

Rec'd by _____

Date: _____

RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: **PLN-MAR-20-00009: BLACKBURN DEVELOPMENT LLC** – a petition for a zone map amendment from a Two Family Residential (R-2) zone to a High Rise Apartment (R-5) zone, for 0.655 net (0.717 gross) acre, for property located at 325, 329, and 333 Blackburn Avenue. (Council District 2)

Having considered the above matter on **July 16, 2020**, at a Public Hearing, and having voted **7-3** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reasons:

1. The requested High Density Apartment (R-5) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed rezoning will expand housing choice (Theme A, Goal #1) by accommodating the demand for housing in Lexington responsibly, prioritizing higher-density and a mixture of housing types (Theme A, Goal #1.b). The proposed development prioritizes higher density housing by adding 36 dwelling units to a two-family residential area presently zoned for a total of six (6) dwelling units on the three existing lots.
 - b. The proposed development will support Infill and Redevelopment throughout the Urban Services Area as a strategic component of growth (Theme A, Goal #2) through the infill of two vacant parcels of land and increasing the utilization of an underutilized structure (Theme E, Goal #1.d).
 - c. The proposed rezoning will prioritize multi-modal options through the establishment of an enhanced transit stop (Theme B, Goal #2.d), while also prioritizing a pedestrian-first design that accommodates the needs of bicycle, transit and other vehicles through the increased infrastructure along the frontage of the property (Theme D, Goal #1.a).
2. The requested Development Type and proposed development is in agreement with the Fourth Street Zoning Study, which recommends medium density residential for this area.
3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as the site creates a residential development that supports pedestrian mobility, while also complementing the existing structures along Blackburn Avenue.
 - b. The proposed rezoning includes safe facilities for the potential users, through the incorporation of enhanced pedestrian facilities along the property frontage and the establishment of an enhanced transit stop. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it works with the current landscape, limits the impacts on the surrounding environment, and increases tree canopy coverage.
4. **Under the provisions of Article 6-7 of the Zoning Ordinance, the following buffering restriction is recommended via conditional zoning:**
 - a. There shall be no external light along the southwest portion of the structure, which is adjacent to the property located at 321 Blackburn Avenue.
 - b. There shall be an 18-foot landscape buffer yard adjacent to the property located at 321 Blackburn Avenue for the length of any principal structure on the subject property.

5. This recommendation is made subject to approval and certification of PLN-MJDP-20-00019: Yellman's Subdivision (Powerhouse Church of God)(Blackburn Development), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

ATTEST: This 14th day of August, 2020.


Secretary, Jim Duncan

LARRY FORESTER
CHAIR

Note: The corollary development plan, MJDP-20-00019: YELLMAN'S SUBDIVISION (POWERHOUSE CHURCH OF GOD)(BLACKBURN DEVELOPMENT) was approved by the Planning Commission on July 16, 2020 and certified on July 30, 2020.

Note: One dimensional variance was approved by the Planning Commission on July 16, 2020.

K.R.S. 100.211(7) requires that the Council take action on this request by October 14, 2020.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Chris Clendenen, attorney.**

OBJECTORS

- Mark Klar, 321 Blackburn Avenue

- Amy Clark, 628 Kastle Road
- Faith Harders, 539 W. Third Street

- Brooks Scudder, 445 W. Second Street

- Marlee Bauman, 550 W. Third Street

- Evelyn Knight, 516 W. Third Street

OBJECTIONS

- Concerned with the scale of the proposed development, and doesn't believe that the R-5 zone meets the Fourth Street Zoning Study. He is also concerned that the proposed building will be used as dormitories for the nearby university.
- Concerned about the parking.
- Concerned about the increased parking along Blackburn Avenue.
- Concerned about the demolition of the existing house located at 325 Blackburn Avenue.
- Also concerned about parking and believes there should be separate residential street parking for the residents that don't have parking on their property.
- Concerned with the amount of trees being proposed for removal.

VOTES WERE AS FOLLOWS:

AYES: (7) Bell, Davis, de Movellan, Forester, Nicol, Penn, and Wilson

NAYS: (3) Meyer, Plumlee, Pohl

ABSENT: (0)

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for APPROVAL of PLN-MAR-20-00009 carried.

Enclosures: Application
Supplemental Justification and Materials
Plat
Staff Report
Supplemental Staff Report
Applicable excerpts of minutes of above meeting

