

The Fayette Alliance

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Executive Director

Elizabeth Knox van Nagell

Randall Vaughn, Chairman
LFUCG Planning Commission
101 East Vine Street
Lexington, Kentucky 40507

October 11th, 2007

Dear Chairman Vaughn,

I am writing to you as the Executive Director of the Fayette Alliance. The Fayette Alliance is a coalition of agricultural, neighborhood, and development interests whose aim is to promote urban and rural vitality in Lexington-Fayette County.

As you know, East Bridgeford Land and Development Company has submitted a preliminary development plan for its Kingston Hall Unit 2 project (DP 2007-100) located at 2356 Newtown Pike. The subject property is zoned ED and is part of the 1996 Expansion Area.

The preliminary development plan notes the location of buffer areas, building lots, a cul de sac, and a detention basin on the site.

The Planning Staff and Subdivision Committee reviewed this plan on September 13th, 2007, and recommended postponement because of concerns with ingress and egress, traffic flow, and the location of the detention basin in the proposed development. As such, Planning Commission has not adopted a development plan for Kingston Hall Unit 2.

However, despite this procedural history, the developer constructed a detention basin and connecting stormwater pipes on the site-thereby violating 23B-2 of the Zoning Ordinance, which states:

A preliminary development plan shall be required as specified in Article 21-3...in the Expansion Area. **No development activity, building, or occupancy of property shall be permitted unless and until a final development plan has been approved by the Planning Commission.** The development plan shall limit and control the issuance of all building and occupancy permits, and shall restrict the construction, location, and use of all land to the conditions as set forth in the plan.

While the Alliance supports the Subdivision Committee's recommendation of postponement, we respectfully request that East Bridgeford Land and Development Company-as should all developers- obey 23B-2 of the Zoning Ordinance.

Simply stated, we are asking a citizen to follow the law, and LFUCG to serve the best interests of Lexington-Fayette County. To do otherwise, sets a dangerous and destructive precedent for the community. This very disconnect-accidental or otherwise- between planning and development is the genesis of unintended environmental, infrastructural, and safety consequences. It expressly undermines the authority of the Planning Commission, the public's faith in local government, and the welfare of Lexington-Fayette County. This problem must be addressed.

Thank you for considering our position, and we appreciate the Commission's dedication to responsible land use planning.

Sincerely,

Elizabeth Knox van Nagell
Executive Director