

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-23-00016: STAVROFF LAND & DEVELOPMENT, INC.

DESCRIPTION OF ZONE CHANGE

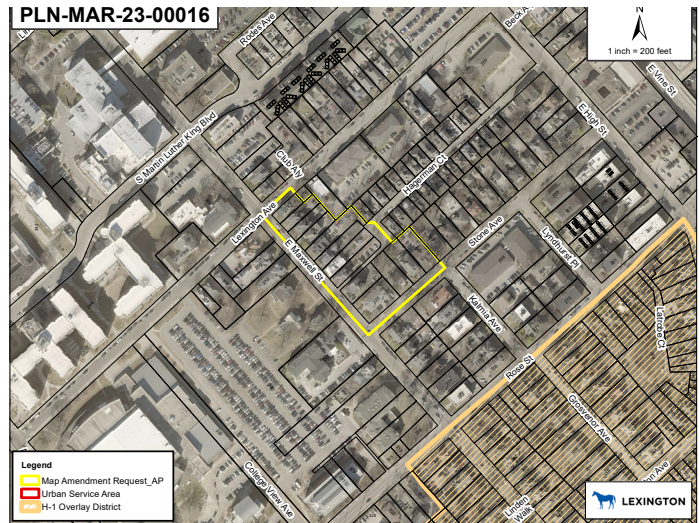
Zone Change: From a Medium Density Residential (R-4) zone
To a Downtown Frame Business (B-2A) zone

Acreage: 2.143 net (2.633 gross) acres

Location: 201, 207, 209, 211, 215, 221, 225, 227, 231
and 235 E. Maxwell Street; 245, 247, 249 and
251 Stone Avenue

EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	R-4	Multi-Family
To North	R-4	Multi-Family
To East	R-4	Multi-Family
To South	R-4/R-5	Multi-Family / UK
To West	R-4	Multi-Family



URBAN SERVICE REPORT

Roads - Maxwell Street is a minor arterial roadway that provides southeast bound, one-way traffic, extending from Versailles Road (US 60) to its merger with East High Street. The roadway experiences approximately 11,000 ADT. There are three local roads that border the subject properties: Lexington Avenue, Hagerman Court, and Stone Avenue. Both Stone Avenue and Hagerman Court connect High Street and East Maxwell Street. The proposal includes a relocation of the termination of Hagerman Court from Maxwell Street to Stone Avenue.

Curb/Gutter/Sidewalks - East Maxwell Street, Lexington Avenue, and Stone Avenue have been improved with curb, gutter and sidewalks. Hagerman Court has curb and sidewalks for much of the street; however, these facilities terminate as the road bends towards its intersection with East Maxwell Street. The current sidewalks along Hagerman Court do not meet the minimum standards for ADA accessibility.

Storm Sewers - The subject property is located within the Town Branch watershed. Stormwater improvements may be required to address both water quantity and water quality. Any such improvements shall be designed and constructed in accordance with the LFUCG Engineering Manuals. There are no FEMA Special Flood Hazard Areas or known flooding issues within the immediate area.

Sanitary Sewers - The subject property is located within the Town Branch sewershed and will be serviced by the Town Branch Wastewater Treatment Facility, located on Lisle Industrial Avenue inside New Circle Road, between Leestown Road and Old Frankfort Pike. Sanitary sewer capacity will need to be verified by the Capacity Assurance Program (CAP) prior to certification of the final development plan, as an increase in sanitary sewer flows are anticipated for the multi-family residential land use.

Utilities - All utilities, including natural gas, electric, water, phone, and cable television are available in the area, and are available to serve the proposed development.

Refuse - The Urban County Government serves residences in this portion of the Urban Service Area with collection on Mondays.

Police - The nearest police station is the main headquarters, located about 1/2 mile north of the subject properties on East Main Street.

Fire/Ambulance - The nearest fire station (#5) is located less than 1/2 mile southeast of the subject properties at the intersection of E Maxwell Street and Woodland Avenue

Transit - Lextran services the area with inbound and outbound routes stopping nearby, at the intersection of Rose Street and Maxwell, one block from the subject properties.

Parks - The subject properties are located 1/3 of a mile west of Thoroughbred Park, and approximately 1/2 of a mile northwest of Woodland Park.

SUMMARY OF REQUEST

The petitioner has requested a zone change from a Medium Density Residential (R-4) zone to a Downtown Frame Business (B-2A) zone for 2.143 net (2.633 gross) acres for the properties located 201, 207, 209, 211, 215, 221, 225, 227, 231 and 235 E. Maxwell Street; 245, 247, 249 and 251 Stone Avenue in order to establish a six-story multi-family residential development.

PLACE-TYPE

DOWNTOWN Downtown is the urban epicenter of commerce and entertainment. The core should be anchored by high-rise structures with ground-level pedestrian engagement opportunities surrounded by mid-rise buildings increasingly offering dense residential uses. Lexington's Downtown should continue to be notable for its mix of uses and variety of transportation options. Parking should be addressed as a shared urban core asset, eliminating dedicated surface parking lots in favor of structures.

DEVELOPMENT TYPE

HIGH DENSITY RESIDENTIAL

Primary Land Use, Building Form, & Design
Primarily high-rise multi-family units. This type of development is generally reserved for the most intensely developed areas in Lexington, with the infrastructure to support it. Where these developments abut existing or historic neighborhoods, appropriate step-downs or context-sensitive elements should be used to minimize intrusion.

Transit Infrastructure & Connectivity
Mass transit infrastructure should be provided along transit routes through collaboration with Lextran, and bicycle and pedestrian facilities should be plentiful to provide multi-modal options. Parking should be minimized in favor of multi-modal options, and where necessary, should be predominantly accommodated within garages.

Quality of Life Components
Open space and greenspace opportunities should be adequate within the area to support the residents, or should be provided creatively on-site utilizing plazas, rooftop space, or other means that accomplish the goal, but still allow for high Floor Area Ratios.

PROPOSED ZONING



The intent of this zone is to accommodate existing and proposed development in the transitional “frame,” which surrounds the downtown core area, by providing for comparable and compatible uses while anticipating the future expansion of the downtown core area. Development within this zone should coordinate with adopted plans and studies, including corridor studies and streetscape plans. This zone should be located and developed within the Downtown Place-Type and should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

PROPOSED USE



The petitioner is proposing a six-story, 75-foot tall structure that would contain a lower parking structure, common area courtyards, and associated residential amenities (gym, meeting space, etc.). The proposal would include a total of 250 residential units, with a total bedroom count of 700, and a residential density of 116.65 units per acre. The petitioner proposes a total of 175 on-site parking spaces for the development, with an additional 75 spaces available to rent off-site. The request also calls for maintaining the existing two-story residential structure at 245 Stone Avenue. The petitioner has indicated that this development will be geared toward student housing for those attending the University of Kentucky, but will not be limited to that population.

APPLICANT & COMMUNITY ENGAGEMENT



Prior to the submission of the zone change application, the petitioner reached out to the Aylesford Place Neighborhood Association to gain neighborhood feedback regarding the proposed rezoning and the associated development plan. The applicant organized an “open house” style meeting located at the Central Library (140 East Main Street) on August 31, 2023. Planning Staff attended the meeting to answer any zoning or Comprehensive Plan questions. No neighborhood attendees were present during this meeting.

A second meeting was organized by the Aylesford Place Neighborhood Association. In attendance at this meeting was a member of the planning staff from Planning Services. During this meeting, the applicants presented their proposal to the neighborhood. Those in attendance from the neighborhood voice concerns regarding the size of the building, parking concerns, and integration into the existing urban context.

PROPERTY & ZONING HISTORY



The subject properties are located within an area that is primarily comprised of multi-family residential zoning (R-4, R-5). The subject properties have been zoned R-4 since before to the 1969 comprehensive rezoning of the Urban County. The residential nature of this portion of East Maxwell Street is primarily focused on student housing, with a smaller population of longer term residents. There is a small portion of Professional Office (P-1) zoning located across Lexington Avenue that is utilized for parking for the surrounding uses and the office for An/Dor Reporting and Video Technologies, Inc. The majority of the properties located along the southwest side of East Maxwell Street are owned and operated by the University of Kentucky (206, 212, 252, 258, 268, 272, and 278 East Maxwell Street). As such, these properties are not subject to the zoning restrictions of the LFUCG and are currently being operated as office, classroom, and research space. The two remaining properties are multi-family dwelling units. The property located at 200 East Maxwell Street is a 10-unit apartment complex, and the property located at 238 East Maxwell Street is a sorority house owned and operated by the Kappa Kappa Gamma Sorority.

While the subject properties are older structures and some have been listed as contributing to the Southeastern Lexington Residential and Commercial District (listed on the National Register of Historic Places), they have not been individually listed nor are they within a Historic District Overlay (H-1) zone. The nearest H-1 overlay zone is the Aylesford Historic District and is located one block to the southeast of the subject properties. The Aylesford Historic District was established in 1998 and contains the majority of the Southeastern Lexington Residential and Commercial District. Those properties located within the Aylesford Historic District, but not within the Southeastern Lexington Residential and Commercial District are representative of the same architecture style and are of the same construction period described in the 1984 NPS Nomination Form. Additionally, the South Hill Historic District is located nearby to the northwest of the proposed rezoning and is also protected by a H-1 overlay zone. The historical attributes of the South Hill Historic Neighborhood differ in both form and context from those properties located within Aylesford and the Southeastern Lexington Residential and Commercial District.

There are three structures, located at 258 East Maxwell Street, that are both contributing to the Southeastern Lexington Residential and Commercial District and individually listed in the National Register of Historic Places. These properties are owned and operated by the University of Kentucky and are currently utilized for office space. They are representative of the historical character that is preserved within the Aylesford H-1 Overlay zone.

All of the subject properties with the exception of 235 E Maxwell Street were included in a similar zone change request in 2019 to the B-2A zone in order to establish a multi-family residential development (PLN-MAR-19-00013). During the review of the proposal, staff had concerns with the compatibility of the proposal and recommended conditional zoning restrictions that would limit incompatible uses, and establish maximum heights based on the street frontage and right-of-way width. At the time, staff recommended a maximum height of 75 feet along E Maxwell Street, 50 feet along Lexington Avenue, and 43 feet along Stone Avenue. This request



was recommended for disapproval by the Planning Commission in late 2019, and the request was disapproved by the Urban County Council on in early 2020.

COMPREHENSIVE PLAN COMPLIANCE



GOALS AND OBJECTIVES

The 2018 Comprehensive Plan, *Imagine Lexington*, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The applicant opines that they are in compliance with the adopted Goals and Objectives of the 2045 Comprehensive Plan. They state that the proposed rezoning encourages the expansion of housing choices by prioritizing a higher density residential development (Theme A, Goal #1.b and c). The applicant also indicates that they are seeking to provide a well-designed neighborhood (Theme A, Goal #3.b) by promoting alternative modes of transportation including pedestrian, cycling, and mass transit. The proposed site is located near the LexTran transit center and is also nearby a major transit corridor. The applicant has also indicated that they are working with LexTran (Theme D, Goal #1.a and c) to review a possible stop at this location.

While these Goals can be met, the applicant should address the following Comprehensive Plan Objective:

Theme A, Objective #2.b- Respect the context and design features of areas surrounding development projects and develop design standards and guidelines to ensure compatibility with the existing urban form.

The area surrounding the development is primarily comprised of low to medium density residential development that occurred in the early 1900s, and the development adjoins several parcels with structures that are two stories in size. The applicant should provide information on how their proposed six-story development will integrate into this low to medium density area.

POLICIES

The applicant did not provide any information on how the proposal is in agreement with the 2018 Comprehensive Plan Policies. The applicant should provide further information on how the request is meeting these items.

PLACE TYPE, DEVELOPMENT TYPE, AND ZONE

In an effort to allow for the greatest contextual development of Lexington's Urban Service Area, applicants are asked to identify a Place-Type based on the location of the subject properties. Within each Place-Type there are recommended Development Types based on the form and function of the proposed development. Based on the Place-Type and Development Type there are also several recommended zones that are most appropriate based on the Goals, Objectives, and Policies of the Comprehensive Plan. While these zones are the ideal zoning categories to develop within a specified area, other zones may be considered, provided there is an appropriate justification addressing the unique situation and provided the development is able to adequately meet the associated Development Criteria.

The applicant indicates that the project is located within the Downtown Place-Type, which is the urban epicenter of commerce and entertainment. The core should be anchored by high-rise structures with activated ground-levels. The applicant is also proposing a High Density Residential Development Type. The High Density Residential Development Type is primarily comprised of high-rise multi-family residential units. Where these developments abut existing or historic neighborhoods, appropriate step-downs or context sensitive elements should be used to minimize intrusion. This Development Type also prioritizes transit

connections, and calls for minimizing parking, where possible.

Based on the property's location relative to the urban core, the inclusion of this area in the Downtown Master Plan, and the properties' location on the Maxwell corridor, staff finds the choice in Place Type appropriate. The applicant's chosen High Density Residential Development Type is a recommended Development Type within the Downtown Place-Type, and can be appropriate at this location with appropriate consideration given to the transition between the proposed development and the existing development in the area. The applicant's choice in zone, the Downtown Frame Business (B-2A) zone is a recommended zone for the chosen Place-Type and Development Type.



DEVELOPMENT CRITERIA

The criteria for a zone change are the distillation of the adopted Goals and Objectives, as well as the policies put forth in the 2018 Comprehensive Plan. The criteria for development represent the needs and desires of the members of the Lexington-Fayette Urban County community in hopes of developing a better built environment. The criteria are refined by the applicant based on the proposed place-type and development type. The applicant has indicated that the site is located within the Downtown place-type and is seeking to create a high density residential development. Staff concurs with the applicant's assessment of the place-type and agrees that high density residential can be appropriate for the subject property within a Downtown Frame Business (B-2A) zone.

While staff agrees with much of the justification provided by the applicant, there are several areas of concern as to how the applicant has applied, not applied, or not addressed the criteria. The following reviews the various Placebuilder criteria as provided to staff in the Letter of Justification, the associated plan, and the supplementary review of the Multi-Family Design Standards.

1. Site Design, Building Form and Location

While staff agrees with much of the justification provided by the applicant, there are several areas of concern as to how the applicant has applied or not applied the criteria.

A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.

While the applicant has provided a rendering of the proposed structure, the applicant has not provided an explanation of how the request is meeting the Multi-Family Design Standards. In particular, the applicant should address how they are meeting the following criteria:

- i. SP.2: Provide as many private, ground level entries to individual units as possible.
- ii. SP.17: Create streets that are balanced on both sides in massing and building character.
- iii. OS.8: Provide stormwater detention areas and link to other open spaces and recreational amenities.
- iv. AD.3: Break up building mass with facade articulation on all sides by using varying roof shapes, exterior wall setback, material, color, building height, and landscaping.

A-DS4-2: New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities

The applicant states in their letter of justification applicant that they are seeking to establish a new framework for the redevelopment of this area. While establishing the new framework, the applicant also indicates that they are attempting to incorporate features that acknowledge the neighborhood's context and history. Staff would like the applicant to indicate how they will incorporate the aspects attributed to the Aylesford Historic District, or the Southeastern Lexington Residential and Commercial District.

A-DS5-3: Building orientation should maximize connections with the surrounding area and create a



pedestrian-friendly atmosphere; A-DS5-4 : Development should provide a pedestrian-oriented and activated ground level

Staff would like the applicant to describe the activation of the first floor and how it will lend to the pedestrian-friendly atmosphere described in other portions of the application.

2. Transportation and Pedestrian

Staff finds that the request meets a majority of the criteria for Transportation and Pedestrian Connectivity, as the proposal provides for bicycle facilities, expands the sidewalk network, improves the site access, and improves Hagerman Court. However, the applicant should however indicate how they are meeting the following criteria:

E-ST3-1 : Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area.

3. Greenspace and Environmental Health

While several of the criteria for Greenspace and Environmental health are being met with this request, the applicant should provide further information regarding the following criteria:

B-PR7-3: Developments should improve the tree canopy.

The applicant states that they will improve the tree canopy for the site; however, their proposal involves the removal of all existing canopy coverage. The applicant should provide further information regarding the current coverage of the site, and what will be proposed under this development.

STAFF RECOMMENDS: POSTPONEMENT, FOR THE FOLLOWING REASONS:



1. The applicant should provide information on how their proposal addresses the following Objective of the Imagine Lexington 2045 Comprehensive Plan.
 - a. Respect the context and design features of areas surrounding development projects and develop design standards and guidelines to ensure compatibility with the existing urban form (Theme A, Objective #2.b)
2. The zone change application does not provide any information on compliance with the Policies of the 2018 Comprehensive Plan.
3. The zone change application for the subject properties, as proposed, does not completely address the development criteria for zone change within the Downtown Place Type, and the High Density Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
 - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - i. SP.2: Provide as many private, ground level entries to individual units as possible.
 - ii. SP.17: Create streets that are balanced on both sides in massing and building character.
 - iii. OS.8: Provide stormwater detention areas and link to other open spaces and recreational amenities.
 - iv. AD.3: Break up building mass with facade articulation on all sides by using varying roof shapes, exterior wall setback, material, color, building height, and landscaping.
 - b. A-DS4-2: New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
 - c. A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
 - d. A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
 - e. E-ST3-1: Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area.
 - f. B-PR7-3 Developments should improve the tree canopy.