

October 31, 2016

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

RE: Zone Change Application from I-1/B-1 to R-5
339, 341, 345, and 347 Blackburn Avenue and
Former CSX Right-of-Way

Dear Chairman Wilson:

Please be advised that we represent Cowgill Partners LP (“Cowgill”), which is the owner of 339, 341, 345 and 347 Blackburn Avenue in downtown Lexington. We have also been given permission to rezone a portion of the former CSX right-of-way that is owned by Transylvania University. My client desires to rezone the above-mentioned parcels from their current industrial and neighborhood business zoning categories to the High Rise Apartment Zone (R-5). We believe these parcels can be redeveloped to more effectively serve the surrounding neighborhood in accord with the goals and objectives of the 2013 Comprehensive Plan, and that the proposed zoning is appropriate and the present zoning is inappropriate.

As the Commission is surely aware, the western edge of downtown has taken on new life as the Jefferson Street corridor has transformed in recent years. What once consisted of aging housing stock and underutilized land is now a vibrant area where restaurants and bars are flourishing. Too, Transylvania University has expanded the reach of its campus, recently completing an athletics complex directly across the street from the subject site. Bluegrass Community and Technical College has recently taken over the former site of Eastern State Hospital for their Newtown Campus. While some industrial uses persist in the area, there is also a mix of abandoned and underutilized industrial and warehouse property that is crying out for new life.

The zoning pattern in the Fourth Street/Jefferson Street area is a curious mix, with numerous nonconforming uses. The area is predominantly a mix of I-1, R-2 and R-4 zoning. However, the area consists of a handful of industrial uses, several single family houses, and relatively few higher density housing options. There is, however, demand for higher density housing in this area. Apartment living may be popular with those wishing to relocate to a blossoming area of Lexington, but without the responsibilities of caring for a single family home (particularly, an aging single family home). Additionally, due to the close proximity to the University and BCTC, students may also find this to be a popular location.

While there are areas that would permit higher density housing developments, few non-Transylvania owned options have been constructed in the area. In short, we believe higher density housing is both needed, and would be successful in this area.

Further, the suitability of this area for industrial use has decreased in recent years with the changes in the area. While some industrial uses do persist, many of the parcels presently zoned I-1 are small and would not, standing alone, support industrial redevelopment. Also, because of the close proximity to the urban core, these parcels tend to be more expensive, on average, than some of the other industrially zoned areas in our community. Additionally, the Newtown Pike corridor is a significant and important gateway to downtown Lexington, and redevelopment of this area from an industrial character to a more vibrant residential and commercial area will result in beautification of this gateway.

In sum, we believe this is an exciting and needed project for this area. We believe this development, coupled with other completed and planned projects in the area, will continue the transformation of the Jefferson Street corridor to a vibrant area of downtown. Additionally, this project will allow higher density residential uses in a popular area without displacing any existing residents or demolishing any existing residences.

Our conclusions that this rezoning request is in agreement with the 2013 Comprehensive Plan (hereinafter "Comp Plan") and that the present zoning is inappropriate and the proposed zoning is appropriate are based on the following:

Comprehensive Plan

Growing Successful Neighborhoods

Theme A of the Comp Plan embraces several goals regarding residential life in Fayette County. We believe this redevelopment proposal embraces all three Goals articulated in Theme A of the Comp Plan.

Expand housing choices. The objectives of this goal call for housing near employment and commercial areas. This proposal seeks to add needed higher density housing stock in a flourishing area of our community. It provides the opportunity to reside near the urban core, and potentially to "live where you work," as clearly the urban core is a center of Lexington's economy. The site is also near two institutions of higher education (where one may seek employment or further educational opportunity) and a burgeoning commercial area. Finally, it provides for a variety of housing choices. This area's residential selection is, primarily, aging single family houses. This project will provide the additional choice of apartment living in a desirable area.

Support infill and redevelopment throughout the Urban Service Area as a strategic component of growth. This goal is accomplished by identifying areas of opportunity for infill, redevelopment and adaptive reuse that respect the area's context and design features

whenever possible. This project would increase housing density without displacing any current residents. As you are no doubt aware, 95% of Fayette County's population resides within the Urban Services Area ("USA"), and this number is expected to rise by nearly 35,000 people by 2020 (Comp Plan, p. 13). It is anticipated that the USA will reach its capacity within the next 12 to 17 years. Thus, redevelopment is needed to provide housing and services to the ever increasing population within the USA. The Comp Plan calls for quality connections with parks, schools, and stores, and pedestrian friendly streets and amenities (Comp Plan, p. 39). The project is proposed in a highly walkable area, and is adjacent to the Transylvania University Athletics complex and Coolavin Park.

Provide well designed neighborhoods and communities. The Comp Plan calls not only for well-designed new developments, but to provide enhancements to existing neighborhoods to increase their desirability (Comp Plan, p. 38). Our proposed development will add needed residential space that is conveniently located to downtown, BCTC and Transylvania, and the Jefferson Street corridor. Because of the site's proximity to Transylvania and BCTC, it provides a walkable option for students. Additionally, this site is served by LexTran Routes #2 and 4, which will allow residents access to public transportation.

Protecting the Environment

Theme B of the Comp Plan embraces goals related to protecting the environment in Fayette County. We believe this proposal embraces elements of Theme B of the Comp Plan.

Reduce Lexington-Fayette County's carbon footprint. The Comp Plan (p. 50) notes that exhaust from motor vehicles contributes about one-third of our air pollutants. Because of this site's location, reliance on automobile transportation may be reduced. The site is within walking distance or a short bike ride of Transylvania, BCTC, and the Urban Core. Likewise, the site is directly served by Lextran Route #4, which provides service to the Lexmark campus. Because of its prime location, this project will allow residents to use their cars less, which will in turn reduce Lexington's carbon footprint.

Creating Jobs and Prosperity

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

Support and showcase local assets to further the creation of a variety of jobs. The Comp Plan notes that a variety of employment is necessary to lead to prosperity for all Lexington residents. Further, the Comp Plan emphasizes the importance of living near your workplace (Comp Plan, p. 74). This proposal will allow new employment opportunities for residents that will enable them to walk or ride to work or school. In fact, the Comp Plan includes the following passage:

“Adaptive reuse, infill, and redevelopment are not only about preserving farms and important buildings and making better use of existing infrastructure. They are also about putting jobs where people live. Many of Lexington’s businesses – large and small – can thrive as neighbors in and near neighborhoods. Land use regulations should enable opportunities to live where you work” (Comp Plan, p. 74).

As exhaustively discussed above, the prime location of this site will allow greater residential density in an area with numerous employment opportunities.

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 entertainment and other quality of life opportunities that will bring a workforce of all ages and talents to the city. The proposed development will allow members of the working community to patronize businesses downtown and in the Jefferson Street corridor, making Lexington a more desirable place to live. This site is immediately adjacent to the Transylvania University athletics complex and Coolavin Park. It is also near the downtown segment of the Legacy Trail. Higher density residential options near the urban core, recreational opportunities, and a burgeoning commercial corridor will be attractive, particularly to young professionals desiring a more urban living environment, but with convenient access to needed services and recreational opportunities.

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. This project will allow more support of an existing neighborhood, including the provision of additional housing stock, making it more desirable, and thus reducing the demand for new housing and an expansion of the USA.

The Comp Plan also encourages maintenance of this balance by encouraging infill, redevelopment, and adaptive reuse. The project discussed here would involve both infill and redevelopment concepts. Frankly put, higher density residential development is appropriate near the urban core, and directly responds to changes in the area including the relocation of

BCTC and the revitalization of the Jefferson Street corridor. It utilizes underutilized land and accommodates future growth needs, while not displacing existing residents.

Current Zoning Inappropriate

We also submit that the current I-1 zoning on the site is inappropriate and the proposed R-5 zoning is appropriate. The Jefferson Street revitalization, coupled with the decline of (and inefficiency of) industrial and warehouse uses near the urban core makes I-1 zoning inappropriate. Additionally, because many of the parcels in the immediate area have been subdivided over the years, stand-alone parcels are not appropriate for I-1 redevelopment. Further, the costs of obtaining and assembling the parcels for industrial redevelopment would be high, and potentially, cost prohibitive. In short, while in the past industrial zoning on the “fringes” of downtown may have been more acceptable and appropriate, the development pattern in the area generally has shifted away from industrial development uses. This is particularly evidenced by the presence of numerous residential uses in areas zoned as I-1 in this area.

Higher density residential development is a more appropriate use near Lexington’s urban core. Residential uses can more effectively be deployed given the present lotting pattern in the area, and will serve to further encourage residential and commercial development along this blossoming corridor. Further, the new BCTC and Transylvania improvements to the area have continued to transition this area away from industrial/manufacturing uses. It is a far more appropriate use to allow students, faculty and staff, as well as other downtown workers, to live near their workplace or school. High density downtown development is appropriate, and is indeed, more appropriate than industrial zoning in this area of Lexington.

Variances Requested

As is common with most significant projects near the urban core, a few variances will be required to create a commercially viable, attractive development that functions internally and with the neighborhood. The following variances are requested:

Height Variance – from 4:1 height to yard ratio to 50’ maximum. Because of the constrained nature of the site in an urban environment, maximizing the available building area is a must for an economically viable development. As a practical matter, the 25’ abandoned CSX right-of-way now under the control of Transylvania University can functionally serve as additional yard area, as there are no immediate plans for this site to develop. If considered a part of the yard, this would permit the building to rise to a height of 120’, which is clearly out of character with the general area. By granting the variance, it recognizes the unique circumstance of the abandoned right-of-way, while setting a height that is not out of character with the general area (particularly when compared to the nearby Blue Grass Grain building, the recently approved 10 story Thistle Station development, and

its close proximity to the primary urban core), and allowing an economically viable number of units. There will be no health, safety, or welfare impacts from this variance.

Front Yard Variance and Side Yard Variance – from 20 feet (front yard) and 10 feet (side yard) to 5 feet. As mentioned above, the unique circumstance that applies to this property is the abandoned CSX right-of-way, which buffers the project site from Fourth Street. This provides a larger open space near the site, but is not considered part of the project's yard because it is under separate ownership and not proposed for development at this time. Urban environments typically have smaller building setbacks, and as above, assists with economic viability by maximizing the density and buildable area. There will be no health, safety, or welfare impacts from this variance.

Open Space Variance – from 20% to 15%. This variance is appropriate because of the urban nature of the site. As above, there is a large area of open space in the form of the abandoned right-of-way that cannot be counted towards requirements. Furthermore, there are nearby areas of abundant open space accessible to the public (and thus, residents of this development) in Coolavin Park and the new BCTC campus. There are no health, safety, or welfare impacts to the grant of this variance, and reducing the open space allows for a greater utilization of the site, which increases density and improves economic viability.

Conclusion

As is evidenced by the foregoing, this plan is both in agreement with the 2013 Comprehensive Plan and the proposed zoning is more appropriate than the current industrial and commercial zoning. Allowing a development of this variety provides additional housing density in a transitioning area of Lexington while not displacing current residents. There is a need for additional housing in the area, particularly with the opening of the BCTC campus. Finally, the variances requested are reasonable requests in an urban environment, and should have little impact on the neighborhood.

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. Thank you for your consideration of this request.

Sincerely,



Jacob C. Walbourn
Counsel for Cowgill Partners LP

JCW/klm
Enclosures
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