

Lexington-Fayette Urban County Government Special Council Meeting

Lexington, Kentucky March 7, 2017

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in special session on March 7, 2017 at 5:06 p.m. Present were Vice-Mayor Kay in the chair presiding, in the absence of Mayor Gray, and the following members of the Council: Henson, Higgins, Lamb, Moloney, Plomin, Scutchfield, Bledsoe, F. Brown, and J. Brown. Absent were Council Members Mossotti, Stinnett, Evans, Farmer, and Gibbs.

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At 5:06 p.m., Vice Mayor Kay opened the hearing.

An Ordinance changing the zone from a Light Industrial (I-1) zone to a High Rise Apartment (R-5) zone, for 1.49 net (1.78 gross) acres, and from a Neighborhood Business (B-1) zone to a High Rise Apartment (R-5) zone, for 0.24 net (0.27 gross) acres, for properties located at 339, 341, 345 and 349 Blackburn Ave. and adjacent former railroad right-of-way (Cowgill Partners, LP; Council District 2.) received second reading.

Vice Mayor Kay swore in the witnesses, and reviewed the procedures and order of proceeding for the meeting.

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Mr. William Sallee, Div. of Planning, gave a presentation and filed the following exhibits: (1) Legal Notice of hearing to be held; (2) Affidavit of William Sallee of Notices Mailed; (3) Recommendation of the Urban County Planning Commission - PL-MAR-16-00019; (4) 2013 Comprehensive Plan with Goals and Objectives; (5) Lexington Central Sector Small Area Plan, (6) Fourth Street Zoning Study, (7) 1983 LFUCG Zoning Ordinance as Amended; (8) 1983 LFUCG Land Subdivision Regulations as Amended; (9) Powerhouse Church of God letter; and (10) Printed PowerPoint presentation.

Mr. Sallee described the subject property and surrounding property, and the various zoning and uses that have applied in the past. He displayed photographs and maps of the subject property and described its physical characteristics.

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Mr. Jacob Walbourn, counsel for the Petitioner gave a presentation and filed the following exhibits: (1) Sign on Property; (2) Printed PowerPoint presentation; and (3) Lexington Downtown Development Authority Downtown Market Inventory Report 2015.

Mr. Walbourn described the proposed development and its amenities for residents, as well as how it comports with overlapping area plans for the property.

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At 6:01 p.m. the meeting paused for a moment when quorum was lost. Quorum was regained and the meeting resumed.

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Mr. Walbourn continued and completed his presentation.

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The following persons spoke in opposition to the zone change: (1) Ms. Cindy Bowling, Blackburn Ave.; (2) Mr. Zachary Johnson, Blackburn Ave.; (3) Mr. Mark Klar, Blackburn Ave.; and (4) Ms. Faith Harders, W. Third St.

Mr. Greg Bill, Blackburn Ave., was sworn in by Vice Mayor Kay and spoke in opposition to the zone change.

Ms. Barbara Grossman, Blackburn Ave., spoke in opposition to the zone change and filed Opposition Exhibit (1) Letter from Neighbor.

Mr. Klar offered concluding remarks on behalf of the Opposition.

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Mr. Sallee talked about the proposed development.

Mr. Walbourn gave a rebuttal argument on behalf of the Petitioner.

Ms. Grossman made a rebuttal argument on behalf of the Opposition. She asked about the entrance and Mr. Walbourn responded.

Mr. Klar made a rebuttal argument on behalf of the Opposition.

Mr. Kevin Warner, a landscape architect of the Carman organization, appearing on behalf of the Petitioner, spoke about water management on the property.

Mr. Walbourn gave his closing remarks.

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Ms. Plomin asked about why the 4th Street Plan was not incorporated into the Comprehensive Plan. Mr. Sallee responded.

Mr. J. Brown asked about green space. Mr. Sallee and Mr. Walbourn responded.

Mr. J. Brown asked about on-site management of the proposed development. Mr. Walbourn and Mr. Mike Harris, Cowgill Properties, responded.

Mr. J. Brown talked about parking issue mitigation strategies.

Ms. Scutchfield asked about parking and the width of the street. Mr. Walbourn responded.

Ms. Scutchfield asked about existing zoning of the property and Ms. Harders and Mr. Sallee responded.

Ms. Henson asked about a traffic study. Mr. Sallee, Ms. Harders and Mr. Johnson responded.

Ms. Lamb asked about residential parking mitigation programs and density. Mr. Sallee and Mr. Klar responded.

Ms. Lamb asked about nearby parks and several persons responded.

Ms. Scutchfield asked about allowable uses in an R-2 zone. Mr. Sallee responded.

Mr. Moloney asked about the Light Industrial zone. Mr. Sallee responded.

Vice Mayor Kay asked about Mr. Walbourn's and the Petitioners' efforts to get input from the property owners. Mr. Walbourn responded.

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At 7:04 p.m. Vice Mayor Kay declared the hearing closed.

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Ms. Scutchfield spoke about the zone change and the possibilities for the property.

Ms. Higgins spoke about future efforts to better manage traffic, and make Blackburn Ave. more accommodating to residents.

Ms. Lamb spoke about a prior zone change in her district, and encouraged the existing residents in this neighborhood to reach out to new residents when the development is completed. Ms. Lamb also discussed parking.

Mr. J. Brown spoke about the current zoning of the property and the possible adverse effect it could have and the proposal of the development being mixed use.

Ms. Higgins spoke about the noise ordinance.

Ms. Henson talked about parking concerns.

Vice Mayor Kay described developable property within the Urban Services Boundary and the impact of the zone changes that will occur. Vice Mayor Kay also talked about the importance of infill development on available land.

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Ms. Lamb moved to approve the Findings of Fact as approved by the Planning Commission, and the motion was seconded by Ms. Bledsoe. The Findings of Fact are as follows:

1. The proposed High Rise Apartment (R-5) zone is in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. A "Growing Successful Neighborhoods" recommends expanding housing choices, with emphasis on mixed-use and higher density development in certain situations to address a variety of community needs (Goals #1b. and #1d.). It also recommends supporting infill and redevelopment as a strategic component of growth, with focus on context sensitive design (Goal #2a.), and providing well-designed neighborhoods through mixed use and multi-type housing, and multi-modal transportation connections (Goals #3a. and #3b.).
 - b. The petitioners proposed zone change will enable redevelopment of an industrial site in the near downtown Northside neighborhood, very close the West Fourth Street corridor between Newtown Pike and Jefferson Street. The petitioner's proposed project will provide additional housing options for the area Newtown Pike corridor in a context-sensitive manner, while offering multi-modal transportation connections (vehicular, bicycle, pedestrian and transit) to the urban core as well as Transylvania University and the BCTC Campus.
 - c. Theme C "Creating Jobs and Prosperity" encourages locating jobs where people live (Goal #, and vice versa, making it easier for citizens to get to employment centers and reduce congestion in the process. The petitioner's proposed project is situated between the BCTC Campus, Transylvania University and downtown, thus an opportunity exists to provide high density housing near existing jobs and higher education.
 - d. Theme E "Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land" also encourages the utilization of underutilized land to uphold the Urban Service Area concept (Goal #1a.) and building in a compact, contiguous, and/or sustainable manner (Goal #1b). The petitioner is redeveloping an underutilized industrial site along West Fourth Street, which has been identified as a focus area for redevelopment in several supporting plans, thus fulfilling the intent of the Comprehensive Plan.
2. The subject properties are located within the boundary of the Central Sector Small Area Plan, adopted by the Planning Commission in 2009. The SAP identifies the Fourth Street corridor west of Jefferson Street as a focus area to better connect the new BCTC campus to Transylvania University.
3. The Downtown Lexington Masterplan recommends maximizing residential density of vacant sites (Recommendation #6), and this proposal furthers that recommendation
4. The Fourth Street Zoning Study identifies the subject properties as part of a focus area, where an urban mixed-use zone should be created,

which is a recommendation that is consistent with the Central Sector Small Area Plan. The Study also described an "opportunity district" for mid-density residential or mid-low density mixed-use development which could create a transition from more intense uses to single-family residences. The proposed R-5 zone will create a higher density and intensity along the West Fourth Street corridor to create a more urban environment, and which will act as a step down in land use (transition) between the more intense uses to the west and north and the single-family residences and church along Blackburn Avenue.

The Council approved the Findings of Fact by the following vote:

Aye:	Henson, Higgins, Kay, Lamb, Moloney, Plomin, Scutchfield, Bledsoe, F. Brown, J. Brown	-----10
Nay:		-----0
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Upon motion by Ms. Lamb, and seconded by Ms. Bledsoe, the ordinance passed by the following vote:

Aye:	Henson, Higgins, Kay, Lamb, Moloney, Plomin, Scutchfield, Bledsoe, F. Brown, J. Brown	-----10
Nay:		-----0
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Upon motion by Ms. Bledsoe, seconded by Ms. Plomin, and approved by unanimous vote, the meeting adjourned at 7:19 p.m.

Clerk of the Urban County Council