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July 1, 2016

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

Re: Application for B-4 Zoning for Commercial Development –
2551 Leestown Road and a portion of 745 Greendale Road

Dear Members of the Planning Commission:

We represent RML Construction, LLP ("RML") and on its behalf have filed a zone change request for the properties located at 2551 Leestown Road and part of 745 Greendale Drive (the "Zone Change Property") at the future intersection of Citation Boulevard and Sandersville Road. The Zone Change Property contains 14.27 net (19.75 gross) acres and is currently zoned Light Industrial (I-1) and Planned Neighborhood Residential (R-3) and the request is to rezone to Wholesale and Warehouse Business (B-4) in order to accommodate five parcels of commercial use at the proposed future intersection. The property adjoins and will be a part of the Hillenmeyer Property - East residential development which is owned by the applicant.

The application is in agreement with the Comprehensive Plan. In addition, there has been substantial social, economic, and physical change to the surrounding area that makes the existing I-1 and R-3 zoning inappropriate and the proposed B-4 zoning appropriate. The Zone Change Property is part of approved Subdivision Plan 2010-131P. This plan was first approved in March 2011 and shows a hypothetical development for when Citation Boulevard and Sandersville Road were extended to create an intersection. It was reapproved in October 2014. This plan shows a similar proposed commercial lot scheme as the Applicant is requesting with this application in spite of the Residential zoning on a portion of the proposed commercial lots.

The zoning scheme of the surrounding properties and the vacant status of the Zone Change Property demonstrate that the R-3/I-1 zoning is no longer appropriate as currently designed. The zoning for the different parcels within the Zone Change Property occurred at different times, with the industrial section developing prior to the residential. Indeed the different zones were both part of larger zone changes that encompassed large sections of land in the general vicinity (MAR 94-7 CZ & MAR 2005-30, respectively). As a result, the current zoning scheme that has developed over time has resulted in I-1 property directly abutting R-3 property. This conflict in intensity of zones results in an inappropriate scheme. Likely because of this conflict, the residential and industrial lots directly bordering each other remain the only undeveloped lots between Greendale and Citation. Altering the zoning at R-3/I-1 border will help eliminate the conflict and lead to the development of the vacant parcels.

The Applicant submits that it is far more appropriate to buffer the surrounding residential properties with a less intense zone (B-4), while still ensuring that the existing industrial uses are not adversely impacted. This will be achieved through development at the intersection of Citation Boulevard and Sandersville Road that is friendly towards the residential uses in the area and slightly more intense than traditional neighborhood or highway service businesses. Further, a significant portion of the Zone Change Property is restricted due to a large flood plain which limits any possible industrial uses on the property. Given these factors, the existing zoning is inappropriate and the proposed B-4 zone is appropriate.

The proposal is also consistent with the Comprehensive Plan's Land Use Change Consideration:

2. The proposed land use enhances, and is compatible with, adjacent land uses.
4. The land use will enable the development of critical vehicular...connections.
7. The land use will not impair existing environmental conditions of the site.
8. The existing utility and transportation networks will accommodate the new land use.
9. Underutilized land should be promoted for greater utility (and) function...
12. The use will ...provide neighborhood-oriented commercial centers...
13. The land use should maximize opportunities to accommodate future growth within the Urban Services Area, include land that is underutilized, vacant or planned for a reuse.

Further, the proposal meets several of the key additional considerations for land located outside of the downtown area in the Urban Service Area:

1. A greater intensity of land use should be concentrated along minor and major arterial roadways, and to appropriate quadrants of collector street intersections.
2. Where residential density, and existing infrastructure are adequate to support the use, and the adjacent uses are compatible, the development should create more walkable neighborhoods, neighborhood-oriented businesses and neighborhood amenities.
4. An effective buffer or transition between different intensities of adjacent land uses should be provided.
7. Underutilized business land uses should be considered for a possible change to alternative business use...

The last two points regarding buffering/transitioning zones and changing between business zones highlights the Applicant's position.

Members of the Planning Commission

July 1, 2016

Page 3

Finally, it is the Applicant's position that the construction of Citation Boulevard and the proposed completion of Sandersville Road constitute a major change of an economic, physical, or social nature within the area involved which was not anticipated when the I-1/R-3 zoning was originally put into place in the early 1990s. Since this time, the immediate area has developed into a more residentially-dominated area. Further, this proposed intersection provides a logical location for commercial use to service the neighborhood and industrial properties while also helping to buffer these two typically incompatible uses in an aesthetically pleasing manner

We will be at the August public hearing in order to make a complete presentation of this application and request your favorable consideration.

Best Regards;

Stoll Keenon Ogden PLLC



Nick Nicholson

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