

2. NEW REPUBLIC ARCHITECTURE ZONING MAP AMENDMENT AND PARSONS GREEN DEVELOPMENT LLC PROPERTY DEVELOPMENT PLAN

- a. **PLN-MAR-24-00009: NEW REPUBLIC ARCHITECTURE** – a petition for a zone map amendment from a Neighborhood Business (B-1) zone to Medium Density Residential (R-4) zone, for 0.31 net (0.52 gross) acres for property located at 226, 228, and 232 W Maxwell Street. The applicant is also seeking variances to (1) reduce the front yard setback from 20 ft to 14 ft, (2) reduce the side street side yard setback from 20 ft to 6 ft, (3) reduce the side yard setback from 3 ft to 0 ft, (4) increase the maximum driveway width from 10 ft to 16 ft, (5) and increase the maximum structure height from 35 ft to 38 ft.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2045 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 is seeking to rezone and subdivide the property to create three single-family residential lots, each approximately 0.10 acres in size. The applicant is also seeking several variances in order to develop the lots, including a reduction in the required front yard on S. Mill Street, side street side yard on W. Maxwell Street, side yard, maximum driveway width, and an increase in the allowable height of the structures.

The Zoning Committee Recommended: Postponement.

The Staff Recommends: Disapproval, for the following reasons:

1. The requested rezoning to the Medium Density Residential (R-4) zone is not in agreement with the 2045 Comprehensive Plan for the following reasons:
 - a. The requested rezoning is not in agreement with the Goals, Objectives, and Policies of the 2045 Comprehensive Plan.
 1. The proposed single-family residential development does not seek to construct at a density or intensity that might be reflective of a major downtown corridor in Lexington (Theme A, Goal #2.b; Theme A, Density Policies #1 and #2).
 2. By orienting the structures towards S Mill Street, the proposed development does compliment the character for development along this portion of the W. Maxwell Street corridor (Theme A Goal #2.b; Theme E, Goal# 2.e).
 3. Single-family residential development along a major downtown corridor is not sensitive to the surrounding context (Theme A Design Policy #4).
 4. By not activating the Maxwell Street frontage, the request does not create an inviting streetscape or a pedestrian friendly street pattern (Theme A , Design Policy #5).
 - b. The proposed Low Density Residential Development Type is not recommended for the applicant's chosen Place-Type, and is not appropriate along a major downtown corridor (Placebuilder, Page #268).
 - c. The requested rezoning is not in agreement with the Development Criteria of the 2045 Comprehensive Plan. The following Development Criteria are not being meet with the proposed rezoning.
 1. *A-DN2-1: Infill Residential should aim to increase density*
 2. *C-LI7-1: Developments should create mixed use neighborhoods with safe access to community facilities, greenspace, employment, shopping, and entertainment.*
 3. *E-ST8-2: Development should provide community oriented places and services.*
 4. *A-DS5-2: Developments should incorporate vertical elements such as street trees and buildings to create a walkable streetscape.*
 5. *A-DS5-4 : Development should provide pedestrian oriented and activated streetscapes;*
 6. *C-LI8-1: Development should enhance a well-connected and activated public realm*
 7. *A-DS5-3: Building orientation should maximize connections with the street and create a pedestrian-friendly atmosphere.*
 8. *A-DN202: Development should minimize significant contrasts in scale, massing, and design, particularly along the edges of historic areas and neighborhoods;*
 9. *AEQ5-1: Development should create context sensitive transitions between intense corridor development and existing neighborhoods.*
2. There have been no major unanticipated changes of an economic, social or physical nature in the area

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of the subject property since the adoption of the 2045 Comprehensive Plan.

3. The applicant has not provided sufficient evidence as to why the current zoning is inappropriate addressing the historical establishment of the zone, and why the proposed zoning is appropriate for this location.

b. PLN-MJSUB-24-00006: STEPHENS & WINSLOW SUBDIVISION (PARSONS GREEN DEVELOPMENT, LLC PROPERTY) (8/3/24)* – located at 226-232 W. MAXWELL STREET, LEXINGTON, KY

Council District: 3

Project Contact: New Republic Architecture

Note: The purpose of this plan is to depict subdivision of the property into 3 lots, in support of the requested zone change from a Neighborhood Business (B-1) zone to a Medium Density Residential (R-4) zone.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Provided the Urban County Council approves the zone change to R-4; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Landscape Examiner's approval of landscaping.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree protection area(s) and required street tree information.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Delete Notes 6 & 10.
11. Provided the Planning Commission grants the requested variances.
12. Denote structures will comply with Infill and Redevelopment Area requirements of Article 15 of the Zoning Ordinance.
13. Discuss Placebuilder criteria.

Staff Presentation – Mr. Daniel Crum presented the supplementary staff report and updated recommendations for the zone change application. He displayed photographs of the subject property and the general area. He stated that the applicant was seeking a zone map amendment from a Neighborhood Business (B-1) zone to Medium Density Residential (R-4) zone, for 0.31 net (0.52 gross) acres for property located at 226, 228, and 232 W Maxwell Street. Mr. Crum continued, stating that the applicant was seeking variances to (1) reduce the front yard setback from 20 ft to 14 ft, (2) reduce the side street side yard setback from 20 ft to 6 ft, and (3) reduce the side yard setback from 3 ft to 0 ft, Additionally, Mr. Crum stated that the applicant is seeking a Second-Tier Urban Place-Type, and a Low Density Residential Development Type to establish three single-family residential homes.

Mr. Crum stated that the initial staff report presented a recommendation of disapproval due to concerns with the density proposed and the orientation of the site, and the proposed Place-Type and Development-Type not typically fitting in the downtown area. Mr. Crum indicated that changes to the density of the site through the incorporation of proposed ADU's, is how Staff reached an updated recommendation of approval.

Mr. Crum highlighted the zoning map and noted the mixing of uses between neighborhood businesses and various residential uses in this area, all within an H-1 Overlay zone. Mr. Crum stated that because of the H-1 Overlay zone, this application would require input from the Board of Architectural Review. To that point, Mr. Crum indicated that preliminary discussions with Historic Preservation, as well as the neighborhood, indicate support of this application.

Mr. Crum stated that the current property has been a parking lot that has faced West Maxwell Street for a number of years and that before that, it was an accessory structure to what is now Dudley Square that was oriented towards South Mill Street. Mr. Crum displayed the preliminary subdivision plan and noted that there was not a lot of detail, but the applicant has shown what the proposed residences would look like and how they would be oriented. Additionally, Mr. Crum indicated that the applicant had given more information, including Sanborn maps from as far back as 1890, which justified the applicant's orientation argument, and indicated that Staff was in agreement with their point.

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Mr. Crum showcased some additional elevations of what the proposed development would look like, including the addition of an ADU, and stated that the applicant had taken the criticisms from Staff and had applied them to their development.

Mr. Crum concluded by stating Staff was recommending approval of the application, with a minimum density condition to ensure 19 dwelling units per net acre. Mr. Crum stated that he could answer any questions from the Planning Commission.

Commission Questions and Comments – Mr. Michler took issue with Mr. Crum's assertion that the initial Staff recommendation stated that the lots were not in keeping with the neighborhood and asked what the normal lot size was. Mr. Crum stated that Staff was focusing on the densities and not the size of the parcels. Mr. Michler pressed Mr. Crum for the average lot size of a single family house in this historic neighborhood. Mr. Crum stated that Staff did not have that answer, but reiterated that Staff was focusing on the densities and orientation and not the specific lot sizes.

Mr. Michler stated that he was upset with the assertion he thought Mr. Crum was making, and the conditional zoning restriction, because he lives in this neighborhood, and it seems like it is mandating apartments. Mr. Crum stated that Staff was trying to balance the goals and objectives for building along a corridor and dealing with the concerns of a historic overlay zone. Mr. Crum stated that Staff found the ADU's were an elegant solution to the density issue and mentioned that the neighborhood stated they were ok with the residence and the ADU.

Mr. Michler asked for a Staff opinion about the current lots that are a tenth of an acre in the 2nd Tier Urban Place-Type are no longer recommended. Mr. Crum stated that the historic houses in these 2nd Tier Urban Place-Types go back hundreds of years, and with the current standards, we are looking at encouraging density redevelopment with a redevelopment and that we cannot continue to only build single family houses. Mr. Crum clarified that Placeholder does not have a prohibition on single family houses, but that the property's location on a corridor resulted in an increased focus on density.

Mr. Michler stated that we have huge developments going on Maxwell and that when he hears the Comprehensive Plan call for not only single-family residences, you could also interpret that as including them. Mr. Michler stated we should know when to not ask for more.

Subdivision Plan Presentation – Mr. Tom Martin oriented the Planning Commission to the location and characteristics of the subject property. Mr. Martin indicated that it was possible to do a subdivision plan like this when it is single-family housing and noted that if this is approved, the Planning Commission would not see any more of this development. Mr. Martin stated that if approved the applicant would file a final record plat to create the three lots, and then begin to pull permits and start building as seen in the subdivision plan. Mr. Martin repeated Mr. Crum's statements on the orientation of the lots, and indicated that the infrastructure that would normally need to be in place already exists.

Mr. Martin indicated that a number of the variances were no longer necessary, and the ones that were are related to setbacks. Mr. Martin concluded by stating that Staff is recommending approval and that he could answer any questions from the Planning Commission.

Commission Questions and Comments – Mr. Wilson asked Mr. Martin if the "Discuss Placebuilder criteria" condition could be deleted and Mr. Martin indicated that it could.

Variance Presentation – Mr. Crum highlighted the three variance requests, and noted that the height and driveway variances initially asked for by the applicant were no longer necessary. Mr. Crum indicated the variances requested were to (1) reduce the front yard setback from 20 ft to 14 ft, (2) reduce the side street side yard setback from 20 ft to 6 ft, and (3) reduce the side yard setback from 3 ft to 0 ft. Mr. Crum displayed a graphic from the applicant that showed the properties with the requested variances and stated that homes in this area had these particular setbacks, and while there is a zero lot line proposed, there is five feet between each structure to allow light and air circulation. Furthermore, Mr. Crum presented photos to show the proximity of houses in this neighborhood.

Mr. Crum concluded by stating that Staff is recommending approval and that he could answer any questions from the Planning Commission.

Applicant Presentation – Matt Mattone, project architect, stated that they received thorough review of the proposal based on comments from the Planning Commission's, and praised Staff for being thorough but fair and have been a pleasure to work with. Mr. Mattone said from the beginning, the applicant envisioned the possibility of having an ADU on this property, and are happy that they were able to use them to get the desired density. Mr. Mattone stated that they had tried to address the Staff's concerns through the process and he is happy with the recommendation of approval.

Public Comment – David Kesheimer, 355 S. Broadway, representative of the South Hill Neighborhood Association, stated that he appreciated their discussions with the applicant and that he did not think they needed to mandate the density. Additionally, he stated his concern for a potential apartment complex on Upper Street but was in favor of this zone change.

Commission Comments – Mr. Owens stated that he appreciated the back and forth between Mr. Crum and Mr. Michler and found himself siding more with Mr. Michler. Stated that we needed more density but said that the Comprehensive Plan calls for a mix of housing. Mr. Owens also questioned the mandate for density and said he did not think it was mandated anywhere else in the City of Lexington. He concluded his comments by stating he is for the development, but not the conditional zoning mandate.

Mr. Pohl stated that he did not agree with the removal of the conditional zoning restrictions and thought that the applicant's move to make a relationship with Maxwell Street with a gate and entrance is important.

Mr. Nicol agreed with Staff's recommendations and he appreciated the applicant's efforts and questioned if the removal of the conditional zoning restriction gave the applicant more flexibility.

Action – A motion was made by Mr. Michler, seconded by Ms. Barksdale and carried 10-1(Pohl opposed) to approve PLN- MAR-24-00009: NEW REPUBLIC ARCHITECTURE for the reasons provided by Staff in the Supplemental Staff report, but removing the conditional zoning restriction mandating density.

Action – A motion was made by Mr. Michler seconded by Ms. Worth and carried 11-0 to approve PLN-MJSUB-24-00006: STEPHENS & WINSLOW SUBDIVISION (PARSONS GREEN DEVELOPMENT, LLC PROPERTY) with and deleting condition #13.

Action – A motion was made by Mr. Michler seconded by Mr. Wilson and carried 11-0 to approve the three yard variances for reasons provided by Staff.