

## The Fayette Alliance

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### LFUCG

Planning Committee  
200 East Main Street  
Lexington, KY 40507

January 23, 2007

Dear Planning Committee Members,

On November 30<sup>th</sup>, 2006, the Planning Commission conducted a hearing regarding the ED text amendment. Several new principle, accessory, and conditional uses were proposed for incorporation into the ED zone- many of which were commercial in nature. If permitted, these uses could be constructed on two ED properties in Fayette County: Kingston Hall on Russell Cave Road and Hamburg off Winchester Road.

The following is a list of the proposed **principal** uses and The Fayette Alliance's respective concerns:

- Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies. **Concern: Commercial**
- Computer and data processing centers. **No concern.**
- Medical and dental offices, clinics, and laboratories. **No concern**
- Ticket and travel agencies. **Concern: Commercial**
- Community centers and private clubs. **Concern: Commercial**

- Meeting and conference centers. **Concern: Commercial**
- Telephone exchanges, radio, and television studios. **Concern: Commercial**
- Television system signal distribution centers and studios. **Concern: Commercial**
- Colleges, universities, business colleges, technical or trade schools, and other schools and institutions for academic instruction. **No concern, provided dormitories are prohibited.**
- Offices of purchasers, processors, and handlers of agricultural products limited to administrative uses only. **No concern.**
- Regional medical campus- hospitals, in-patient treatment facilities (which may include accessory cafeterias, pharmacies, and gift shops), outpatient clinics and treatment facilities, surgery centers, nursing homes, medically supervised assisted living facilities, and extended-stay hotels. **No concern, provided the terms of the negotiations with Central Baptist Hospital are ratified in the amended text of the ED zone.**
- Hotels. **Concern: Commercial**

Every aforementioned commercial-type principal use was soundly rejected by the Commission, i.e. banks, etc., ticket and travel agencies, community centers and private clubs, telephone exchanges, radio and television studios, and hotels. The only exception was “meeting and conference centers”, and they were not allowed as a principal use-but rather as an accessory use. As such, their location, size, etc. are subject to review and regulation by the Planning Commission during the development plan phase of the planning process.

As such, the uses in the ED zone were appropriately expanded to increase its marketability, while maintaining-for the most part- its “job creation” role in the community. For example, a medical campus is allowed in the ED zone, so long as it meets the following requirements:

- All pharmacies must be in a medical facility, and must use wall-mounted and monument-style signs (cannot exceed feet in height). They cannot have their own building/out-lots, and they are accessory ONLY to a medical campus.
- Establishments used for the retail sale of pharmaceutical and medical supplies must be internally oriented to a medical campus. They must use monument-style signage, and are accessory ONLY to a medical campus.
- Extended stay hotels must be integrated with a medical facility, and internally oriented in the medical campus. There shall be no more than one extended stay hotel for a regional medical campus that contains 100 acres or less. A second extended stay hotel is permitted for a regional medical campus which contains more than 100 acres. A medical campus cannot have more than two extended stay hotels, and they must use wall-mounted and monument style signs. Extended stay hotels are accessory ONLY to a medical campus.

- Restaurants located in a medical campus must be located in an office building or extended-stay hotel containing a minimum of 40,000 square feet. It cannot occupy more than 25% of the building in which it is located. No drive-throughs are allowed. There can be a maximum of two restaurants in an office building/extended stay hotel provided that the 25% limitation is not exceeded. Restaurants cannot have their own building/out-lots, and they must use monument-style signs. Restaurants must be located at least 150 feet from a residential zone, and accessory to ALL principal uses allowed in the ED zone.
- No portion of a regional medical campus can be located within 1,000 feet of the Urban Service Boundary.

The Planning Commission also adopted several special provisions that apply to all the uses permitted in the ED zone. For instance, no out-door loud speakers are permitted, at least 25% of the net developable acreage of any development within the ED zone must be open space, and all freestanding identification or business signs shall be monument-type.

Further, radio, telephone, and television towers are prohibited in the ED zone. Dormitories are also not permitted- so any trade school, etc. that is built in the ED zone cannot have residential quarters for its students.

Overall, the Planning Commission implemented **thirteen new principle uses in the ED zone:** computer and data processing centers, medical and dental offices, clinics, and laboratories, colleges, universities, business colleges, technical or trade schools, and officers of purchasers, processors, and handlers of agricultural products limited to administrative uses only, and medical campuses.

In addition, the Planning Commission incorporated **nine new accessory uses in the ED zone:** meeting and conference centers, storage and warehousing, pharmacies, medical supply distribution centers, satellite dishes, restaurants, extended stay hotels. And, it gave the ED zone three new conditional uses: kindergartens, nursery schools, and child care centers (which may be limited to enrolling children of employees working in the ED zone).

**The ED zone now has twenty-two new uses,** which gives the development community ample opportunity to market the Hamburg and Kingston Hall properties for economic development purposes.

Without question, much was accomplished during this process. However, The Fayette Alliance has one remaining concern with the current ED text amendment. The Planning Commission increased the Floor Area Ratio (FAR) from .50 to .75 in the ED zone. This effectively increases the permissible floor area of a building on its respective lot.

Moreover, the Commission did not require that all developments in the ED zone have a minimum front yard of 20 feet. Instead, it kept the front yard requirement at 5 feet for the ED zone, despite intensifying the zone with twenty-two new uses.

From its inception, the ED zone was intended to be a “step-down” or buffer zone between urban and rural areas. To accomplish these goals, the ED zone is supposed to have a campus like setting. Here, **ED zone received twenty-two new uses, an increased FAR of .75 and 5 foot front-yard requirement.** As such, the “campus-like” setting has been compromised, and the surrounding agricultural operations are subject to trespassers, foreign objects, noise, increased traffic, etc. created by the intensified ED zone.

Accordingly, The Fayette Alliance is proposing a 300 foot buffer area for the perimeter of the ED zone. Such a buffer is found in 23A-2(f) “Rural Service Area Agricultural Use Buffer Yard” of the LFUCG zoning ordinance:

“All development shall provide a buffer yard along any boundary of a parcel proposed for development adjacent to land which adjoins the Urban/Rural Service Area Boundary, which is used for agricultural uses and which is not located across an arterial street, which shall be:

3. Three hundred feet (300’) in width with a fence of not less than four feet (4’) in height located along the innermost boundary of the buffer yard with landscaping material which will prevent persons from climbing onto or over the fence.

Most assuredly, a 300 foot buffer will advance our signature agricultural industries and the quality of life enjoyed by our neighborhoods on the Russell Cave and Winchester Road corridors, while responsibly promoting the intensification and marketability of the ED zone in Fayette County.

Thank you for your attention to this matter.

Respectfully,

Knox van Nagell  
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