

August 6, 2018

Mr. William Wilson, Chairman  
Lexington-Fayette Urban County Planning Commission  
200 East Main Street  
Lexington, Kentucky 40507

RE: Zone Change Application from P-1 to B-1  
521 and 523 South Upper Street

Dear Chairman Wilson:

Please be advised that we represent 525 Upper LLC. 525 Upper is the owner of 521, 523, and 525 South Upper Street in Lexington. My client desires to rezone 521 and 523 South Upper from its current Professional Office (P-1) to the Neighborhood Business (B-1) Zone. We believe these parcels can be developed in accord with the goals and objectives of the 2013 Comprehensive Plan, as well as the recently adopted Goals and Objectives for the 2018 Comprehensive Plan. We further submit that the current zoning for the property is inappropriate and the proposed zoning category is appropriate.

The subject parcels are two small parcels fronting South Upper, totaling slightly more than 0.14 acres. The properties are between Pine Street and Cedar Street, near the "Centercourt" MU-2 Development, and the recently approved B-1 project located on the former Jersey Street parking lot, previously owned by the University of Kentucky. The parcels, generally speaking, are near the commercial area that serves the University of Kentucky's staff and students. The neighboring parcel, 525 South Upper, is also owned by my client, and is already zoned B-1.

My client desires to rezone these two small parcels to bring them in conformity with the larger 525 South Upper Property. My client purchased the subject properties in 2014, but the properties have been zoned P-1 since 2005. Since their rezoning, the parcels have struggled to attract P-1 users. My client believes these properties would be more effectively utilized as B-1 parcels. The South Upper corridor, particularly in this area, has commercial uses that support the University of Kentucky area. We believe the properties, if able to obtain B-1 zoning, would be more effectively utilized in uses that more directly support the UK population.

We are mindful of the conditional zoning restrictions that were imposed on this property when it was rezoned to P-1 in 2005. We do not propose to alter these restrictions at this time. We understand that these properties are unique, and will comply with the conditions as imposed in 2005.

We have not yet identified any end users for the properties, but believe these properties would be attractive to potential retail-style users. We believe the most effective uses in this area may be retail-style uses, with residential space above, as is permitted in the B-1 zone. We believe this will address a need for residential density in Lexington generally, as well as in the UK area and downtown area specifically.

In sum, we believe that this rezoning request is in accord with many of the goals and objectives of the 2013 Comprehensive Plan (“Comp Plan”), and the recently adopted 2018 Goals and Objectives. We further submit that the current zoning is in appropriate and the proposed zoning is appropriate. Our conclusions are based on the following:

### Growing Successful Neighborhoods

Theme A of the Comp Plan addresses several goals regarding residential life in Fayette County. We believe this redevelopment proposal embraces Goals 1 and 3 articulated in Theme A of the Comp Plan.

*Expand housing choices.* The first goal articulated in the first theme of the Comp Plan is to expand housing choices. A specific sub-objective is to plan for housing that addresses the market needs for all of Lexington-Fayette County’s residents, including, but not limited to, mixed-use and housing near employment. As you are well aware, the University of Kentucky is one of Lexington’s largest employers, and this site is a short walk to the campus area. It further is located in close proximity to the central business district. And, the proposal would permit “mixed-use” housing, inasmuch as the first floor could be utilized for businesses to support the neighborhood, while maintaining needed housing density in the area.

*Support infill and redevelopment.* The Comp Plan calls infill and redevelopment that respect the area’s context whenever possible. The first-floor business/upper level retail model has proven effective in the University of Kentucky campus area, and is common in the area generally. Permitting this zone change will provide for neighborhood business support, while maintaining residential density, that remains in context of the area. Further, as the applicant does not propose to amend the previously imposed conditional zoning restrictions, the elements of the existing building that were constructed in the 1800s will remain, further respecting the context of the neighborhood.

*Provide well designed neighborhoods and communities.* The Comp Plan emphasizes that our neighborhoods must be designed in a manner that allows existing neighborhoods to continue to flourish, and also looks towards mixed-use housing options that serve various modes of transportation. Due to its proximity to UK, we believe this project would assist those who may rely on transportation methods other than owning a personal vehicle. Permitting neighborhood business uses would allow area residents to potentially walk to obtain goods and services, and the residential uses will provide for walkability to significant employers, thus serving those who may not desire to have an automobile.

## Protecting the Environment

Theme B of the Comp Plan states goals related to protecting our natural resources. We believe this proposal addresses Goal 2 of Theme B of the 2013 Comp Plan.

*Reduce Lexington-Fayette County's carbon footprint.* The Comp Plan adopts a goal to reduce Lexington's impact on the environment, particularly our carbon footprint. By locating services and residential uses in highly trafficked and populated areas, we reduce our dependence on automobiles. This, in turn, reduces our carbon footprint.

## Creating Jobs and Prosperity

Theme C of the Comp Plan articulates goals related to continued economic prosperity in Fayette County. We believe this redevelopment proposal embraces elements of Goals 1 and 2 of Theme C of the Comp Plan.

*Support and showcase local assets to further the creation of a variety of jobs.* We submit that our proposed development directly addresses this stated goal of the Comp Plan. Notwithstanding its current P-1 status, this property has struggled to identify P-1 users that are interested in this site. We believe the broader B-1 uses will likely permit these properties to flourish without negatively impacting the area. Further, the employment opportunities created can be utilized by UK students who may only need part-time jobs as they pursue educational goals.

*Attract the world's finest jobs, encourage entrepreneurial spirit, and enhance our ability to recruit and retain a talented, creative workforce by establishing opportunities that embrace diversity with inclusion in our community.* One way to attract new jobs and young professionals to Lexington is by providing quality of life opportunities that will bring a workforce of all ages and talents to the city. As has been exhaustively discussed, *supra*, this development can provide housing choices near employment centers, as well as near entertainment opportunities (both those hosted downtown and those hosted by UK).

## Improving a Desirable Community

Theme D of the Comp Plan addressed ways to foster a desirable community. We submit that our proposal addresses Goal 2 of Theme D of the Comp Plan.

*Provide for accessible community facilities and services to meet the health, safety and quality of life needs of Lexington-Fayette County's residents and visitors.* Again, as has been noted extensively, *supra*, the instant proposal provides for the provision of necessary neighborhood services in close proximity to long-standing residential areas, without any necessary reduction in urban density. This proposal will allow the property to identify users that can serve the University of Kentucky community more effectively than the current P-1 zoning, which has not effectively developed over many years.

## Maintaining a Balance Between Planning for Urban Uses and Safeguarding Rural Land

Theme E of the Comp Plan embraces goals related to preserving rural land while encouraging growth. We believe this redevelopment proposal embraces elements of Theme E of the Comp Plan.

*Uphold the Urban Services Area concept.* This goal requires close monitoring of the absorption of vacant or under-utilized land in the Urban Service Area as well as encouraging the compact, contiguous, and/or mixed-use sustainable development within the Urban Service Area to accommodate future growth needs. As discussed above, this proposal proposes context-sensitive infill that reduces the stresses on our urban service boundary.

## 2018 Goals and Objectives

Though the 2018 Comprehensive Plan is not yet complete, we believe that this proposal also is in accord with many of the goals and objectives adopted by the Urban County Council earlier this year. Though these goals have not yet been elaborated upon, in brief, we believe this proposal addresses the following adopted goals and objectives:

### *Theme A: Growing Successful Neighborhoods*

- Goal 1, Subgoal B – accommodate the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types
- Goal 2, Subgoal A – Identify areas of opportunity for infill, development, adaptive reuse, and mixed-use development.
- Goal 2, Subgoal B – respect the context and design features of areas surround development projects and develop design standards and guidelines to ensure compatibility with existing urban form.
- Goal 3, Subgoal A – enable existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-type housing throughout Lexington-Fayette County.
- Goal 3, Subgoal B – strive for positive and safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation.
- Goal 4, Subgoal A – incorporate schools, libraries, and other community-focused educational institutions into neighborhoods in order to maximize safe routes for all pedestrians and bicyclists.

### *Theme B: Protecting the Environment*

- Goal 2, Subgoal D – prioritize multi-modal options that de-emphasize single-occupancy vehicle dependence.

*Theme C: Creating Jobs and Prosperity*

- Goal 1, Subgoal A – strengthen efforts to develop a variety of job opportunities that lead to prosperity for all.
- Goal 2, Subgoal A – prioritize the success and growth of strategically-targeted employment sectors (healthcare, education, high-tech, advanced manufacturing, agribusiness, agritourism, and the like) and enable infill and redevelopment that creates jobs where people live.
- Goal 2, Subgoal D – provide entertainment and other quality of life opportunities that attract young, and culturally diverse professionals, and a work force of all ages and talents to Lexington

*Theme D: Improving a Desirable Community*

- Goal 1, Subgoal B – develop a viable network of accessible transportation alternatives for residents and commuters, which may include... other strategies.
- Goal 2, Subgoal B – collaborate with educational and healthcare entities to meet the needs of Lexington-Fayette County’s residents and visitors
- Goal 3, Subgoal B – incentivize the renovation, restoration, development and maintenance of historic residential and commercial structures

*Theme E: Maintaining a Balance between Planning for Urban uses & Safeguarding Rural Land*

- Goal 1, Subgoal A – continue to monitor the absorption of vacant and underutilized land within the Urban Service Area
- Goal 1, Subgoal D – maximize development on vacant land within the Urban Service Area and promote redevelopment of underutilized land in a manner that enhances urban form and/or historic features.

Current Zoning Inappropriate, Proposed Zone Appropriate

In further support of our application, we submit that the present Professional Office (P-1) Zone is inappropriate and the proposed Neighborhood Business (B-1) is appropriate. As was mentioned above, finding P-1 users has been a challenge in the thirteen (13) years that have passed since these properties were previously rezoned. Office users often require more substantial parking than is available at this location, and there is an abundance of office space in the nearby downtown area. The small nature of these properties make it challenging to develop for general office users, and specific single users have not found the space appropriate. In short, though the P-1 rezoning was likely pursued with the best intentions, it has not shown as fruitful as perhaps initially believed.

Conversely, B-1 uses appear more appropriate for this area. There are a number of housing locations in close proximity, both new and old, housing a variety of residents – professionals and students alike. Providing these residents with walkable neighborhood services has shown to be a viable business model for neighborhood properties. Via the conditional zoning restrictions that the applicant is not seeking to change, we submit that we can provide appropriate neighborhood services without changing the character of the zone. Furthermore, the first floor business/upper floor residential model has proven most effective in the campus context.

Accordingly, for the foregoing reasons, we submit that P-1 zoning is no longer appropriate at this location, and B-1 zoning is appropriate.

Conclusion

As you can see, this proposal comports with many of the applicable goals and objectives of the Comp Plan, and the goals and objectives contemplated for our next Comprehensive Plan. We also believe we have demonstrated the inappropriateness of the current category and appropriateness of the propose category. We believe this project is important in that it implements numerous goals and objectives of the Comp Plan, while minimally impacting the existing neighborhood and area residents, and likely enhancing their community.

Based on the foregoing, we respectfully request approval of our application as submitted. We look forward to presenting this application to you and discussing it with you.

Sincerely,



Jacob C. Walbourn

JCW/klm  
Enclosures

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