

January 18, 2017

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

RE: Amended Zone Change Application from B-4/I-1 to B-1
603, 607, 615, 617, and 619 South Broadway; 411 Chair Avenue;
and 410 DeRoode Street

Dear Chairman Wilson:

Please be advised that we represent the Bernard Queen Trust (hereinafter "Queen Trust"), which is the owner of 603, 607, 615, 617 and 619 South Broadway, as well as 511 Chair Avenue and 410 DeRoode Street. My client desires to rezone the above-mentioned parcels from their current industrial and warehouse business zoning categories to the Neighborhood Business Zone (B-1). This letter reflects an amendment to our prior application, which sought rezoning of the same parcels to the Highway Service Business Zone (B-3). 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.

The subject property is located at the new intersection for the Newtown Pike extension and South Broadway, a long planned roadway extension that is in its final phase, and is slated for completion soon. The site is at a unique location, in that it is the convergence of the downtown area, and the University of Kentucky campus area. Historically, the general area has housed industrial and warehouse uses, but that has slowly evolved in recent years, with large, student focused developments like The Lex, 5 Twenty Four Angliana, The Wyatt, and Newtown Crossing having come online and has markedly changed the character of the area. What was once a bustling hub of industrial activity has become one of the primary areas for UK students to live, work, and eat.

Though the area has seen growth from a residential density standpoint, the area has been slower to develop with establishments like restaurants and retail space. Additionally, South Broadway is one of the primary gateways to access both downtown and the University of Kentucky area, including Rupp Arena, and daily is travelled by thousands of Lexington residents and visitors alike. It is becoming clear that warehouse and industrial uses near such a prominent corridor, with the Newtown Pike extension soon coming, is not an efficient use

of such valuable and conveniently located land. We believe a retail and/or restaurant use would be highly successful in this location.

In sum, we believe this is a more appropriate use in this area. We believe this proposal will enhance an important corridor and gateway to downtown Lexington, as well as serve the student and employee population of the University of Kentucky, as well as employees and residents of what we anticipate will be an area continuing to expand residential options.

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 goals articulated in Theme A of the Comp Plan.

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. As the South Broadway corridor has transitioned to higher density student and downtown resident living, additional restaurant and/or retail services would help to serve this existing neighborhood. The area is becoming less and less compatible with warehouse and industrial uses, and we believe that B-1 zoning is more appropriate given the way the area has evolved in recent history and the need for uses to serve the existing and expanding residential areas.

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 commercial space in an area with great residential density, while beautifying and providing a more efficient use of land in the area. Additionally, this site is served by LexTran Routes #13 and 15, which will allow potential customers to access the site by car, pedestrian, or public transportation means.

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 Urban Core, the University of Kentucky, and several high density apartment developments. Likewise, the site is directly served by Lextran. Because of its prime location and ability to be accessed by car, foot, bike, or public transit, 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 area residents that will enable them to walk or ride to work. 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).

This is particularly appropriate given the predominant student makeup of the area. Many students may not be pursuing full time employment due to their studies, but may work part-time for retailers and restaurants in order to offset their expenses of schooling. In fact, this goal of the Comp Plan specifically notes that a *variety* of jobs is needed. It is this variety of job that helps our students find reasonable employment during their educational pursuits.

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 commercial opportunities, making it more desirable, and thus reducing the demand for additional commercial opportunities and to avoid a potential 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, commercial development is and will remain more attractive than warehouse or industrial development along one of the most significant corridors in Lexington.


Current Zoning Inappropriate

We also submit that the current B-4/I-1 zoning on the site is inappropriate and the proposed B-1 zoning is appropriate. Typically, B-4 zoning is employed with warehouse-like uses, that often require significant portions of land. Likewise, industrial development requires a significant amount of land. However, even having assembled the six parcels subject to this zoning change, the site is less than 2/3rds of an acre. Because of the small nature of these parcels, redevelopment in a B-4 or I-1 use is not particularly feasible. Additionally, as explained above, the connection of the Newtown Pike extension, coupled with the evolution of the development in the area makes industrial and warehouse uses less appropriate in this location. Accordingly, we submit that B-1 zoning, which allows for retail, restaurant, and commercial use, is more appropriate than B-4 or I-1 zoning at this location. It is also in accord with the Newtown Pike Extension ordinance and plan. We submit that the overall concept of the Newtown Pike Extension plan would support the proposition that B-4/I-1 zoning is no longer appropriate at this location (as these plans focus on the possibility of mixed use developments), whereas B-1 is an appropriate zone for this location based on the recommendations of the plan and the possibility of mixed use development in the B-1 zone.

Conclusion

As you can see, we believe this is an appropriate application to enhance an evolving significant corridor in Lexington. 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 Bernard Queen Trust

JCW/klm
Enclosures

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