

Lexington-Fayette Urban County Government Special Council Meeting

Lexington, Kentucky November 19, 2025

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in special session on November 19, 2025 at 5:02 p.m. Present were Vice Mayor Wu in the chair presiding, in the absence of Mayor Gorton, and the following members of the Council: Morton, Reynolds, Sevigny, Sheehan, Beasley, Boone, Brown, Curtis, Ellinger, Elliott Baxter, Hale, Higgins-Hord, LeGris, and Lynch.

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At 5:02 p.m., Vice Mayor Wu opened the hearing.

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An Ordinance changing the zone from a Medium Density Residential (R-4) zone to a Downtown Frame Business (B-2a) zone, for 2.003 net (2.716 gross) acres, for property located at 251-273 Maxwell St. (odd numbered addresses) and 256-271 Kalmia Ave. (even numbered addresses). (CS Acquisition Vehicle, LLC; Council District 3) received second reading.

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Vice Mayor Wu swore in the witnesses and reviewed the procedures and order of proceedings for the meeting.

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Daniel Crumb, Div. of Planning, gave a presentation on the recommendation of the Planning Commission and filed the following exhibits: (1) Legal Notice of Public Hearing; (2) Affidavit of Notices Mailed; (3) Copy of Planning Commission Final Report and Recommendation; (4) Copy of Exhibits submitted during the Planning Commission Hearing which includes emails and letters; (5) Copy of the 2045 Comprehensive Plan; (6) Copy of the Zoning Ordinance; (7) Copy of Land Subdivision Regulations; (8) Copy of Traffic Impact Study; (9) Copy of Staff Presentation, and (10) Copies of emails submitted since the Planning Commission Public Hearing.

Mr. Crumb described the subject property and surrounding property, and the various uses that have been applied to it in the past. He displayed photographs and maps of the subject property and described its physical characteristics. Mr. Crumb also

discussed the proposed development and the reasons for the Planning Staff's and the Planning Commission's recommendations.

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Brandon Gross appeared as counsel for the Petitioner and filed the following exhibits: (1) Witness list, (2) List of exhibits, (3) Affidavit of Posting Signs; and (4) Copy of Presentation Binder.

Mr. Gross introduced various representatives for the Petitioners; he talked about the requested zone change, displayed photographs of the subject property, and discussed the location and proposed uses, as well as historical uses that have applied.

Austin Pagnotta, the Petitioner, spoke about his efforts to acquire the properties and apply for the zone change- all of which took over six years. He outlined potential benefits for the development, shared details about the number of units, proposed pricing for the rental units, and relocation assistance for existing tenants.

Jessica Winters, counsel for the Opposition, cross-examined Mr. Gross and Mr. Pagnotta.

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Jessica Winters appeared as counsel for the Opposition (The Blue Grass Trust) and filed the following exhibits: (1) Copy of the PowerPoint Presentation, and (2) Copy of the Final Position Statement.

Ms. Winters spoke about the surrounding area noting the adjacent H1 Overlay, the need for middle housing, as well as affordable housing needs throughout the City.

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At 6:15 p.m., the meeting stood at recess.

At 6:26 p.m., the meeting reconvened with the same persons present.

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The following persons spoke in opposition: (1) Audrey Matthews-Fields, Dist. 10; (2) Rich Scheming, non-resident; (3) Zak Leonard, Dist. 1 (who filed Opposition Exhibit 1); (4) Elizabeth Browning, Dist. 1; (5) Alene Dressler, Dist. 3; (6) Alice Christ, Dist. 3; (7) Maureen Peters, Dist. 3; (8) Rena Harrison, Dist. 3; (9) Carrick Moon, Dist. 3; (10) Mark Barker, Dist. 3; (11) Amelia Hall, Dist. 3; (12) John Michler, Dist. 3; (13) Wendy Mcallister, Dist. 3; (14) Willow Jordan, Dist. 3; (15) Jim Dickinson, Dist. 3 (who filed Opposition

Exhibit 2); (16) Walter Gaffield, Dist. 10 (who filed Opposition Exhibit 3); (17) Patricia Cooper, Dist. 11; (18) Timothy Carter, Dist. 3; (19) Bethany Baxter Dist. 3; (20) Luann Holmes, Dist. 3; and, (21) Carlotta Abbott, Dist. 3 (who filed Opposition Exhibit 4).

Mr. Gross objected to the inclusion of Ms. Abbott's exhibit.

Mr. Brown noted that the exhibit was already submitted and viewed.

Upon motion by Mr. Brown, seconded by Ms. Curtis, and approved by majority vote (Ms. Reynolds and Vice Mayor Wu voted No), the Rules were Suspended and the Exhibit was allowed into the record.

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The following persons spoke in support: (1) Jack Goebel, Dist. 3; (2) Matt Burton, Dist. 6; (3) Jordan Smith, Dist. 4; (4) Spencer Lazzari, Dist. 6; (5) Dillon Dome, Dist. 3; (6) Paul Smith, Dist. 9; (7) Rhett Constantine, Dist. 3; (8) Zach Skuniz, Dist. 11; (9) Ross Boggess, Dist. 3; (10) David Burton, Dist. 5; (11) Max Stocker, Dist. 3; (12) Sebastien Geroli, Dist. 5; (13) Antonio Marchi, Dist. 5; (14) Tim Chesney, Dist. 5; and, (15) Zach Smith, Dist. 9.

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At 8:01 p.m., the meeting stood at recess.

At 8:12 p.m., the meeting reconvened with the same persons present.

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Mr. Crumb offered rebuttal comments.

Mr. Gross made rebuttal comments on behalf of the Petitioner.

Ms. Winters made rebuttal comments on behalf of the Opposition.

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Mr. Gross offered summation for the Petitioner.

Ms. Winters offered summation for the Opposition.

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Vice Mayor Wu opened the floor for questions from the Council Members.

Ms. Reynolds asked whether historic status had prevented demolition permits from being issued within the proposed area. Mr. Crumb responded that it did not. She then asked whether LFUCG could require property owners within the proposed zone change to preserve their properties and whether the current comprehensive plan supported

housing in historic areas. Mr. Crumb responded that it could not. Ms. Reynolds also inquired about the proposed loading zones for the development and the process for placing a home on the historic registry. Mr. Crumb responded.

Mr. Seigny asked about a typical building permitted in an R-4 zone. Mr. Crumb responded. He then inquired about incentives offered to developers who propose construction projects that better serve the community. Mr. Crumb responded that incentives are available for workforce and affordable housing. Mr. Seigny asked about sewer capacity, to which Mr. Crumb responded. Mr. Gross added that an application for a capacity study had been submitted and that planning efforts are ongoing. Mr. Seigny also asked about the character and density of the area, as well as the proposed step-down component. Mr. Crumb responded.

Mr. Morton inquired about relocation assistance. Mr. Pagnotta responded that there would be a commitment to provide limited assistance. Mr. Morton then asked whether data was available comparing student housing to affordable housing units. Mr. Crumb provided figures on the number of units, beds, and parking spaces included in the proposal. Mr. Morton expressed his support for affordable housing for students, citing the challenges students face in securing affordable housing. He further emphasized the greater overall need for affordable housing and observed that recent development trends appear to favor student housing over general housing projects.

Ms. LeGris asked about the boundaries of Downtown Lexington and noted that a Downtown Development Plan is currently being developed. Ms. Crumb responded that the downtown designation is consistent with the site's location and the proposed plan. Ms. LeGris then asked about the origin of the maps, to which Mr. Crumb responded. She also inquired whether the Corridors Commission had considered the location and asked about traffic studies. Mr. Crumb responded, noting that three traffic studies would be conducted as part of the proposed development.

Ms. Elliott Baxter asked about the number of parking spaces and the setbacks along the bordering streets. Mr. Crumb provided the requested information. Ms. Elliott Baxter confirmed that there was no commercial use proposed in the plan, and Mr. Crumb stated that there currently was not. She then asked whether the townhomes were

intended to be renter- or owner-occupied, to which Mr. Pagnotta responded. Ms. Elliott Baxter also inquired about height restrictions, and Mr. Pagnotta responded.

Mr. Ellinger thanked those in attendance and asked about the traffic impact study, noting that it should account not only for the proposed development but also for two other developments in proximity. He referenced the proposed 981 parking spaces associated with the development under consideration and expressed concern about the potential impact of increased traffic. Mr. Crumb shared details of the traffic study, including the types of data collected, and explained how that information was applied to the area in question. Mr. Ellinger asked about ingress and egress to the property, as well as the current zoning and the types of development that could occur without a zone change. Mr. Crumb responded.

Ms. Sheehan asked about the connection to a shared-use path, and Mr. Crumb responded. She then inquired about landscaping requirements, to which Mr. Crumb also responded. Ms. Sheehan asked about the median income used for workforce and affordable housing requirements, noting that a recent study listed the average salary as \$62,000 per year. She emphasized that rental rates would need to be capped at approximately \$1,000 per month to align with that income level and added that true affordability would require rent closer to \$600 per month.

Ms. Curtis asked whether the proposed development was intended to be classified as affordable. Mr. Pagnotta responded that it was not.

Vice Mayor Wu asked whether staff had proposed any adjustments or amendments. Mr. Crumb responded that there were none, noting that there was not a strong showing of opposition at the Planning Commission hearing. Vice Mayor Wu then asked whether any amendment suggestions were offered by those who did attend the hearing. Mr. Crumb responded. Vice Mayor Wu noted that the proposed development was not an affordable housing plan and asked whether the existing residential properties in the area were considered affordable. Mr. Crumb responded. Vice Mayor Wu also asked about zoning requirements related to the University of Kentucky and whether the City had any formal arrangement with the university. He further inquired about any applicable state regulations pertaining to the university and housing provisions and spoke about challenges associated with increasing student populations within the City. Mr. Crumb

responded to the Vice Mayor's questions. Vice Mayor Wu asked who the target resident would be for the development. Mr. Pagnotta responded that while the units would range from one-bedroom to multiple-bedroom configurations, the majority of residents were expected to be transitional young professionals.

Mr. Brown confirmed that the formula for determining the rent was based on the number of beds within a unit. Mr. Pagnotta confirmed that it was. Mr. Brown asked if preservation was recommended. Mr. Crumb stated that adaptive reuse was encouraged, where applicable, however proposed projects are considered holistically and preservation is considered differently for each regarding design standards. Mr. Gross noted design standards listed within Appendix A: Multi-Family Design Standards and stated the submitted rendering of the design plan were within standards. Mr. Pagnotta stated that the development would mirror similar design elements from townhomes in proximity. Mr. Brown asked about any feedback considered from community engagement. Mr. Pagnotta responded.

Ms. Lynch asked about relocation assistance and the timeline associated with that assistance. Mr. Pagnotta responded. Ms. Lynch then asked about the approval process for zone changes. Tracey Jones, Dept. of Law, responded by outlining the proper procedures and the number of votes required. Ms. Lynch asked about the process for overturning a recommendation made by the Planning Commission. Ms. Jones responded.

Mr. Morton asked about the public meetings and the process going forward should the proposal gain approval, and clarified whether this was the final opportunity for the public to provide input. Mr. Crumb responded. Mr. Morton asked about the plan going forward. Mr. Gross responded that there were still several steps to finalize the plan, but the final development would be forthcoming.

Ms. Sheehan asked about the history of the area, gentrification and redlining. Mr. Gross responded. Ms. Sheehan asked the Law Dept. about what the Council was authorized to consider in their decisions. Ms. Jones responded, outlining the process for approval or disapproval.

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At 10:08 p.m., the meeting stood at recess.

At 10:21 p.m., the meeting reconvened with the same persons present.

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At 10:21 p.m., Vice Mayor Wu closed the hearing.

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Mr. Sevigny stated that the applicant had done a commendable job and expressed support for providing additional housing options; however, he noted that he struggled with the proposed step-down in density.

Ms. LeGris thanked all who attended and stated that while she supports additional housing, the significance of the neighborhood could not be overlooked. She expressed her belief that the university should construct more housing for its students and that landlords should better maintain existing properties. In closing, she noted the amount of development the area has already experienced and stated her opposition to the proposed zone change.

Ms. Curtis thanked those who attended the meeting and stated her opposition to the proposed zone change.

Ms. Elliott Baxter thanked those for attending the meeting and stated her support for the zone change.

Ms. Reynolds also thanked everyone in attendance and stated that, despite the recommendation from the Staff and Planning Commission, she would be opposing the zone change.

Mr. Brown also thanked those for attending and shared his belief that while this could be a missed opportunity, he believed that the area has undergone a lot of change and therefore stated his opposition.

Mr. Boone thanked everyone for coming to the meeting, and stated that while he was sensitive to change, he would be supporting the zone change.

Ms. Sheehan stated her support for the proposal, noting its close proximity to downtown and the need for higher-density housing in the area.

Vice Mayor Wu thanked everyone for attending. He emphasized that the decision at hand was not between the proposal and the absence of development, but rather between this proposal and another potential proposal. He reiterated the purpose of the development plan, the Council's limitations, the challenges associated with an

overcrowded student population, and the need for change. He encouraged his colleagues to support the zone change.

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Upon motion by Ms. Elliott Baxter, seconded by Ms. Sheehan, the Council disapproved the Findings of Fact, as follows, by the following vote:

Aye: Sheehan, Wu, Beasley, Boone, Elliott Baxter, -----7  
Hale

Nay: Morton, Reynolds, Sevigny, Brown, Curtis, -----8  
Ellinger, Higgins-Hord, LeGris

Having considered the above matter on September 25, 2025, at a Public Hearing, and having voted 8-2 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 proposed Downtown Business Frame (B-2A) zone is in agreement with the Imagine Lexington 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
  - a. The request will help meet an increase in the demand for housing, particularly for University of Kentucky students (Theme A, Goal #1.b and #1.d; Theme A, Goal #2.a).
  - b. The request incorporates changes in the massing and height of the structure in order to transition into the scale of development currently present in the area (Theme A, Goal #2.b).
  - c. The request de-emphasizes single-occupancy vehicles by limiting parking on-site and providing for direct multi-modal connections to the University of Kentucky and the greater downtown area (Theme B, Goal #2.d).
2. The proposal is in agreement with the Policies of the 2045 Comprehensive Plan for the following reasons:
  - a. The request meets the Multi-Family Design Standards (Theme A, Design Policy #3).
  - b. By creating a step down in height, the proposed structure is sensitive to the surrounding context (Theme A, Design Policy #4).
  - c. The proposal provides for additional residential density along a downtown corridor (Theme A, Density Policy #1 and #2).
3. The justification and corollary development plan are in agreement with the Development Criteria of the 2045 Comprehensive Plan.
  - a. The proposed rezoning meets the criteria for Land Use, as the request significantly increases residential density along a downtown corridor (A-DN2-1; E-TS8-2).
  - b. The proposed rezoning meets the criteria for Transportation, Connectivity, and Walkability, as the request provides accessible links to transit (A-DS1-1), widens the sidewalks present on the site (ADS4-1 and ADS5-1), creates a walkable streetscape (A-DS5-2).
  - c. The request meets the criteria for Environmental Sustainability and Resiliency, as the request does not impact any environmentally sensitive areas (B-PR-2-1), and incorporates an integrated parking structure to reduce surface parking and impervious surface present with the development (B-SU4- 1).

d. The proposal meets the criteria for Site Design, as the development activates the streetscapes along all four sides (A-DS5-4), improves pedestrian connectivity in the area (C-LI8-1), limits on-site parking (C-PS10-2), and provides for programmed open space (D-PL4-1).

e. The plan meets the majority of the criteria for Building Form, as the request meets the Multi-Family Design Standards (A-DS3-1), incorporates height transitions to better relate to the existing context of development further along Rose Street (A-DS4-2), and provides for active first-floor uses that improve the pedestrian experience on the site (A-DS5-3; D-PL2-1).

4. This recommendation of approval is subject to the following conditional zoning restrictions:

a. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be prohibited:

- i. Establishments for the display, rental, or sale of automobiles, motorcycles, trucks and boats.
- ii. Hotels and motels.
- iii. Wholesale establishments.
- iv. Minor automobile and truck repair.
- v. Establishments primarily engaged in the sale of supplies and parts for vehicles and farm equipment.
- vi. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
- vii. Automobile and vehicle refueling stations and service stations
- viii. Adult entertainment establishments
- ix. Stadium and exhibition halls

b. The property shall be developed with a minimum of 100 dwelling units per acre.

These restrictions are necessary and appropriate in order to maintain the character of the E. Maxwell Street corridor, protect the adjoining residential uses, as well as meet the Comprehensive Plan’s goal of increasing the density of residential development in and near downtown, and along arterial corridors.

5. This recommendation is made subject to approval and certification of PLN-MJDP-25-00051: LYNDHURST SUBDIVISION, BLOCK C (THE HUB ON EAST MAXWELL) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission’s approval.

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Upon motion by Ms. LeGris, seconded by Ms. Curtis, the Council approved the alternate Findings of Fact, as follows, by the following vote:

Aye: Morton, Reynolds, Sevigny, Brown, Curtis, -----8  
Ellinger, Higgins-Hord, LeGris

Nay: Sheehan, Wu, Beasley, Boone, Elliott Baxter, -----7  
Hale, Lynch

1. This proposal will destroy a block of historic residences currently providing housing to various populations that is not compliant with Theme D, Goal 3, as it does not respect the context and design

features of the areas surrounding the proposed development, or protect historic structures.

- 2. This proposal will also destroy tree canopy and fill in open green space with said project. This is not compliant with Theme A, Goal 2, to incorporate adequate green space and open space to support the needs of the intended population.

This proposal is not compliant with Theme A, Goal 3, and the Comprehensive Plan, because destroying properties in this location that provide housing adjacent to an historic district because it eliminates rather than enabling new neighborhoods to flourish while expanding opportunities for neighborhood character, and preservation therein.

- 4. The existing development is not under-utilized therefore more infill and redevelopment at this location is not appropriate, which is in support of Theme E.

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Upon motion by Mr. Sevigny, and seconded by Ms. Curtis, the ordinance failed by the following vote:

Aye: Sheehan, Wu, Beasley, Boone, Elliott Baxter, -----7  
Hale, Lynch

Nay: Morton, Reynolds, Sevigny, Brown, Curtis, -----8  
Ellinger, Higgins-Hord, LeGris

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Vice Mayor Wu thanked the participants for their involvement.

Seeing no objection, Vice Mayor Wu declared the meeting adjourned at 11:02 p.m.

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Clerk of the Urban County Council

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