

# SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-19-00013: APTITUDE DEVELOPMENT



## STAFF REVIEW

In the period following the Subdivision and the Zoning Committee meetings, the applicant met with the staff to revise their development plan in order to address the concerns described within the original Staff Report and the comments presented during the Committee meetings. The applicant has modified their development plan to remove the need for any variances, and addressed and elucidated compliance with the multi-family design standards (A-DS3-1). Through their supplemental submissions to their application and an updated corollary development plan, the petitioner has shown direct access to the structure along all three frontages of the subject properties (SP.2 and 3). They have also provided a rendering of the proposed structure, through which the applicant has shown the form of construction that they are seeking to build (AD.3) and exemplified the representative materials they plan to utilize, which seeks to connect to the neighborhood character (SP.17). The applicant has indicated that they will include green infrastructure on the site, and shall note on the corollary development plan that it will be delineated and described at the time of the final development plan (OS.8). Under the suggestion of the Division of Traffic Engineering, the applicant has also implement traffic calming measures, through the use of bump-outs along East Maxwell Street and a portion of Lexington Avenue (SP.12). The use of the bump-out allows for the increase of the sidewalk width to 8 ft, so to provide a greater amount of pedestrian movement along this section of East Maxwell Street. Additionally, the applicant has added a pick-up/drop-off location along Lexington Avenue for ride sharing services (E-ST3-1), and described the various functions of their private and public open space (A-EQ7-3).

One of staff's primary concerns was focused on the need for proper pedestrian facilities and the activation of the street, specifically the proposed parking structure (SP.8, A-DS5-4, A-DS7-3). To activate a space means to intentionally provide and arrange engaging amenities for a specific user group or the broader community. Spaces are activated through built form, planned uses, and community engagement. Activated environments are designed and built to garner a sense of civic pride. Planned uses, such as retail or residential, located on the first floor of a building or parking structure can attract people to space, enhancing the potential for social interaction. In lieu of retail or residential on the first floor of a structure, permanent or temporary community collaboration measures, varying from art installations to pop-up markets, can provide engagement that leads to the activation of space. In this case the applicant has indicated the desire to provide an art easement along the frontage of the parking structure.

While the use of art or public art installations is a form of activation of space, identified in the Comprehensive Plan, it necessitates a greater amount of involvement from an applicant that stretches beyond the construction of the building itself. At this stage, the applicant should indicate the location of the proposed art easement along the frontages of the parking structure on the corollary development plan. At the time of the final development plan, the applicant shall provide more detail regarding the plan for the proposed art easement and how it will be incorporated into their development to create an activated space for the general public and residents. Should the applicant seek to provide a rotating art installation, they will need to provide a plan for that space and who they seek to partner with.

The applicant has also indicated that the structures currently located on the subject properties are inefficient and have been poorly maintained, resulting in them not being appropriate nor "efficient" for reuse (E-GR4-1). As these structures are not located within an Historic District Overlay (H-1) zone, they do not have the same protections as those properties that are located in the nearby Aylesford Historic Neighborhood. This includes a review process that controls the demolition of historic properties and also seeks to prevent demolition that is a result of disregard or neglect.



## CONDITIONAL ZONING RESTRICTIONS

While the staff agrees with the applicant's assertion that the Downtown Place Type is appropriate for this location, it is important to recognize the localized context of the proposed development. The subject properties are along the western edge of where Downtown and the 2nd Tier Urban Place Types converge, which necessitates the restriction of some of those uses that would impact the nearby neighborhood negatively. In an effort to reduce the impact of the proposed use and development on the neighborhood, and lessen potential impacts caused by future redevelopment, staff recommends the promotion of uses that are typical of a mixed-use, walkable landscape. This necessitates the restriction of uses that are not conducive to a walkable environment nor should abut neighborhoods. This includes establishments for the display, rental, or sale of automobiles, motorcycles, trucks not exceeding one and one-half (1½) tons, and boats limited to runabout boats; passenger transportation terminals; wholesale establishments; minor automobile and truck repair; establishments primarily engaged in the sale of supplies and parts for vehicles and farm equipment; pawnshops; stadium and exhibition halls; telephone exchanges; radio and television studios; cable television system signal distribution centers and studios; adult entertainment establishments; parking lots and structures not associated with a principal primary use; automobile service stations; retail sale of plant nursery or greenhouse products; miniature golf or putting courses; carnivals, special events, festivals, or concerts on a temporary basis; rental of equipment whose retail sale would be permitted in the B-1 zone; and drive-through facilities.

Furthermore, the Comprehensive Plan states that 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 (A-DS4-2). The proposed structure is both situated along the edge of a historic neighborhood and is located along an arterial roadway. Since the likelihood of any modification of the properties located along the southern portion of East Maxwell Street is very low and the proposed development is situated along the edge of the Aylesford Neighborhood, it is important that the height of development incrementally increase. The staff recommends that the portions of the proposed structure established along the East Maxwell Street frontage be limited to a maximum of 75 feet. In addition, any portion of the structure with frontage along Lexington Avenue shall be no taller than 50 feet and any portion of the structure with frontage along Stone Avenue shall be no taller than 47 feet.

The height of 75 feet is similar to other developments that have occurred in Lexington, which are located nearby historic neighborhoods and support similar uses. For new development located along established neighborhoods, urban design principles suggest that incremental growth of development can be tied to the width of the fronting roadway. For properties within a residential context and located along an arterial or collector roadways, an incremental increase in height should allow for structures 1.5 times that of the right-of-way width (1:1.5 ratio). For properties within a residential context and located along local roadways, an incremental increase in height should allow for structures equal to the right-of-way width (1:1 ratio). These height limitations, along with the prohibition of certain land uses, will ensure that the proposed redevelopment meets the Comprehensive Plan's goal, objectives, policies and development criteria, while also appropriately increasing the intensity of structures.

**STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASON:**



1. The requested Downtown Frame Business (B-2A) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
  - a. The proposed rezoning encourages the expansion of housing choices by prioritizing a higher density residential development (Theme A, Goal #1.b), while also supporting infill and redevelopment that replaces an aging housing stock with modern, safe, and dense housing types (Theme A, Goal #2.a, b and c).
  - b. The proposed rezoning seeks to provide a well-designed neighborhood (Theme A, Goal #3.b) by varying the mobility patterns of potential residents, and promoting alternative modes of transportation including pedestrian, cycling, and mass transit.
  - c. By situating higher density development in a downtown area, located between the University of Kentucky's campus and the core of the city, and by increasing opportunities for various mobility patterns, the applicant is seeking to reduce Lexington-Fayette County's carbon footprint (Theme B, Goal #2).
2. 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 providing access to focal points and public green space. Additionally, the proposed rezoning seeks to increase the intensity of use along a corridor, prioritizing a higher density residential development.
  - b. The proposed rezoning includes safe facilities for the potential residents of the site by prioritizing multi-modal connections and increasing bike and pedestrian facilities along the frontage of the proposed development and within the East Maxwell Street right-of-way. 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 provides new public amenities and access to open space along Stone Avenue.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use and buffering restrictions are recommended via conditional zoning:
  - a. Prohibited Uses:
    - i. Establishments for the display, rental, or sale of automobiles, motorcycles, trucks not exceeding one and one-half (1½) tons, and boats limited to runabout boats
    - ii. Passenger transportation terminals.
    - 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. Pawnshops.
    - vii. Stadium and exhibition halls.
    - viii. Telephone exchanges; radio and television studios.
    - ix. Cable television system signal distribution centers and studios.
    - x. Adult entertainment establishments.
    - xi. Parking lots and structures.
    - xii. Automobile service stations.
    - xiii. Retail sale of plant nursery or greenhouse products.
    - xiv. Miniature golf or putting courses.
    - xv. Carnivals, special events, festivals, or concerts on a temporary basis.
    - xvi. Rental of equipment whose retail sale would be permitted in the B-1 zone.
    - xvii. Drive-through facilities.
  - b. The maximum height of any structure or portion of a structure with frontage along East Maxwell



Street shall be 75 feet.

- c. The maximum height of any structure or portion of a structure with frontage along Lexington Avenue shall be 50 feet.
- d. The maximum height of any structure or portion of a structure with frontage along Stone Avenue shall be 47 feet.

These restrictions are appropriate and necessary for the following reasons:

- 1. To reduce the potential impact of the most intense uses allowable in the B-2A zone on the existing residential land uses in the immediate area.
  - 2. To establish an appropriate scale of development to respect the context of neighboring structures and intensify corridors consistent with the policies of the 2018 Comprehensive Plan.
4. This recommendation is made subject to approval and certification of PLN-MJDP-19-00050: The Marshall Lexington (Lyndhurst Subdivision, BLK D, Lots 2-7), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.