 1994, a prior applicant sought rezoning for single family residential uses. That application was ultimately withdrawn, in part, apparently, due to potential environmental concerns. The present applicant presented an application to rezone this property to R-3 in 2015 in order to develop twenty-seven (27) single family residential lots. That request was denied by the Planning Commission, citing concerns about the flood plain present on the parcel, and concerns over the size of the lots. The Planning Commission reconsidered the site in 2016 and approved R-3 development, limited to single family detached residential units, but this request was rejected by the Urban County Council.

The present rezoning proposal attempts to address the concerns identified during previously rezoning proposals and incorporate proposed solutions to neighborhood concerns. Planning staff has consistently identified R-1D as the most appropriate zone for this site. While the applicant has disagreed with this assessment in the past, we understand the rationale of staff's opinion. In the hopes that this property can be developed so that desperately needed housing stock can be added to the area, we now seek the zone recommended by staff. We believe the proposal meets the goals and objectives of the 2013 Comprehensive Plan. The numerous goals and objectives addressed by this proposal will be explained below.

Additionally, we again submit that the A-U zoning designation is no longer appropriate and R-1D 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 is abundantly obvious that this property is far too small, particularly considering the flood plain on the property, for a viable agricultural use. Staff has also described the A-U zone as a "holding zone" until "appropriate development" is proposed. The applicant has accepted staff's recommendation regarding the appropriate zone and thus believes that the holding zone no longer remains appropriate.

In sum, we believe that this rezoning request is in accord with many of the goals and objectives of the Comprehensive Plan, and again submit that the current zone is inappropriate and the proposed zone is appropriate. Further, as was discussed exhaustively in the prior zone changes, that extensive environmental testing has been performed on this site and there are no environmental contamination issues present.

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 articulated in the Comp Plan is to expand housing choices. The subject property is surrounded by single family homes, most developed in the '60s. By allowing this zone change, modern housing stock can be introduced to an existing desirable single family neighborhood. As the

Commission is aware, Lexington is in need of new housing stock to support expected population growth. This proposal will give prospective neighborhood residents the option to purchase modern housing with less of a need for maintenance.

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 housing to the ever increasing population within the USA. The proposal further respects the area's context, as it adopts Planning staff's recommended zoning category.

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). As has been discussed above, the applicant has taken to heart the recommendation of Planning staff and has selected a zoning category that these professionals believe will best serve the existing neighborhood.

Protecting the Environment

Theme B of the Comp Plan embraces goals related to protecting the environment. We submit that this proposal is in accord with Theme B, Goal 2 of the Comp Plan.

Reduce Lexington-Fayette County's carbon footprint. According to the Environmental Protection Agency, transportation activities contribute 26% of our total greenhouse gas emissions. By providing for additional housing density in areas near employment opportunities and retail spaces, the need for significant automobile use is reduced. The proposed development is a short bike ride away from the Fayette Mall, a significant destination for retail shopping. It is near the developing "Summit," also proposed for significant commercial uses. By providing for additional residential density in areas near significant commercial and professional destinations, the need for long car trips can be significantly reduced. It will also be possible for individuals to walk and bike to the Nicholasville Road and Harrodsburg Road corridors.

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 Goals 1 and 2 of Theme C of the Comp Plan.

Support and showcase local assets to further the creation of a variety of jobs. The Comp Plan emphasizes the importance of living near your workplace (Comp Plan, p. 74). This proposal will allow new residential opportunities for residents that will enable them to walk or ride to work. In fact, the Comp Plan includes the following passage:

“Adaptive reuse, infill, and redevelopment are not only about preserving farms and important buildings and making better use of existing infrastructure. They are also about putting jobs where people live. Many of Lexington’s businesses – large and small – can thrive as *neighbors* in and near neighborhoods. Land use regulations should enable opportunities to live where you work” (Comp Plan, p. 74).

This proposal is an example of providing additional housing density near significant commercial corridors in one of Lexington’s most desirable areas.

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 choices 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, near workplaces and significant transportation corridors. This, in turn, will make Lexington a more desirable place to live.

Improving a Desirable Community

Theme D of the Comp Plan embraces goals related to improving the quality of life. As has been extensively discussed above, we are providing for additional housing density in a desirable location, while respecting the context of the neighborhood by utilizing the zoning category recommended by the Planning staff.

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 selection of the R-1D zoning category.

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-1D 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. While in the past, concerns had been raised regarding the environmental suitability of the area for development, based in large part over the site's past as a sewer treatment facility, the applicant has performed environmental testing that indicates the site is not contaminated. In short, as one of very few undeveloped parcels inside Man O War Boulevard in this area of Lexington, this property is not only ready, but ripe for development.

Having addressed the inappropriateness of the A-U zone, it is further appropriate to determine whether R-1D is an appropriate zone. In short, it is appropriate as it is a single family zone that permits construction in a manner roughly comparable to the existing homes in the neighborhood. It is furthermore appropriate as this site would seem inappropriate for substantial commercial or industrial development, and is likewise too small for agricultural operations. Thus, a residential category would seem most appropriate. The applicant has selected the category consistently recommended by Planning staff during prior zoning processes.

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-1D zoning is appropriate. Though this property has a long history and has been a challenging site to redevelop, we believe that this proposal is approvable and meets the concerns raised during prior processes. We are hopeful that this project will meet with your approval.

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

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