



Planning and Public Safety Committee Meeting

April 19, 2022

Summary and Motions

Chair J. Brown called the meeting to order at 1:01 p.m. Committee Members Ellinger, McCurn, Lamb, Kloiber, Worley, Baxter, Bledsoe, and Plomin were in attendance. Committee Member Reynolds was absent. Council Members Moloney, LeGris, Sheehan, and F. Brown, and Vice Mayor Kay were also present as non-voting members.

I. Approval of February 15, 2022 Committee Summary

Motion by Baxter to approve the February 15, 2022 Committee Summary. Seconded by Plomin. Motion passed without dissent.

II. Residential Parking Permit Program

LeGris provided a brief introduction of the two Residential Parking Permit Program amendments. One amendment is for the South Hill Residential Parking Permit Program and the other is for the Bullock Place Residential Parking Permit Program.

Motion by Bledsoe to approve the amendment to the Residential Parking Permit Program for South Hill. Seconded by McCurn. Motion passed without dissent.

Motion by Bledsoe to approve the amendment to the Residential Parking Permit Program for Bullock Place. Seconded by McCurn. Motion passed without dissent.

III. Infill & Redevelopment Steering Committee Update

Sally Lambert-Warfield, Legislative Aide for the 3rd District Council Office, provided a report from the Infill & Redevelopment Steering Committee on the *Imagine Nicholasville Road Study*. After over a year of study, data collection, and public input, a plan has come forward that focuses on safety and efficiency for people travelling by car, bus, bike, or on foot. The committee decided that the best course of action would be looking at ways to support housing and mixed use opportunities in the Nicholasville Road area utilizing current available land use tools. One of these tools is Council Sponsored rezoning which offers three ways to begin a zone change process: developer led zone changes, Planning Commission led zone changes, or Council initiated zone changes. Following today's meeting, notification will be sent to the property owners explaining the proposed action and inviting them to discuss this issue with the Infill & Redevelopment Steering Committee. If the reaction from property owners is positive, the committee will schedule meetings to discuss the proposed action with nearby neighborhood associations and affected renters in the study area. Warfield noted that there are multiple "pause" points built in so the process can stop at any time should negative input be received.

Bledsoe asked if this would mean higher density housing and Warfield explained that this will also include mixed use development. She added that, with almost everything in that area being in the R2 zone, it wouldn't be difficult to get higher density than that. Bledsoe and Warfield confirmed the notification would be sent to property owners following today's meeting.

Baxter and Warfield clarified that if there is no opposition and we move forward with re-zoning, an area of similar zoning could be redeveloped into higher density housing or mixed use development. Warfield added that this would be the owner/developer's decision, but this provides an opportunity to do something different. Baxter and Warfield discussed the timeline and Warfield said the meeting with property owners would be around the first week of May. They anticipate the community meeting would be that same week of May, considering there is no opposition from the property owners. Baxter and Warfield confirmed that this item is not scheduled to report back to the committee at this time. J. Brown added that the Infill & Redevelopment Steering Committee wanted to have this proposal publicly announced prior to sending the notification.

Ellinger and Warfield confirmed that property owners have had no previous contact and are just hearing about this. Ellinger expressed concern that property owners who might be impacted are just learning about this. Kay explained that the intent was not to blindside anyone, but they wanted to give Council a heads up before informing property owners. Ellinger and Kay confirmed that there are no parameters in place to determine the number of property owners that are for or against this as a deciding factor for whether it moves forward or not. Kay added that the important thing to consider is that this is permissive and it gives the property owner an opportunity to increase density and property values.

LeGris thinks of this as a case study where in the past there have been a number of zone changes that were developer driven and this is floating the idea for a council driven zone change. She added that dramatic action doesn't need to be taken as this is only providing an option for a different process. Considering this moves forward, LeGris asked if we could set conditions in a zone change such as height requirement, no drive-through, etc. Warfield explained that they have had these conversations, but wanted to get feedback before setting limitations.

Lamb confirmed that the meeting dates are May 9 and 10 (the second meeting was later changed to May 12). This is an attempt to assist people and it has the potential to make their community better. She wants to make sure the message taken to the property owners and development community highlights inclusiveness and not displacement. She stressed that we want to work together to gather input and ideas.

McCurn asked if letters to property owners would also go to renters because he is interested in seeing the input from tenants. Warfield explained that renters would be included in the letters sent to neighborhood associations. Warfield added that the area in question does not have a neighborhood association so letters will be sent to renters.

Plomin asked how University of Kentucky (UK) has been involved in this process. Warfield said they reached out to UK to ensure the area in question was not within their acquisition boundary. UK has also been brought into several discussions and they have been broadly supportive.

Bledsoe mentioned that conversations with property owners need to include property taxes because zone changes cause property values to increase and the property owners will be responsible.

J. Brown and Warfield confirmed the area being considered is located in District 3. J. Brown asked the Division of Planning for additional comments and Director Duncan said they are favorable of this moving forward and working with UK, property owners, and tenants.

IV. Sustainable Growth Study Update

Craig Bencz, Administrative Officer Senior with the Chief Development Office, provided an update on Lexington's Sustainable Growth Study. He reviewed the goals of the study which creates objectives but it does not identify specific areas for preservation or expansion. He mentioned the *Existing Conditions and Growth Trends Report* which is available online. He reviewed 3 buildout scenarios and said all are consistent with the Comprehensive Plan and intended to be re-evaluated annually. He mentioned the projected growth demand for each of the three scenarios. He said the study questions whether we are growing in a way that is consistent with Comprehensive Plan and if each scenario is meeting certain requirements. He closed with a review of a proposed resolution requesting Council to adopt the study and reaffirm next steps. He highlighted some potential future steps and timing involved with those.

At this time, Chair Brown opened the floor for public comment. Several members of the public provided comments and Bencz took the time respond to those concerns.

Kay plans to announce that a multi-stakeholder workgroup will be established to formulate recommendations to the Planning Commission and Council on completion of the second half of the work envisioned in Theme E, Goal 4. Their charge will be to evaluate land in the rural area with potential for future development and establish a procedure for evaluating the data. He stressed that the most important thing is that we establish this baseline set of data to have a starting point which will provide the opportunity for us to see what is actually happening on an annual basis. He pointed out that this is a 20-year plan, but it is updated annually to account for unforeseen issues. He stressed that the committee's job today is to agree to move this forward to the full Council.

Bledsoe said the Task Force put in a lot of work and did a great job, but the process is not finished. She pointed out the difference in vacant and available land. When looking at vacant land in the report, you also have to consider whether the land is available to be developed (floodplain, FEMA protected, deed restricted, etc.). Before adopting this, we need to have disclosures about the availability of vacant land in order to make this credible or we won't have buy-in.

Kloiber asked what it actually means to adopt this study as a baseline. Mark Butler, Project Manager with Stantec, said the metrics used in the study were intended to be easily sourced and easily updated and would not be expensive to update on an annual basis. This is why the data consists of census data or real estate inventory data. As that data becomes available annually, they can show how trend lines have changed from year to year. Butler claims that any given scenario will produce, by zoning, a certain number of residential housing units. These are simple things the Planning staff can do and that is why it is the baseline. Kloiber requested additional information on what is being adopted with this resolution.

F. Brown expressed concern that there is a recommendation to adopt Lexington's Sustainable Growth Study when the study is not complete. He said expansion of the Urban Service Boundary (USB) should have been reviewed during the previous Comprehensive Plan. F. Brown and Bencz confirmed that exaction fees were not part of this and Bencz mentioned that there will be a different mechanism for future expansion areas as they are proposed.

Moloney suggested having a public hearing in the committee to hear the concerns before it goes to the full council.

Lamb stated that the resolution intends for the study to identify land for preservation and identification of land for potential future urban development and to be used in the preparation of future updates to the Comprehensive Plan, pointing out that the study shall not be used for findings necessary for proposed map amendments. She agrees that it is important to pass this resolution so we can move forward to the next step.

Kay and Bencz discussed the two resolutions included in the packet and Bencz explained the first resolution was adopted by the Planning Commission where they endorsed this process. The second resolution is for this committee and Council's consideration which will adopt the Sustainable Growth Study Framework for this to continue moving forward so the next steps can be completed. Kay shares concerns that have been expressed about other factors that can be considered at a later point should the data suggest it is time to consider the question of whether we are ready to look at expansion. He said the main thing this provides is a minimal amount of data that can be updated regularly so we can track where we are and how far we have come which will begin to answer the question of whether land that is vacant can actually be developed.

Kloiber agrees with the importance of getting data and moving data forward, but he feels the resolution does more than agree with a set of data that will be used as a baseline. He referenced section (2) which says we will request the Division of Planning to utilize this study in developing Comprehensive Plan Goals and Objectives which he feels also applies to methodology used for the evaluation. While he is in favor of adopting a collective data set, he has concerns with how useful or effective these methods of evaluation are. His concern is that this pushes forward more than just accepting data.

Worley said we are in a situation where we need to move things forward quickly, but agrees with doing this in tandem with the workgroup that will be established. He expressed concern with moving the resolution forward today because, while the data is helpful, some of it could be better explained and some could be updated. He feels that some of the scenarios of improvement are scenarios that we already encourage and, because we do not do this well, he has trouble accepting that methodology.

Lamb and Bencz confirmed that the data would be reviewed and updated on an annual basis. Bencz added that the intent is that, if the study moves forward, the framework and methodology would be adopted. Lamb said this is moving forward with the understanding that it will be updated each year and we need to move it forward so the data can be updated and analyzed.

Ellinger asked if the data is 2020 data as opposed to 2022 and if that makes a difference. Bencz confirmed it is 2020 data and he explained the intent is to update the data in July, but they want to make sure there is agreement to move forward before updating the data. He does not want to create the appearance that there is a rush to this, but noted that by adopting the framework in the existing conditions report, the data can be updated which will help inform next steps.

Due to time constraints, this item was continued to the May 24 Planning & Public Safety Committee meeting (update: there was a scheduling conflict and this was continued to June 21, 2022).

V. Items Referred to Committee

Motion by Bledsoe to adjourn at 2:50 p.m. Seconded by Baxter. Motion passed without dissent.