

BRUCE SIMPSON LAW PLLC

T. Bruce Simpson
859-229-3436
bruce@bsimpsonlaw.com

October 7, 2024

Lexington-Fayette Urban County Planning Commission
Lexington-Fayette Urban County Government
101 East Vine Street
Lexington, KY 40507

Re: Zone Map Amendment Request for 1899 Parkers Mill Road property, from R-1A (Single Family Residential one-acre minimum lots size) to R-3 (Planned Neighborhood Residential) with Conditional zoning provisions.

Dear Members of the Planning Commission:

On behalf of Rose Holdings - Lexington, LLC, I am pleased to offer this zone map amendment application for the 1899 Parkers Mill Road property. The current zoning for this property is R-1A (Single Family Residential with One Acre Minimum Sized Lots) . The subject property could be developed without a zone change for seven one-acre lots. The proposed zoning is for R-3 (Planned Neighborhood Residential) for twenty-six single-family lots ranging in size from .23 an acre to .57 an acre. This is a proposed 357% increase in density over the existing zoning. The subject property consists of 11.9 acres. The subject property is bordered to the south, west, and north, in part with single-family homes zoned R-1B, which requires minimum lot sizes of 15,000 square feet. The subject property is bordered, in part, to the north by St. Raphael Episcopal Church. The subject property is bordered to the east by a single-family neighborhood zoned R-1C, but the homes consist of large lots approximately the same size as the lots in the proposed development.

The proposed development will be limited, via conditional zoning, to twenty-six single-family lots. Additionally, to ensure compatibility with the homes in the surrounding neighborhoods, the subject property will be deed-restricted to match or exceed the requirements of the deed restrictions of the surrounding neighborhood properties. This is all done to create a compatible single-family neighborhood, which has developed over the last 60 years. The existing neighborhood residents and neighborhood associations have been primarily responsible for the character of the area as it exists today, having taken part in several zone map amendment requests and land use proposals since the early 1990s. Indeed, this zone map amendment request aims to fill in the small amount of undeveloped land in the middle of these neighborhoods with a compatible neighborhood.

We met with the neighborhoods before filing this zone map amendment request. The planning staff also attended this meeting and gave a presentation. We also had a separate meeting with neighborhood leaders. The neighbors expressed concern about (1.) the proposed density of the proposed development and as its traffic impact on Parkers Mill Road, (2.) impact of stormwater from the proposed development on existing stormwater problems in the area, and (3) pedestrian

safety. Parkers Mill Road is a busy two-lane state road that is not planned for any improvement in the foreseeable future. This must be considered when approving any new development that adjoins Parkers Mill Road. Our proposed development design provides the appropriate density given the existing roadway conditions and the density of the surrounding neighborhoods. The applicant will also provide extraordinary stormwater management improvements, which will detain the stormwater discharging from the subject property much longer than the minimum required by the existing regulatory standards. We will share the details of these improvements during the public hearing. These stormwater management improvements will significantly mitigate the stormwater problems that homes located downstream from the subject property have been experiencing for decades because of the stormwater flowing through and from the subject property.

Access to the subject property will be from Parkers Mill Road via a signalized intersection at the intersection of Lane Allen Road and Parkers Mill. There are no stub-street connections to any of the nearby neighborhoods. Given the small number of homes to be developed on the subject property, no traffic study is required. However, during the hearing, we will provide an update on the existing conditions of Parkers Mill Road and its traffic, along with proposed improvements for pedestrian safety at the Lane Allen Road and Parkers Mill Road intersection.

In light of the minor remnant parcel nature of the subject property, its adjacency to two-lane Parkers Mill Road, the low-density character nature of the surrounding neighborhood, and the existing stormwater problems in the area, which will be improved with this development, the proposed application and accompanying preliminary development plan comply with the following provisions of the Comprehensive Plan in the following respects:

BUILDING AND SUSTAINING SUCCESSFUL NEIGHBORHOODS

PILLAR 1: DESIGN

Design policy 1: Utilize a people-first design, ensuring that roadways are moving people efficiently & providing equitable pedestrian infrastructure.

Design policy 2: Ensure proper road connections are in place to enhance service times & access to public safety, waste management and delivery services for all residents.

Design policy 4: Provide development that is sensitive to the surrounding context.

Design policy 5: Provide pedestrian-friendly street patterns & walkable blocks to create inviting streetscapes.

Design policy 8: Provide varied housing choices.

Design policy 9: Provide neighborhood-focused open spaces or parks within walking distance of residential uses. Cardinal Run Park is a 5-minute walk from the subject property.

THEME A GROWING AND SUSTAINING SUCCESSFUL NEIGHBORHOODS.

GOAL 1: EXPAND HOUSING CHOICES

OBJECTIVES: b. Accommodate the demand for housing in Lexington responsibly prioritizing higher- density and mixture of housing types.

GOAL 2: SUPPORT INFILL AND REDEVELOPMENT THROUGHOUT THE URBAN SERVICE AREAS AS STRATEGIC COMPONENT OF GROWTH.

OBJECTIVES: a. Identify areas of opportunity for infill, redevelopment, adaptive reuse and mixed- use development.

b. Respect the context and design features of areas surrounding development projects and develop design standards and guidelines to ensure compatibility with existing urban form.

GOAL 3: PROVIDE WELL-DESIGNED NEIGHBORHOODS AND COMMUNITIES

OBJECTIVES: a. Enable existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation and public commitment to expand options for mixed use and mixed-type housing through Lexington-Fayette County.

b. Strive for positive and safe social interactions in neighborhoods, including but not limited to neighborhoods that are connected to pedestrians and various modes of transportation.

c. Minimize disruption of natural features when building new communities.

o. Improve Lexington's transportation network through ample street and sidewalk connections between new and existing development.

GOAL 4: ADDRESS COMMUNITY FACILITIES AT A NEIGHBORHOOD SCALE.

OBJECTIVES: c. Establish and promote road network connections to reduce police, EMS, and fire response times and improve efficiency and operations of city services.

THEME B: PROTECTING THE ENVIRONMENT

GOAL 1: PROTECT WATER RESOURCES BY IMPROVING URBAN STORMWATER AND SANITARY SEWER INFRASTRUCTURE.

OBJECTIVES: a. Continue to implement sanitary sewer Consent Decree program

c. Retrofit stormwater infrastructure to improve water quantity and quality.

f. Ensure stormwater and sanitary sewer infrastructure is placed in the most efficient and effective locations to serve the intended purpose. (and downstream development)

THEME E. MAINTAINING A BALANCE BETWEEN PLANNING AND URBAN USES AND SAFEGUARDING RURAL LAND.

GOAL 1: UPHOLD THE URBAN SERVICE CONCEPT

OBJECTIVES: a. Preserve the Urban Service Boundary concept, which is the first of its kind in the United States and has been foundational in fiscally responsible planning and growth management in Lexington since 1958.

b. Ensure all types of development are environmentally, economically, and socially sustainable to accommodate residents' future needs while safeguarding rural land.

STANDARDS THAT ARE APPLICABLE WITH OUR PROPOSAL

B-PR9-1 Minimize grading and topsoil disturbance by utilizing the existing (Will be done as part of development process.)

topography to the greatest extent possible and preserving key natural features.

B-PR10-1 Development should avoid overlighting and upward directed lighting. (Will follow zoning ordinance. There will be minimal light disruption with this single-family home development.

B-SU4-1 Development should minimize and/or mitigate impervious surfaces. (This low-density development and extra stormwater protection will improve the existing stormwater problems for downstream properties.)

B-SU5-1 Developments should incorporate energy efficient systems and renewable energy resources (i.e., wind, solar, etc.). (Not applicable)

B-SU9-1 Green Stormwater Infrastructure (GSI) should be implemented in new development. (This will occur.)

B-SU11-1 Development should incorporate low-impact landscaping and native plant species (This will occur.)

B-RE1-1 Developments should improve the tree canopy. (More trees than required will be added.) B-RE2-1 Lexington's green infrastructure network, including parks, trails, greenways, or natural areas should be highly visible and accessible. (Cardinal Run Park is a 5-minute walk from the subject property)

B-RE5-1 Dividing floodplains into privately owned parcels with flood insurance should be avoided. (NA)

B-RE5-2 Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them. (NA)

B-RE5-3 Developments within the Royal Springs Aquifer should consult with the Royal Springs Water Supply Protection Committee. (NA)

D-SP10-1 Prioritize street trees in the planting strip (This will occur) SITE DESIGN

A-DS7-1 Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments. (NA)

A-DS9-1 Development should provide active and engaging amenities within neighborhood focused open spaces. (NA)

A-DS9-2 Where neighborhood open space or parks are not located within walking distance of a new development, applicants should incorporate these facilities. (NA)

A-DQ9-1 School sites should be appropriately sized. (NA)

A-EQ9-2 Shared open spaces should be easily accessible and clearly delineated from private open spaces. (NA)

C-LI8-1 Development should enhance a well-connected and activated public. (This will occur per the development plan) realm.

Safe multi-modal facilities should be provided to ensure vehicular separation from bicycles, pedestrians, and other modes of transport. (There will be safe interior sidewalks and roadways for bicycles and pedestrians and sidewalks on Parkers Mill Road.

A-DS5-2 Developments should incorporate vertical elements, such as street trees and buildings, to create a walkable streetscape. (This will occur)

A-DS10-1 New developments should incorporate clear and dedicated connections to nearby community anchors. (This will occur)

A-DS11-1 Street layouts should provide clear, visible access to neighborhood-focused open space and greenspaces (This will occur as reflected on the development plan)

A-DS13-1 Stub streets should be connected. (NA)

C-PS10-1 Flexible parking and shared parking arrangements should be utilized. (NA)

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

D-CO2-1 Development should create and/or expand a connected multimodal transportation network that satisfies all users' needs.(This will occur.)

D-CO2-2 Development should comply with Lexington's Complete Streets Policy. (NA) D-

CO4-1 Dead-end streets and cul-de-sacs should be discouraged. (NA)

D-CO4-2 Provide multiple route options (grid type structure) to alleviate congestion in lieu of additional lanes upon existing roadways.(NA) There are only twenty-six homes.

D-CO4-3 Street pattern and design should consider site topography and minimize grading where possible.(This will occur per the development plan)

D-CO5-1 Streets should be designed with shorter block lengths, narrower widths, and traffic calming features. (This will occur per the development plan.)

ENVIRONMENTAL SUSTAINABILITY AND RESILIENCY

B-PR2-1 Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site. (Extra stormwater improvements will be made)

B-PR2-2 Development should include regularly spaced access with an adequate width to the greenway network and conservation areas. (NA)

B-PR3-1 Minimize impact of development adjacent to land conservation properties through buffering. (This will occur)

B-PR7-1 Developments should be designed to minimize tree removal and to protect and preserve existing significant trees. (This will occur.)

A-DS7-1 Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments. (NA)

A-D S9-1 Development should provide active and engaging amenities within neighborhood focused open spaces. (NA)

A-DS9-2 Where neighborhood open space or parks are not located within walking distance of a new development, applicants should incorporate these facilities. (Cardinal Run Park is a 5-minute walk)

A-EQ9-1 School sites should be appropriately sized.(NA)

A-E Q9-2 Shared open spaces should be easily accessible and clearly delineated from private open spaces.

C-LI8-1 Development should enhance a well-connected and activated public. (This will occur per the development plan)

Sincerely,

T. Bruce Simpson

T. Bruce Simpson