

January 28, 2026

Via Hand Delivery

Mr. Bob Sturdivant, Chair
Board of Adjustment
Division of Planning
Lexington-Fayette County Urban County Government
101 E. Vine Street, 7th Floor
Lexington, Kentucky 40507

**Re: Behavioral Health Real Estate Associates, LLC
Application for Conditional Use Permit**

Dear Members of the Board of Adjustment:

Please accept the following in support of the application of Behavioral Health Real Estate Associates, LLC (the "Applicant") for the issuance of a Conditional Use Permit to permit it to operate a rehabilitation home at 319 Duke Road. In summary, the Applicant is seeking to operate a residential mental health and eating disorder treatment program within the building located at the 319 Duke Road which currently operates under an existing conditional use permit for an on-site behavioral health services program.

I. Applicant's Intended Use.

The Applicant's program serves individuals who do not require acute inpatient psychiatric hospitalization, but who benefit from a structured residential environment with clinical support. Residents follow a stable daily schedule typical of residential behavioral health programs, including meals, therapeutic programming, supervised activities, and designated quiet hours. The individuals served will have a lower clinical acuity than those treated in the existing high-acuity psychiatric program, and the facility will provide a highly structured residential environment with continual 24 hour supervision appropriate to this level of care, as permitted under the existing CUP.

The program uses a coordinated residential treatment model that combines licensed clinical services with structured daily routines and residential supervision. Treatment focuses on stabilization, engagement, and continuity of care within a controlled residential environment. Clinical services are supportive of the residential setting and are provided by licensed professionals. These services are consistent with behavioral health services previously approved at this location and do not alter the underlying land use classification.

Mr. Bob Sturdivant, Chair
Board of Adjustment
January 23, 2026
Page 2

The facility will operate with approximately 18–20 staff on site at any given time, consistent with staffing levels previously approved for the property and aligned with the existing on-site parking capacity. Staffing is shift-based and structured to provide continuous 24-hour supervision, with staggered shift transitions to avoid peak congestion periods. Nursing staff operate on two (2) twelve-hour shifts per day, while Behavioral Health Technicians operate on three (3) eight-hour shifts per day, ensuring uninterrupted coverage across all operational functions. Administrative functions such as billing, human resources, and certain leadership responsibilities are handled off-site, further limiting on-site staffing demand. Additionally, patients are not allowed to drive, park, or store their personal vehicles while in treatment.

This staffing approach reflects standard residential behavioral health operations and is designed to maintain a calm environment while minimizing traffic and parking impacts and remaining compatible with the existing site plan.

The facility will be designed for up to sixty (60) licensed beds; however, operations are expected to maintain a lower average daily census, resulting in a stable residential population rather than frequent turnover. Length of stay is individualized based on clinical need but is generally measured in weeks. This model supports consistent staffing and predictable site activity and avoids the traffic and disruption associated with high-volume admissions or discharges, thereby maintaining compatibility with surrounding residential uses.

The Applicant will likewise maintain controlled access points, supervised common areas, and standard camera security systems consistent with residential care operations. Site design elements, including fencing and lighting, support a contained and orderly environment. Operational practices emphasize supervision, structure, and accountability rather than enforcement, contributing to a calm residential setting compatible with the surrounding neighborhood.

II. Conditional Use Permit Request.

The property is currently zoned R-3, Planned Neighborhood Residential and has been operated as an on-site behavioral health services program since issuance of a conditional use permit in 2008. Under the R-3 zoning, a rehabilitation home is listed as a specific conditional use and this Applicant is seeking to continue utilizing this property as a residential care facility.

This property was developed as and has continuously operated as a use which is similar to the Applicant's proposed use. It has operated as such for years without any revocation of said conditional use permit indicating it has been in compliance without incident or disruption to the neighborhood. The Applicant is seeking to continue this use while having no greater impact on the neighborhood than the current use. Further, given the existing use, the Applicant

Mr. Bob Sturdivant, Chair
Board of Adjustment
January 23, 2026
Page 3

will not be making any structural or exterior changes to the property and will be utilizing the existing structure as developed.

As such, approval of this CUP will not adversely impact the surrounding residential uses and will be a smooth transition from the current use. The Applicant greatly appreciates your time and consideration of this application and looks forward to answering any questions the Board may have.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott A. Schuette", is written over the printed name below it.

SCOTT A. SCHUETTE

SAS/ss
Enclosure