

The Fayette Alliance

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Knox van Nagell, J.D.

LFUCG Planning Commission
Government Center
200 East Main Street
Lexington, KY 40507

October 13th, 2011

Dear Planning Commissioners,

My name is Knox van Nagell, and I am writing this letter on behalf of The Fayette Alliance.

The Fayette Alliance is Lexington's only land-use advocacy organization dedicated to achieving a sustainable Lexington for all of us by preserving our renowned rural landscape and related agricultural industries in Fayette County, while strengthening our city through responsible development and improved infrastructure.

If meaningfully pursued, this growth approach will better our city and protect our productive and beautiful farmland—creating a quality of life crucial to Lexington Fayette County's economic and environmental success today and in the future.

In furtherance of this mission, The Fayette Alliance respectfully requests that you recommend APPROVAL the alternative text amendment language to allow historic house museums as a non-agricultural conditional use in the A-R zone:

Historic House Museum operated by a government entity or by a private, non profit entity which has the Internal Revenue Code section 501 (C) (3) status and which is a member of a recognized museum association such as the Kentucky Museum Heritage Alliance, the American Association of State and Local History, the American Association of Museums, the Association of Living History, Farm and Agricultural Museums and/or the Southeastern Museum Conference. Provided, however, that the house shall not be expanded beyond its current or documented historic footprint, and all activities and events shall relate to the educational mission of the governmental or non-profit entity.

This language strikes an appropriate balance between protecting our signature industries and Bluegrass landscape on one hand, while also securing new agri-tourism opportunities in the rural area on the other. It accomplishes this balance in three ways:

First, the text amendment establishes operational requirements. Not just anyone can open a "historic" house museum in the rural area. They must satisfy specific criteria in the Internal Revenue Code, and the property must

meet the architectural and educational requirements of a bona-fide museum association. With these criteria in place, truly significant homes can be legitimately identified as museums for purposes of public education and appreciation—which is important given the environmental sensitivity and infrastructure limitations of the rural area.

Second, The museum cannot be expanded beyond its current or documented historic footprint. This will protect the “historic” envelope of the house that makes it significant and worthy of museum status, while also respecting the 10,000 square foot limitation of non-agricultural uses in the rural area. By operating within this footprint, it ensures the educational thrust of the museum’s activities and will minimize potential disruptions to neighboring farms and residences.

Third, the rental of these museums for social, commercial, and conference events is prohibited in the rural area. Only educational activities such as tours, viewings, and organizational meetings or symposiums would be allowed. However, fundraising and social activities may be a part of these educational events. This provision is key, as party museums in the rural area would not only undermine the 140-plus banquet and wedding rental facilities already doing business inside the city, but also they would threaten the pastoral setting and infrastructure in place that support ag-enterprise in Fayette County. Why is this important?

Fayette County farmland is different than most in the world, in that it is an active landscape teeming with valuable, yet fractious horses and livestock. This scenario is our international brand, but it is also a sensitive one—vulnerable to traffic, noise, trespassers, waste, and water quality issues created by intensive commercial development.

Therefore, while we want to create additional agritourism opportunities in Fayette County—such as historic house museums, trails, and others—it must be done carefully, and in a way that first respects the needs of the signature industries and brand we want to celebrate.

By starting from this vantage point, and honoring the Rural Land Management Plan’s fundamental recommendation that “Principle permitted uses in the rural area be those associated with agriculture...and non-agricultural conditional uses be kept to a minimum” (RLMP, III-6,(4)), we will strengthen, not endanger, the proverbial goose that laid the golden egg in Lexington.

In so doing, we can continue a land-use tradition that attracts international investors the world-over to buy our priceless Fayette County soils for raising exceptional horses, livestock, and food—an enterprise that contributes \$3billion annually to our regional economy, and supports over 20,000 local jobs.

After requesting postponement of this issue a few weeks ago, all interested parties worked together in good faith to draft the alternative text amendment language. We believe it achieves a win-win for the entire community—as it affords rural historic house museums viable business opportunities, while also safeguarding the needs of neighboring farms.

From an administrative standpoint, the proposal also makes a lot of sense...because it clearly and uniformly regulates historic house museums in the rural area at the zoning ordinance level, and not on an inconsistent, case-by-case basis at the Board of Adjustment.

Attempting to regulate social and commercial events at the Board of Adjustment will put the legal and financial onus on Fayette County farmers to negotiate with museums on throwing parties. Countywide, farmers do not have the time nor the resources to be in the party planning business. Simply put, farmers and area residents would have to defend themselves every time a museum wanted to rent its facilities for social events, and this condition would jeopardize Fayette County’s status and marketability as “Horse Capitol of the World”.

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The Fayette Alliance is proud to have worked with the Museum Foundation and Rural Land Management Board on this proposal, and we respectfully request that you recommend its approval.

Thank you for your consideration, and dedication to Lexington-Fayette County.

Sincerely,

Knox van Nagell, J.D.