



## FAYETTE ALLIANCE

GROWING OUR CITY, PROMOTING OUR FARMS

### Even Popular Development Plans Not Above the Law

*Op-Ed by Knox van Nagell, published in the Lexington Herald-Leader on March 24, 2013*

Canopy Tour Has Wide-Ranging Impacts for Lexington-Fayette County

We talk a lot about what's "special", "authentic", and "unique" about Lexington.

Whether it's going to the races at Keeneland or a UK basketball game, strolling through our historic neighborhoods, enjoying Thursday night live downtown, or experiencing one of our iconic Bluegrass farms—we have a lot of "good things" going on here. And it's no accident.

Why are we different? Like so many cities in America, we were born from the western frontier, its plentiful water and rich land. And yet, UNLIKE so many of our counterparts, we have not completely forsaken that birthright under the guise of quick profit, fast growth, and "progress"—whatever that means.

The answer is simple and yet complex at the same time. Lexington is all about balance. It's what we're known for. Physically, we are one of the very few vibrant cities surrounded by productive and robust farmland. No other place in our region or maybe the country has such a tangible interplay between an urban and rural area. Atlanta? Nashville? Louisville? Cincinnati? Indianapolis? We don't compare, and the list goes on and on.

By leveraging our built and natural environment, we've created a special place to call home and also do business. Like our landscape, our economy is balanced and diverse—rooted in healthcare, high-tech, and agriculture...Pillar industries that enabled us to weather the recent economic recession better than most.

This is not to say we don't have our fair share of challenges to overcome. We do.

But if you look at our track record, we have avoided catastrophic booms and busts because of our commitment to balance, and more importantly planning. As noted in a recent University of Kentucky economics study, "Fayette County's brand is analogous to a stock of capital that was acquired over a long period, and now yields returns without diminishing endowment".

Through discussion, analysis, and visioning... land-use planning balances seemingly competing interests to advance the public good or collective brand of our community. Through constraint comes innovation.

Whether you live in the suburbs, the urban core, or on a farm—planning and zoning is a legal framework that touches all of us in innumerable and advantageous ways, from public safety and environmental protection, to real estate values, quality of life, and the economy.

The Zoning Ordinance and its processes are the proverbial foundation of what makes Lexington Lexington. It is the tie that binds and benefits us. If you disagree, visit a community without strong planning and zoning and see the result. It isn't pretty.

Why is all of this relevant? Because the recent debate about Mr. Carey's proposed canopy tour is concerning. At this juncture, the issue is not whether you're for it, or against it; whether it's good for



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the environment or not; or whether it's a cool idea. There is a time and place for those discussions...specifically if and when new law is drafted allowing such a use in the future.

Today, the fundamental issue is whether City Hall will remain committed to enforcing the Zoning Ordinance and processes that have served Lexington so well for decades.

According to the recent LFUCG investigation, Mr. Carey is moving forward with a development project for which he may not have permits or zoning authority. Appropriate governmental approval and court rulings must be secured before any construction or activity begins—no matter how “popular” the canopy tour may be.

To ignore this process, compromises the integrity of planning and zoning in Fayette County, and sets a dangerous legal precedent that elevates Mr. Carey's short-term gains and opinions over the long-term impacts and considerations of our community...and courts.

In other words, he is acting above the law...and where is the balance in that?