

ORDINANCE NO. 037 - 2025

AN ORDINANCE CHANGING THE ZONE FROM A PROFESSIONAL OFFICE (P-1) ZONE AND MEDIUM DENSITY RESIDENTIAL (R-4) ZONE TO A DOWNTOWN FRAME BUSINESS (B-2A) ZONE, FOR 1.93 NET (2.34 GROSS) ACRES, FOR PROPERTY LOCATED AT 169, 175, 179, AND 185 EAST MAXWELL STREET AND 245, 251, 257, 261, 267, 271, AND 275-277 LEXINGTON AVENUE. (SUBTEXT ACQUISITIONS, LLC; COUNCIL DISTRICT 3).

WHEREAS, at a Public Hearing held on April 24, 2025, a petition for a zoning ordinance map amendment for property located at 169, 175, 179, and 185 East Maxwell Street and 245, 251, 257, 261, 267, 271, and 275-277 Lexington Avenue from a Professional Office (P-1) zone and Medium Density Residential (R-4) zone to a Downtown Frame Business (B-2A) zone, for 1.93 net (2.34 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 8-1; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 169, 175, 179, and 185 East Maxwell Street and 245, 251, 257, 261, 267, 271, and 275-277 Lexington Avenue from a Professional Office (P-1) zone and Medium Density Residential (R-4) zone to a Downtown Frame Business (B-2A) zone, for 1.93 net (2.34 gross) acres, being more fully described in Exhibit “A” which is attached hereto and incorporated herein by reference.

Section 2 – That, under the provisions of Article 6-7 of the Zoning Ordinance, the following conditional zoning restrictions shall apply to the subject property:

1. The following uses shall be prohibited:

- i. Establishments for the display, rental or sale of automobiles, motorcycles, trucks and boats
- ii. Hotels and Motels
- 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. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein

vii. Automobile and vehicle refueling stations, and service stations

viii. Adult entertainment establishments

ix. Stadium and exhibition halls

2. The property shall be developed with a minimum of 103 dwelling units per acre, or 200 total dwelling units at this location.

These restrictions are necessary and appropriate in order to maintain the character of the East Maxwell Street corridor, protect the adjoining residential use, as well as meeting the Comprehensive Plan's goal of increasing the density of residential development in and near downtown, and along arterial corridors.

Section 3 – That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 4 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: June 12, 2025



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

PUBLISHED : June 20, 2025-1t

0508-25:TWJ:4911-7176-7622, v. 1

Rec'd by _____

Date: _____

RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: **PLN-MAR-25-00005: SUBTEXT ACQUISITIONS, LLC.** – a petition for a zone map amendment from a Professional Office (P-1) zone and Medium Density Residential (R-4) zone to a Downtown Frame Business (B-2A) zone for 1.93 net (2.34 gross) acres for properties located at 169, 175, 179, 185 E. Maxwell Street and 245, 251, 257, 261, 267, 271, and 275-277 Lexington Ave. (Council District 3)


Having considered the above matter on **April 24, 2025**, at a Public Hearing, and having voted **8-1** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reasons:

1. The proposed Downtown Business Frame (B-2A) zone is in agreement with the Imagine Lexington 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The *request* will help meet an increase in the demand for housing, particularly for University of Kentucky students (Theme A, Goal #1.b and #1.d; Theme A, Goal #2.a).
 - b. The request will provide pedestrian-oriented commercial space on the first floor of the structure (Theme A, Goal #3.a and #3.c).
 - c. The request incorporates changes in the massing and height of the structure in order to transition into the scale of development currently present in the area (Theme A, Goal #2.b).
 - d. The request de-emphasizes single-occupancy vehicles by limiting parking on-site and providing for direct multi-modal connections to the University of Kentucky and the greater downtown area (Theme B, Goal #2.d).
2. The proposal is in agreement with the Policies of the 2045 Comprehensive Plan for the following reasons:
 - a. The request meets the Multi-Family Design Standards (Theme A, Design Policy #3).
 - b. By creating a step down in height, the proposed structure is sensitive to the surrounding context (Theme A, Design Policy #4).
 - c. The request provides neighborhood level commercial uses (Theme A, Design Policy #12).
 - d. The proposal provides for additional residential density along a downtown corridor (Theme A, Density Policy #1 and #2).
3. The justification and corollary development plan are in agreement with the Development Criteria of the 2045 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Land Use, as the request provides neighborhood level commercial areas (A-DS12-1), and significantly increases residential density along a downtown corridor (A-DN2-1; E-TS8-2).
 - b. The proposed rezoning meets the criteria for Transportation, Connectivity, and Walkability, as the request provides accessible links to transit (A-DS1-1), widens the sidewalks present on the site ADS4-1 and ADS5-1), creates a walkable streetscape (A-DS5-2).
 - c. The request meets the criteria for Environmental Sustainability and Resiliency, as the request does not impact any environmentally sensitive areas (B-PR-2-1), and incorporates an integrated parking structure to reduce surface parking and impervious surface present with the development (B-SU4-1).
 - d. The proposal meets the criteria for Site Design, as the development activates the streetscapes along both E. Maxwell Street as well as Lexington Avenue (A-DS5-4), improves pedestrian

connectivity in the area (C-LI8-1), limits on-site parking (C-PS10-2), and provides for programmed open space (D-PL4-1).

- e. The plan meets the majority of the criteria for Building Form, as the request meets the Multi-Family Design Standards (A-DS3-1), incorporates height transitions to better relate to the existing context of development further along Lexington Avenue (A-DS4-2), and provides for active first-floor uses that improve the pedestrian experience on the site (A-DS5-3; D-PL2-1).
4. This recommendation of approval is subject to the following conditional zoning restrictions:
 1. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be prohibited:
 - i. Establishments for the display, rental, or sale of automobiles, motorcycles, trucks and boats.
 - ii. Hotels and motels.
 - 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. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
 - vii. Automobile and vehicle refueling stations and service stations
 - viii. Adult entertainment establishments
 - ix. Stadium and exhibition halls
 2. The property shall be developed with a minimum of 103 dwelling units per acre, or 200 total dwelling units at this location.
These restrictions are necessary and appropriate in order to maintain the character of the E. Maxwell Street corridor, protect the adjoining residential use, as well as meet the Comprehensive Plan's goal of increasing the density of residential development in and near downtown, and along arterial corridors.
5. This recommendation is made subject to approval and certification of PLN-MJDP-25-00014: SUBTEXT DEVELOPMENT II prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

ATTEST: This 15th day of April 2025.


Secretary, Jim Duncan

LARRY FORESTER
CHAIR

KRS 100.211(7) requires that the Council take action on this request by July 23, 2025.

Note: The corollary development plan, PLN-MJDP-25-00014: SUBTEXT DEVELOPMENT II was approved by the Planning Commission on April 24, 2025, and certified on May 9, 2025.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Nick Nicholson, attorney for the applicant.**

OBJECTORS

- Rev. Matt Falco, pastor of Maxwell Presbyterian Church.
- Dr. Zak Leonard, Bluegrass Trust.
- Amy Clark, 628 Kastle Road.
- Maureen Peters, 276 Lexington Ave.

OBJECTIONS

- Stated that he was very concerned about traffic, parking, and a potential change in character of the neighborhood.
- Stated concerns with demolishing the historic homes and questioned why there was not a bigger effort to try and save and reuse the property.
- Stated she was against this development and that she thought the city should not allow the University of Kentucky to use our land for the housing of their students.
- Stated her opposition because of the loss of historic houses and the shade put on her property.

VOTES WERE AS FOLLOWS:

AYES:	(8)	Barksdale, J. Davis, Forester, Michler, Owens, Penn, Wilson, and Worth
NAYS:	(1)	M. Davis
ABSENT:	(2)	Z. Davis and Nicol
ABSTAINED:	(0)	
DISQUALIFIED:	(0)	

Motion for **APPROVAL** of **PLN-MAR-25-00005** carried.

Enclosures: Application
Justification
Legal Description
Plat
Development Snapshot
Staff Report
Supplemental Staff Report
Applicable excerpts of minutes of above meeting

MAP AMENDMENT REQUEST (MAR) APPLICATION

1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

Applicant:

SUBTEXT ACQUISITIONS, LLC

Owner(s):

ALICE REAL ESTATE GROUP LLC 719 MALLARD BAY LEXINGTON KY 40502
ALICE REAL ESTATE GROUP LLC 719 MALLARD BAY LEXINGTON KY 40502
C S A NY INVESTMENTS LLC 2208 CHESAPEAKE ST LEXINGTON KY 40513
EDEN COMPANIES FUND CLASS A LLC 541 EUCLID AVE LEXINGTON KY 40502
GLOCK NICHOLASVILLE LLC 838 E HIGH ST STE 273 LEXINGTON KY 40502
HDC HOLDINGS LLC 210 E HIGH ST STE 555 LEXINGTON KY 40507
HDC HOLDINGS LLC 210 E HIGH ST NO 555 LEXINGTON KY 40588
HOLLY ENTERPRISES LLC 2105 HART CT LEXINGTON KY 40502
HORSE CAPITAL RENTALS LLC 639 TATESWOOD DR LEXINGTON KY 40502
LEROY BARBARA ANN TRUSTEE 700 CROMWELL WAY LEXINGTON KY 40503
LEXINGTON LAND COMPANY LLC 245 LEXINGTON AVE LEXINGTON KY 40508
PJK GROUP LLC 80 CODELL DR STE 240 LEXINGTON KY 40509
PJK GROUP LLC 80 CODELL DR STE 240 LEXINGTON KY 40509
PJK GROUP LLC 80 CODELL DR STE 240 LEXINGTON KY 40509
WALTER AND ANN LEROY JOINT

Attorney:

Nick Nicholson, 300 W VINE STREET #2100, LEXINGTON, KY 40507 PH: 859-231-3000

2. ADDRESS OF APPLICANT'S PROPERTY

169 MAXWELL ST LEXINGTON KY 40508
175 MAXWELL ST LEXINGTON KY 40508
179 MAXWELL ST LEXINGTON KY 40508
185 MAXWELL ST LEXINGTON KY 40508
245 LEXINGTON AVE LEXINGTON KY 40508
251 LEXINGTON AVE LEXINGTON KY 40508
257 LEXINGTON AVE LEXINGTON KY 40508
261 LEXINGTON AVE LEXINGTON KY 40508
267 LEXINGTON AVE LEXINGTON KY 40508
271 LEXINGTON AVE LEXINGTON KY 40508
275 LEXINGTON AVE LEXINGTON KY 40508
277 LEXINGTON AVE LEXINGTON KY 40508



3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

Zoning	Existing	Zoning	Requested	Acreage	
	Use		Use	Net	Gross
P-1 R-4	Office Multi-Family Residences	B-2A B-2A	Mixed-Use Mixed-Use	0.61 1.32	0.72 1.62

4. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40% of the median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing.	

5. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided)

Roads:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
Utilities:	<input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable





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March 3, 2025

Lexington-Fayette Urban County Planning Commission
Lexington-Fayette Urban County Government
101 East Vine Street
Lexington, KY 40507

Zone Change Request for the properties located at 169, 175, 179, 185 E. Maxwell and 245, 251, 257, 261, 267, 271, and 275-277 Lexington Ave

Dear Members of the Planning Commission:

We represent Subtext Acquisitions, LLC ("Subtext" or "Applicant") and on its behalf have filed a zone change request for the properties located at 169, 175, 179, 185 E. Maxwell and 245, 251, 257, 261, 267, 271, and 275-277 Lexington Ave ("Properties"). The Properties combine to consist of 1.93 net (2.34 gross) acres currently zoned a mix of Professional Office (P-1) zone and Medium Density Residential (R-4) zone. The properties are generally used for student rental housing with two parking lots along Maxwell. The Applicant's request is to rezone the Property to Downtown Frame Business (B-2A) zone to allow for a mixed-use housing building known as 185 Maxwell ("185 Maxwell" or "Development").

185 Maxwell is proposing 338 units with a total of 900 beds, 367 parking spaces contained in an internal parking structure, 1,253 square feet of ground floor retail space, 14,567 square feet of amenity areas, and three open air interior courtyards. The surrounding area is made up of complementary rental housing, single-family residential uses, supportive retail uses, health care, religious institutions, and, of course, the University of Kentucky. The proposed development is consistent with the surrounding area and will ensure much needed housing will occur on underutilized parcels on an identified downtown corridor in an appropriate location mere steps away from the University and Downtown Lexington. It is ideally located to connect the University and Downtown, while staying outside of two Historic Overlays between Downtown and Campus. This is precisely what our Community has long called for.

This Zone Change Request is in agreement with the Comprehensive Plan for the multitude of reasons outlined below. Primarily, the request offers a chance to implement one of the overarching themes of the Comprehensive Plan: to increase density along Lexington's corridors. As noted in the Comprehensive Plan: "Studies such as Imagine Nicholasville Road and Imagine New Circle Road have concluded that increasing the intensity of land use along these corridors, particularly for residential purposes, is necessary to accommodate population growth through more efficient land utilization." This is the exact location encouraged by the Comprehensive Plan for the proposed multi-family housing complex based on the surrounding infrastructure and location between the core of Downtown Lexington and the University of Kentucky. As noted in the Plan when discussing the University's rising population and the need to up-zone surrounding

properties that could provide a greater access to transit, services, and goods for larger populations, “the space between what has been traditionally considered the urban core and the university has shrunk so as to be almost indistinguishable. potential up-zonings, which could provide a greater access to transit, services, and goods for larger populations.” This well-designed project upholds the Urban Service Area preservation strategy, is appropriate infill in an area that is already influenced by the University and uses serving its students, and encourages community interaction through open space and pedestrian and multimodal connectivity. This is exactly the type of project called for in a location that minimizes any adverse impact.

This project aligns with the aspects of a desirable community and the place making concepts the Comprehensive Plan stresses such as openness, social offerings, and aesthetics with its connections and enhancement of the multimodal facilities. The proposed development plan follows many of the specific recommendations of the Comprehensive Plan in its discussion on how to grow successful neighborhoods while protecting the environment as we are increasing density without changing the types of tenants for the Properties; supporting infill and redevelopment throughout the urban service area; increasing the residential units in close proximity to the LexTran route serving Maxwell and UK; and, providing a well-designed project that furthers the commitment to safe and positive social interactions and connections to UK’s Campus. The Comprehensive Plan’s Density Policy #1 states it best: “Given Lexington’s historically increasing population, the community’s expressed desire to create exciting walkable places, and the goal of preserving valuable agricultural land, the importance of density cannot be overstated.” Subtext is attempting to meet this policy while also not placing undue strain on the surrounding infrastructure. Most of our tenants are only 250 feet away from their campus and multiple LexTran stops all while the interior parking garage is well proportioned to capture the amount of cars in today’s downtown housing developments.

The Applicant is quite confident in calling this a well-designed project as it furthers many of the design and density policies laid out in the Comprehensive Plan. By providing a people-first/pedestrian friendly street pattern design that will improve the area’s safety and connectivity and creating inviting streetscapes. (Design Policy #1, #5, and #6). The Development is complying with the Multi-Family Design Standards as outlined below. (Design Policy #3). As the Comprehensive Plan stresses the need to increase density and intensity on our corridors, 185 Maxwell is achieving this while still being sensitive to the surrounding context. (Design Policy #4; Density Policy #1 and #2). With an interior parking garage, the proposed development plan is ensuring the vehicular use areas enhance walkability and bikability. (Design Policy #7). The area surrounding the Properties contains a significant amount of student housing in single family structures, this proposal will bring additional multi-family units into the immediate area to lessen the stress on single-family units. (Design Policy #8). The development is proposing significant amenities and open space areas featuring three interior courtyards, Neighborhood-focused retail, with a city park in close walking distance. (Design Policy #9 and #12). Subtext also designs all of its developments to be energy efficient with features such as: energy efficient LED light fixtures throughout, low flow plumbing fixtures, high efficiency heating / cooling HVAC systems, energy Star appliances throughout, low VOC paint and wall coverings specified in project manual, occupancy sensors for lighting in various high traffic areas, and lighting controls with scenes for reduced lighting use during different times of day

In summary, this well-designed project upholds the Urban Service Area preservation strategy, is appropriate development of underutilized properties on a major corridor, provides

additional housing units, encourages community interaction through pedestrian connectivity and useable open space, encourages a more comprehensive transportation system, all while respecting its neighbors and protecting the environment green infrastructure and useable open space. As such, it is quite clear that the proposed zone change is in compliance with the 2045 Comprehensive Plan. As outlined above, the proposed project meets the following Goals and Objectives of the Comprehensive Plan:

THEME A: GROWING & SUSTAINING SUCCESSFUL NEIGHBORHOODS.

GOAL 1: EXPAND HOUSING CHOICES.

OBJECTIVES:

- a. Pursue incentives and regulatory approaches that encourage creativity, energy efficiency, and sustainability in housing development.
- b. Accommodate the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types.
- d. Create and implement housing incentives that strengthen the opportunities for higher-density and housing affordability.

GOAL 2: SUPPORT INFILL AND REDEVELOPMENT THROUGHOUT THE URBAN SERVICE AREA AS A STRATEGIC COMPONENT OF GROWTH.

OBJECTIVES:

- a. Identify areas of opportunity for infill, redevelopment, adaptive reuse, and mixed-use development.
- b. Respect the context and design features of areas surrounding development projects and develop design standards and guidelines to ensure compatibility with existing urban form.
- c. Incorporate adequate greenspace and open space into all development projects, which serve the needs of the intended population.

GOAL 3: PROVIDE WELL-DESIGNED NEIGHBORHOODS AND COMMUNITIES.

OBJECTIVES:

- a. Enable existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-type housing throughout Lexington-Fayette County.
- b. Strive for positive and safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation.
- c. Encourage the use of neighborhood-enhancing elements, such as green infrastructure, street trees, neighborhood-serving businesses, gathering spaces and other types of community focal points.
- d. Improve Lexington's transportation network through ample street and sidewalk connections between new and existing development.

THEME B: PROTECTING THE ENVIRONMENT.

GOAL 2: IDENTIFY AND MITIGATE LOCAL IMPACTS OF CLIMATE CHANGE BY TRACKING AND REDUCING LEXINGTON-FAYETTE COUNTY'S CARBON FOOTPRINT AND GREENHOUSE GAS EMISSIONS, AND COMMIT TO COMMUNITY-WIDE NET ZERO GREENHOUSE GAS EMISSIONS BY THE YEAR 2050.

OBJECTIVES:

- d. Prioritize multi-modal options that de-emphasize single-occupancy vehicle dependence.

GOAL 3: APPLY ENVIRONMENTALLY SUSTAINABLE PRACTICES TO PROTECT, CONSERVE AND RESTORE LANDSCAPES AND NATURAL RESOURCES.

OBJECTIVES:

- c. Incorporate environmental equity and green infrastructure principles in new plans and policies.
- e. Incentivize green infrastructure practices in the design of new development.
- f. Promote, maintain, and expand the urban forest throughout Lexington.

THEME D: IMPROVING A DESIRABLE COMMUNITY.

GOAL 1: WORK TO ACHIEVE AN EFFECTIVE, EQUITABLE, AND COMPREHENSIVE TRANSPORTATION SYSTEM.

OBJECTIVES:

- a. Implement the Complete Streets policy, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit and other vehicles.
- b. Expand the network of accessible transportation options for residents and commuters, which may include the use of mass transit, bicycles, walkways, ride-sharing, greenways and other strategies.
- d. Improve traffic operation strategies, traffic calming, and safety for all users.
- f. Enhance transportation options that are affordable, equitable, and responsive to the needs of residents and that support their preferred or necessary mode of transportation, with an emphasis on sidewalk improvements and connectivity.

GOAL 2: SUPPORT A MODEL OF DEVELOPMENT THAT FOCUSES ON PEOPLE-FIRST TO MEET THE HEALTH, SAFETY AND QUALITY OF LIFE NEEDS OF LEXINGTON-FAYETTE COUNTY'S RESIDENTS AND VISITORS.

OBJECTIVES:

- a. Ensure built and natural environments are safe and accessible through activated and engaging site design.
- d. Monitor and evaluate newly passed parking regulations to ensure they are achieving more walkable, people-first development, and lowering development costs.

THEME E: MAINTAINING A BALANCE BETWEEN PLANNING FOR URBAN USES AND SAFEGUARDING RURAL LAND.

GOAL 1: UPHOLD THE URBAN SERVICE AREA CONCEPT.

OBJECTIVES:

- a. Preserve the Urban Service Boundary concept, which is the first of its kind in the United States, and has been foundational in fiscally responsible planning and growth management in Lexington since 1958..
- c. Ensure all types of development are environmentally, economically, equitably, and socially sustainable to accommodate the future growth needs of all residents while safeguarding rural land.
- d. Emphasize redevelopment of underutilized corridors.
- e. Maximize development on vacant land within the Urban Service Area and promote redevelopment of underutilized land in a manner that enhances existing urban form and/or historic features.

Placebuilder

The Property is located on a major corridor in Downtown Lexington and the Development is a high-density mixed use housing development that is surrounded by existing and future public transit infrastructure. Based on the location and type of development, the natural Place Type is Downtown, and the Development Type is High Density Non-Residential/Mixed Use. The Downtown Frame Business (B-2A) is a suggested zoning category for this Place Type due and a nature zone for the project proposed within Downtown Lexington. As such, we submit the Downtown Place Type is the most sensical location for the B-2A zone and this Development.

Also submitted with the Zone Map Amendment Request is the color-coded reflection of how the proposed project addresses the design criteria for the selected Development Type. Items highlighted in green are represented graphically on the submitted preliminary development plan; items in yellow are addressed in this letter, and items highlighted in orange are not applicable to this proposal.

Standards That Are Applicable to Our Proposal

LAND USE

- A-DS12-1 Development should be located nearest to neighborhood serving commercial areas. This development is a mixed-use development that is proposing a neighborhood serving retail component and is in close proximity to the Downtown Core and the University of Kentucky, both featuring a litany of neighborhood serving commercial areas.
- A-DN2-1 Infill residential should aim to increase density. The proposed development will substantially increase density for this infill project.
- A-DN3-1 Pedestrian-oriented commercial opportunities and other services should be incorporated within residential neighborhoods. This development is a mixed-use development that is proposing a neighborhood serving retail component.
- A-DN3-2 Development should incorporate residential units in commercial centers. While not in a commercial center, this development is proposing a mix of uses with a focus on residential units.
- C-LI7-1 Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment. This development is a mixed-use development that is proposing a neighborhood serving retail component with significant useable amenity areas. It is also in close proximity

to the Downtown Core and the University of Kentucky, both featuring a litany of community facilities, greenspace, employment, businesses, shopping, and entertainment options.

- D-CO3-1 Development should increase density and intensity adjacent to transit. This development increases density and intensity adjacent to an existing transit line.
- D-PL7-1 Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application. A neighborhood meeting was held prior to submitting this application and the Applicant's team has had multiple conversations with several stakeholders in the area.
- E-ST8-1 Development should be high density and contain a mixture of uses. This development is a mixed-use development that is proposing a neighborhood serving retail component and significant useable amenity areas.
- E-ST8-2 Development should provide community-oriented places and services. This development is a mixed-use development that is proposing a neighborhood serving retail component and significant useable amenity areas.

TRANSPORTATION, CONNECTIVITY, AND WALKABILITY

- A-DS1-2 Accessible pedestrian linkages to transit should be provided. This development is proposing to continue the pedestrian infrastructure along Maxwell and Lexington Avenues in close proximity to two transit stops, the Transit Center, and campus shuttle systems.
- A-DS4-1 A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. This development is continuing the existing multi-modal right of way design along Maxwell Avenue.
- A-DS5-1 Safe multi-modal facilities should be provided to ensure vehicular separation from bicycles, pedestrians and other modes of transport. This development is continuing the existing multi-modal right of way design along Maxwell Avenue.
- A-DS5-2 Developments should incorporate vertical elements, such as street trees and buildings, to create a walkable streetscape. This is being done.
- A-DS10-1 New developments should incorporate clear and dedicated connections to nearby community anchors. This is being done where feasible.
- D-CO1-1 Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type. This is being done.
- D-CO2-1 Development should create and/or expand a connected multimodal transportation network that satisfies all users' needs. This development is continuing the existing multi-modal right of way design along Maxwell Avenue.
- D-CO2-2 Development should comply with Lexington's Complete Streets Policy. While the Complete Streets Policy has yet to be adopted, this development is following the tenets and best practices for this type of development.
- D-SP6-1 Social services and community facilities should be accessible via mass transit, bicycle and pedestrian transportation modes. This development is a mixed-use development adjacent to an existing transit line with multi-modal infrastructure along Maxwell Avenue.

ENVIRONMENTAL SUSTAINABILITY AND RESILIENCY

- B-PR10-1 Development should avoid overlighting and upward directed lighting. This is being done where feasible.
- B-SU4-1 Development should minimize and/or mitigate impervious surfaces. This is being

done where feasible and incorporates a large vertical parking structure to limit impact of surface parking.

- B-SU5-1 Developments should incorporate energy efficient systems and renewable energy resources (i.e. wind, solar, etc.). This is being done where feasible as explained above.
- B-SU9-1 Green Stormwater Infrastructure (GSI) should be implemented in new development. This is being done where feasible as the development is proposing to incorporate a green roof or other similar stormwater capture tools for portions of the top story.
- B-SU11-1 Development should incorporate low impact landscaping and native plant species. This is being done where feasible.

SITE DESIGN

- A-DS5-4 Development should provide a pedestrian-oriented and activated streetscapes. This development is a mixed-use development adjacent to an existing transit line with multi-modal infrastructure along Maxwell Avenue.
- A-DS9-1 Development should provide active and engaging amenities within neighborhood focused open spaces. This development is a mixed-use development that is proposing a neighborhood serving retail component and significant useable amenity areas.
- A-DS9-2 Where neighborhood open space or parks are not located within walking distance of a new development, applicants should incorporate these facilities. There are multiple public parks in close proximity to the Properties as well as the University of Kentucky.
- A-EQ9-2 Shared open spaces should be easily accessible and clearly delineated from private open spaces. This development is a mixed-use development that is proposing a neighborhood serving retail component and significant useable amenity areas.
- C-LI8-1 Development should enhance a well-connected and activated public realm. This development is a mixed-use development adjacent to an existing transit line with multi-modal infrastructure along Maxwell Avenue.
- C-PS10-2 Over-parking of new developments should be avoided. This development is appropriately parked for a student housing development as documented in the parking study.
- D-PL4-1 Enhance open space through the provision of programmatic elements and amenities. This development is providing substantial amenity areas for public and private use.
- D-SP3-1 Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington. This is being done.

BUILDING FORM

- A-DS3-1 Multi-family residential developments should comply with the Multi-family Design Standards in Appendix A. This is being done as documented below.
- 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. This development is at an appropriate scale for the Downtown area and its intent to encourage high-density mixed-use developments in a compact, walkable, and sustainment manner on a major corridor.
- A-DS5-3 Building orientation should maximize connections with the street and create a pedestrian-friendly atmosphere. This is being done.
- D-PL2-1 Development should provide active first floor uses whenever adjacent to a street, pedestrian facility, or community focused open space. This development is a mixed-use development adjacent with an activated first floor featuring a neighborhood-

focused retail component.

Standards Not Applicable

LAND USE

- C-PS9-1 Where possible, developments should modify current office space to include complementary uses, with a specific focus on the inclusion of residential. This is a full redevelopment of residential and retail uses.
- C-PS15-2 Improve options for affordable and nutritious food where not currently available. There is an abundance of affordable and nutritious food options in close proximity.
- D-PL15-1 Drive through facilities and gas stations should not be within neighborhoods or the urban core. No such facilities are proposed with the Development.

TRANSPORTATION, CONNECTIVITY, AND WALKABILITY

- A-DS1-1 Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. There are transit stops in close proximity to the development.
- C-PS10-1 Flexible parking and shared parking arrangements should be utilized. This development is sufficiently parked and is providing for public parking to service the retail component.
- D-CO5-1 Streets should be designed with shorter block lengths, narrower widths, and traffic calming features. There are no proposed streets.

ENVIRONMENTAL SUSTAINABILITY AND RESILIENCY

- B-PR2-1 Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site. There are no environmentally sensitive areas on the site.
- B-PR7-1 Developments should be designed to minimize tree removal and to protect and preserve existing significant trees. This development does remove the existing trees on the site in order to have a dense infill project as called for in the Comprehensive Plan with a proposed zone that does not require tree canopy.
- B-RE1-1 Developments should improve the tree canopy. This development does remove the existing trees on the site in order to have a dense infill project as called for in the Comprehensive Plan with a proposed zone that does not require tree canopy.
- B-RE5-1 Dividing floodplains into privately owned parcels with flood insurance should be avoided. There is no floodplain on the properties.
- B-RE5-2 Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them. There is no floodplain on the properties.
- D-SP10-1 Prioritize street trees in the planting strip. This development does remove the existing trees on the site in order to have a dense infill project as called for in the Comprehensive Plan with a proposed zone that does not require tree canopy. Further, the utility strip along the Properties are currently too narrow to permit street trees in this location.

SITE DESIGN

- A-EQ9-1 School sites should be appropriately sized. This is not a school site.
- D-PL10-1 Activate the streetscape or publicly visible areas by designating public art easements in prominent locations. The development is activating the streetscape in other manners.

- D-SP3-2 Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping used to improve the visual impact from the roadway and residential areas. There is no cell tower proposed.

BUILDING FORM

- E-GR4-1 Developments should incorporate reuse of viable existing structures. There are no viable existing structure capable of meeting the proposed density.
- E-GR5-1 Structures with demonstrated historic significance should be preserved or adapted. There is no historic structure on the properties.

Multi-Family Design Standards

SITE PLANNING

- SP-1 This project is still in the early design phase. However, this is being done.
- SP-2 This is being done where feasible. However, the Applicant provides apartment buildings with access to individual units through a center corridor for the safety of our tenants and building occupants.
- SP-3 This is being done where feasible.
- SP-4 This development is enhancing the pedestrian infrastructure on Maxwell in a safer manner than existing conditions while respecting this concept.
- SP-5 This development is enhancing the pedestrian infrastructure on Maxwell in a safer manner than existing conditions while respecting this concept.
- SP-6 This is being done where feasible.
- SP-7 This project is still in the early design phase. However, this is being done where feasible.
- SP-8 The parking occurs interior to the proposed residential development through a parking structure.
- SP-9 This is being done where feasible and we will continue to work with Staff throughout the final development plan process on this type of design issue.
- SP- 10 The site is well connected for vehicular and pedestrian access to the surrounding area, amenities, and open space.
- SP-11 This is an infill project with an established block size.
- SP-12 This is an infill project on an established roadway that is adding appropriate lighting and landscaping.
- SP-13 The site is well connected for vehicular and pedestrian access to the surrounding area, amenities, and open space.
- SP-14 This is an infill project on an established roadway that is adding appropriate lighting and landscaping.
- SP-15 This is being done where feasible.
- SP-16 This project will be built to code requirements.
- SP-17 This is being done.

OPEN SPACE & LANDSCAPING

- OS-1 This is being done where feasible with the open space areas being easily accessible by its tenants and the public.
- OS-2 This is being done with centralized open space and easily accessible amenities.
- OS-3 This is being done.
- OS-4 This is being done where feasible and we will continue to work with Staff throughout the final development plan process on this type of landscaping and design issue.

- OS-5 This is being done where feasible and we will continue to work with Staff throughout the final development plan process on this type of landscaping and design issue.
- OS-6 This is being done where feasible and we will continue to work with Staff throughout the final development plan process on this type of landscaping and design issue.
- OS-7 This is being done where feasible and we will continue to work with Staff throughout the final development plan process on this type of landscaping and design issue.
- OS-8 This is being done where feasible and we will continue to work with Staff throughout the final development plan process on any stormwater detention plans.
- OS-9 This is being done where feasible and we will continue to work with Staff throughout the final development plan process on the design of the sidewalks.
- OS-10 This is being done where feasible and we will continue to work with Staff throughout the final development plan process on this type of design issue.
- OS-11 This is being done where feasible and we will continue to work with Staff throughout the final development plan process on this type of landscaping and design issue.
- OS-12 This is being done where feasible and we will continue to work with Staff throughout the final development plan process on this type of lighting and design issue.
- OS-13 This is being done where feasible and we will continue to work with Staff throughout the final development plan process on this type of lighting and design issue.

ARCHITECTURAL DESIGN

- AD-1 This is a single structure that is appropriately sized. This project complies with all zoning and building code requirements regarding building mass, form, and roof shapes.
- AD-2 This project is appropriately sized. This project complies with all zoning and building code requirements regarding height, size, and character.
- AD-3 This is being done. This project complies with all zoning and building code requirements regarding building mass, roof shapes, exterior wall setback, materials, colors, building height, and landscaping.
- AD-4 This is being done. This project complies with all zoning and building code requirements regarding windows.
- AD-5 This is being done. This project complies with all zoning and building code requirements regarding wall faces.
- AD-6 This is being done. This project complies with all zoning and building code requirements regarding porches, stairs, railings, walls, and roofs.
- AD-7 This is being done. This project complies with all zoning and building code requirements regarding materials and colors for facades and roofing.
- AD-8 This is being done. This project complies with all zoning and building code requirements regarding side and rear facades.
- AD-9 This is being done. This project complies with all zoning and building code requirements regarding building spacing, landscaping, setbacks, building mass, building height, and building design.

We will be at the April public hearing in order to make a complete presentation of this application and request your favorable consideration.

Lexington-Fayette Urban County Planning Commission
March 3, 2025
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Sincerely,

Stoll Keenon Ogden PLLC

A handwritten signature in dark ink, appearing to read "N. Nicholson", written in a cursive style.

Nick Nicholson



NICK NICHOLSON
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April 17, 2025

Lexington-Fayette Urban County Planning Commission
Lexington-Fayette Urban County Government
101 East Vine Street
Lexington, KY 40507

Zone Change Request for the properties located at 169, 175, 179, 185 E. Maxwell and 245, 251, 257, 261, 267, 271, and 275-277 Lexington Ave

Dear Members of the Planning Commission:

We represent Subtext Acquisitions, LLC ("Subtext" or "Applicant") and on its behalf have filed a zone change request for the properties located at 169, 175, 179, 185 E. Maxwell and 245, 251, 257, 261, 267, 271, and 275-277 Lexington Ave ("Properties"). The Properties combine to consist of 1.93 net (2.34 gross) acres currently zoned a mix of Professional Office (P-1) zone and Medium Density Residential (R-4) zone. The properties are generally used for student rental housing with two parking lots along Maxwell. The Applicant's request is to rezone the Property to Downtown Frame Business (B-2A) zone to allow for a mixed-use housing building known as 185 Maxwell ("185 Maxwell" or "Development").

185 Maxwell is proposing 338 units with a total of 900 beds, 367 parking spaces contained in an internal parking structure, 1,253 square feet of ground floor retail space, 14,567 square feet of amenity areas, and three open air interior courtyards. The surrounding area is made up of complementary rental housing, single-family residential uses, supportive retail uses, health care, religious institutions, and, of course, the University of Kentucky. The proposed development is consistent with the surrounding area and will ensure much needed housing will occur on underutilized parcels on an identified downtown corridor in an appropriate location mere steps away from the University and Downtown Lexington. It is ideally located to connect the University and Downtown, while staying outside of two Historic Overlays between Downtown and Campus. This is precisely what our Community has long called for.

This Zone Change Request is in agreement with the Comprehensive Plan for the multitude of reasons outlined below. Primarily, the request offers a chance to implement one of the overarching themes of the Comprehensive Plan: to increase density along Lexington's corridors. As noted in the Comprehensive Plan: "Studies such as Imagine Nicholasville Road and Imagine New Circle Road have concluded that increasing the intensity of land use along these corridors, particularly for residential purposes, is necessary to accommodate population growth through more efficient land utilization." This is the exact location encouraged by the Comprehensive Plan for the proposed multi-family housing complex based on the surrounding infrastructure and location between the core of Downtown Lexington and the University of Kentucky. As noted in the Plan when discussing the University's rising population and the need to up-zone surrounding

properties that could provide a greater access to transit, services, and goods for larger populations, “the space between what has been traditionally considered the urban core and the university has shrunk so as to be almost indistinguishable. potential up-zonings, which could provide a greater access to transit, services, and goods for larger populations.” This well-designed project upholds the Urban Service Area preservation strategy, is appropriate infill in an area that is already influenced by the University and uses serving its students, and encourages community interaction through open space and pedestrian and multimodal connectivity. This is exactly the type of project called for in a location that minimizes any adverse impact.

This project aligns with the aspects of a desirable community and the place making concepts the Comprehensive Plan stresses such as openness, social offerings, and aesthetics with its connections and enhancement of the multimodal facilities. The proposed development plan follows many of the specific recommendations of the Comprehensive Plan in its discussion on how to grow successful neighborhoods while protecting the environment as we are increasing density without changing the types of tenants for the Properties; supporting infill and redevelopment throughout the urban service area; increasing the residential units in close proximity to the LexTran route serving Maxwell and UK; and, providing a well-designed project that furthers the commitment to safe and positive social interactions and connections to UK’s Campus. The Comprehensive Plan’s Density Policy #1 states it best: “Given Lexington’s historically increasing population, the community’s expressed desire to create exciting walkable places, and the goal of preserving valuable agricultural land, the importance of density cannot be overstated.” Subtext is attempting to meet this policy while also not placing undue strain on the surrounding infrastructure. Most of our tenants are only 250 feet away from their campus and multiple LexTran stops all while the interior parking garage is well proportioned to capture the amount of cars in today’s downtown housing developments.

The Applicant is quite confident in calling this a well-designed project as it furthers many of the design and density policies laid out in the Comprehensive Plan. By providing a people-first/pedestrian friendly street pattern design that will improve the area’s safety and connectivity and creating inviting streetscapes. (Design Policy #1, #5, and #6). The Development is complying with the Multi-Family Design Standards as outlined below. (Design Policy #3). As the Comprehensive Plan stresses the need to increase density and intensity on our corridors, 185 Maxwell is achieving this while still being sensitive to the surrounding context. (Design Policy #4; Density Policy #1 and #2). With an interior parking garage, the proposed development plan is ensuring the vehicular use areas enhance walkability and bikability. (Design Policy #7). The area surrounding the Properties contains a significant amount of student housing in single family structures, this proposal will bring additional multi-family units into the immediate area to lessen the stress on single-family units. (Design Policy #8). The development is proposing significant amenities and open space areas featuring three interior courtyards, Neighborhood-focused retail, with a city park in close walking distance. (Design Policy #9 and #12). Subtext also designs all of its developments to be energy efficient with features such as: energy efficient LED light fixtures throughout, low flow plumbing fixtures, high efficiency heating / cooling HVAC systems, energy Star appliances throughout, low VOC paint and wall coverings specified in project manual, occupancy sensors for lighting in various high traffic areas, and lighting controls with scenes for reduced lighting use during different times of day

In summary, this well-designed project upholds the Urban Service Area preservation strategy, is appropriate development of underutilized properties on a major corridor, provides

additional housing units, encourages community interaction through pedestrian connectivity and useable open space, encourages a more comprehensive transportation system, all while respecting its neighbors and protecting the environment green infrastructure and useable open space. As such, it is quite clear that the proposed zone change is in compliance with the 2045 Comprehensive Plan. As outlined above, the proposed project meets the following Goals and Objectives of the Comprehensive Plan:

THEME A: GROWING & SUSTAINING SUCCESSFUL NEIGHBORHOODS.

GOAL 1: EXPAND HOUSING CHOICES.

OBJECTIVES:

- a. Pursue incentives and regulatory approaches that encourage creativity, energy efficiency, and sustainability in housing development.
- b. Accommodate the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types.
- d. Create and implement housing incentives that strengthen the opportunities for higher-density and housing affordability.

GOAL 2: SUPPORT INFILL AND REDEVELOPMENT THROUGHOUT THE URBAN SERVICE AREA AS A STRATEGIC COMPONENT OF GROWTH.

OBJECTIVES:

- a. Identify areas of opportunity for infill, redevelopment, adaptive reuse, and mixed-use development.
- b. Respect the context and design features of areas surrounding development projects and develop design standards and guidelines to ensure compatibility with existing urban form.
- c. Incorporate adequate greenspace and open space into all development projects, which serve the needs of the intended population.

GOAL 3: PROVIDE WELL-DESIGNED NEIGHBORHOODS AND COMMUNITIES.

OBJECTIVES:

- a. Enable existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-type housing throughout Lexington-Fayette County.
- b. Strive for positive and safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians and various modes of transportation.
- c. Encourage the use of neighborhood-enhancing elements, such as green infrastructure, street trees, neighborhood-serving businesses, gathering spaces and other types of community focal points.
- d. Improve Lexington's transportation network through ample street and sidewalk connections between new and existing development.

THEME B: PROTECTING THE ENVIRONMENT.

GOAL 2: IDENTIFY AND MITIGATE LOCAL IMPACTS OF CLIMATE CHANGE BY TRACKING AND REDUCING LEXINGTON-FAYETTE COUNTY'S CARBON FOOTPRINT AND GREENHOUSE GAS EMISSIONS, AND COMMIT TO COMMUNITY-WIDE NET ZERO GREENHOUSE GAS EMISSIONS BY THE YEAR 2050.

OBJECTIVES:

- d. Prioritize multi-modal options that de-emphasize single-occupancy vehicle dependence.

GOAL 3: APPLY ENVIRONMENTALLY SUSTAINABLE PRACTICES TO PROTECT, CONSERVE AND RESTORE LANDSCAPES AND NATURAL RESOURCES.

OBJECTIVES:

- c. Incorporate environmental equity and green infrastructure principles in new plans and policies.
- e. Incentivize green infrastructure practices in the design of new development.
- f. Promote, maintain, and expand the urban forest throughout Lexington.

THEME D: IMPROVING A DESIRABLE COMMUNITY.

GOAL 1: WORK TO ACHIEVE AN EFFECTIVE, EQUITABLE, AND COMPREHENSIVE TRANSPORTATION SYSTEM.

OBJECTIVES:

- a. Implement the Complete Streets policy, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit and other vehicles.
- b. Expand the network of accessible transportation options for residents and commuters, which may include the use of mass transit, bicycles, walkways, ride-sharing, greenways and other strategies.
- d. Improve traffic operation strategies, traffic calming, and safety for all users.
- f. Enhance transportation options that are affordable, equitable, and responsive to the needs of residents and that support their preferred or necessary mode of transportation, with an emphasis on sidewalk improvements and connectivity.

GOAL 2: SUPPORT A MODEL OF DEVELOPMENT THAT FOCUSES ON PEOPLE-FIRST TO MEET THE HEALTH, SAFETY AND QUALITY OF LIFE NEEDS OF LEXINGTON-FAYETTE COUNTY'S RESIDENTS AND VISITORS.

OBJECTIVES:

- a. Ensure built and natural environments are safe and accessible through activated and engaging site design.
- d. Monitor and evaluate newly passed parking regulations to ensure they are achieving more walkable, people-first development, and lowering development costs.

THEME E: MAINTAINING A BALANCE BETWEEN PLANNING FOR URBAN USES AND SAFEGUARDING RURAL LAND.

GOAL 1: UPHOLD THE URBAN SERVICE AREA CONCEPT.

OBJECTIVES:

- a. Preserve the Urban Service Boundary concept, which is the first of its kind in the United States, and has been foundational in fiscally responsible planning and growth management in Lexington since 1958..
- c. Ensure all types of development are environmentally, economically, equitably, and socially sustainable to accommodate the future growth needs of all residents while safeguarding rural land.
- d. Emphasize redevelopment of underutilized corridors.
- e. Maximize development on vacant land within the Urban Service Area and promote redevelopment of underutilized land in a manner that enhances existing urban form and/or historic features.

Placebuilder

The Property is located on a major corridor in Downtown Lexington and the Development is a high-density mixed use housing development that is surrounded by existing and future public transit infrastructure. Based on the location and type of development, the natural Place Type is Downtown, and the Development Type is High Density Non-Residential/Mixed Use. The Downtown Frame Business (B-2A) is a suggested zoning category for this Place Type due and a nature zone for the project proposed within Downtown Lexington. As such, we submit the Downtown Place Type is the most sensical location for the B-2A zone and this Development.

Also submitted with the Zone Map Amendment Request is the color-coded reflection of how the proposed project addresses the design criteria for the selected Development Type. Items highlighted in green are represented graphically on the submitted preliminary development plan; items in yellow are addressed in this letter, and items highlighted in orange are not applicable to this proposal.

Standards That Are Applicable to Our Proposal

LAND USE

- A-DS12-1 Development should be located nearest to neighborhood serving commercial areas. This development is a mixed-use development that is proposing a neighborhood serving retail component and is in close proximity to the Downtown Core and the University of Kentucky, both featuring a litany of neighborhood serving commercial areas.
- A-DN2-1 Infill residential should aim to increase density. The proposed development will substantially increase density for this infill project.
- A-DN3-1 Pedestrian-oriented commercial opportunities and other services should be incorporated within residential neighborhoods. This development is a mixed-use development that is proposing a neighborhood serving retail component.
- A-DN3-2 Development should incorporate residential units in commercial centers. While not in a commercial center, this development is proposing a mix of uses with a focus on residential units.
- C-LI7-1 Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment. This development is a mixed-use development that is proposing a neighborhood serving retail component with significant useable amenity areas. It is also in close proximity

- to the Downtown Core and the University of Kentucky, both featuring a litany of community facilities, greenspace, employment, businesses, shopping, and entertainment options.
- D-CO3-1 Development should increase density and intensity adjacent to transit. This development increases density and intensity adjacent to an existing transit line.
- D-PL7-1 Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application. A neighborhood meeting was held prior to submitting this application and the Applicant's team has had multiple conversations with several stakeholders in the area.
- E-ST8-1 Development should be high density and contain a mixture of uses. This development is a mixed-use development that is proposing a neighborhood serving retail component and significant useable amenity areas.
- E-ST8-2 Development should provide community-oriented places and services. This development is a mixed-use development that is proposing a neighborhood serving retail component and significant useable amenity areas.

TRANSPORTATION, CONNECTIVITY, AND WALKABILITY

- A-DS1-2 Accessible pedestrian linkages to transit should be provided. This development is proposing to continue the pedestrian infrastructure along Maxwell and Lexington Avenues in close proximity to two transit stops, the Transit Center, and campus shuttle systems.
- A-DS4-1 A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. This development is continuing the existing multi-modal right of way design along Maxwell Avenue.
- A-DS5-1 Safe multi-modal facilities should be provided to ensure vehicular separation from bicycles, pedestrians and other modes of transport. This development is continuing the existing multi-modal right of way design along Maxwell Avenue.
- A-DS5-2 Developments should incorporate vertical elements, such as street trees and buildings, to create a walkable streetscape. This is being done.
- A-DS10-1 New developments should incorporate clear and dedicated connections to nearby community anchors. This is being done where feasible.
- D-CO1-1 Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type. This is being done.
- D-CO2-1 Development should create and/or expand a connected multimodal transportation network that satisfies all users' needs. This development is continuing the existing multi-modal right of way design along Maxwell Avenue.
- D-CO2-2 Development should comply with Lexington's Complete Streets Policy. While the Complete Streets Policy has yet to be adopted, this development is following the tenets and best practices for this type of development.
- D-SP6-1 Social services and community facilities should be accessible via mass transit, bicycle and pedestrian transportation modes. This development is a mixed-use development adjacent to an existing transit line with multi-modal infrastructure along Maxwell Avenue.

ENVIRONMENTAL SUSTAINABILITY AND RESILIENCY

- B-PR10-1 Development should avoid overlighting and upward directed lighting. This is being done where feasible.
- B-SU4-1 Development should minimize and/or mitigate impervious surfaces. This is being

done where feasible and incorporates a large vertical parking structure to limit impact of surface parking.

- B-SU5-1 Developments should incorporate energy efficient systems and renewable energy resources (i.e. wind, solar, etc.). This is being done where feasible as explained above.
- B-SU9-1 Green Stormwater Infrastructure (GSI) should be implemented in new development. This is being done where feasible as the development is proposing to incorporate a green roof or other similar stormwater capture tools for portions of the top story.
- B-SU11-1 Development should incorporate low impact landscaping and native plant species. This is being done where feasible.

SITE DESIGN

- A-DS5-4 Development should provide a pedestrian-oriented and activated streetscapes. This development is a mixed-use development adjacent to an existing transit line with multi-modal infrastructure along Maxwell Avenue.
- A-DS9-1 Development should provide active and engaging amenities within neighborhood focused open spaces. This development is a mixed-use development that is proposing a neighborhood serving retail component and significant useable amenity areas.
- A-DS9-2 Where neighborhood open space or parks are not located within walking distance of a new development, applicants should incorporate these facilities. There are multiple public parks in close proximity to the Properties as well as the University of Kentucky.
- A-EQ9-2 Shared open spaces should be easily accessible and clearly delineated from private open spaces. This development is a mixed-use development that is proposing a neighborhood serving retail component and significant useable amenity areas.
- C-LI8-1 Development should enhance a well-connected and activated public realm. This development is a mixed-use development adjacent to an existing transit line with multi-modal infrastructure along Maxwell Avenue.
- C-PS10-2 Over-parking of new developments should be avoided. This development is appropriately parked for a student housing development as documented in the parking study.
- D-PL4-1 Enhance open space through the provision of programmatic elements and amenities. This development is providing substantial amenity areas for public and private use.
- D-SP3-1 Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington. This is being done.

BUILDING FORM

- A-DS3-1 Multi-family residential developments should comply with the Multi-family Design Standards in Appendix A. This is being done as documented below.
- 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. This development is at an appropriate scale for the Downtown area and its intent to encourage high-density mixed-use developments in a compact, walkable, and sustainment manner on a major corridor.
- A-DS5-3 Building orientation should maximize connections with the street and create a pedestrian-friendly atmosphere. This is being done.
- D-PL2-1 Development should provide active first floor uses whenever adjacent to a street, pedestrian facility, or community focused open space. This development is a mixed-use development adjacent with an activated first floor featuring a neighborhood-

focused retail component.

Standards Not Applicable

LAND USE

- C-PS9-1 Where possible, developments should modify current office space to include complementary uses, with a specific focus on the inclusion of residential. This is a full redevelopment of residential and retail uses.
- C-PS15-2 Improve options for affordable and nutritious food where not currently available. There is an abundance of affordable and nutritious food options in close proximity.
- D-PL15-1 Drive through facilities and gas stations should not be within neighborhoods or the urban core. No such facilities are proposed with the Development.

TRANSPORTATION, CONNECTIVITY, AND WALKABILITY

- A-DS1-1 Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. There are transit stops in close proximity to the development.
- C-PS10-1 Flexible parking and shared parking arrangements should be utilized. This development is sufficiently parked and is providing for public parking to service the retail component.
- D-CO5-1 Streets should be designed with shorter block lengths, narrower widths, and traffic calming features. There are no proposed streets.

ENVIRONMENTAL SUSTAINABILITY AND RESILIENCY

- B-PR2-1 Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site. There are no environmentally sensitive areas on the site.
- B-PR7-1 Developments should be designed to minimize tree removal and to protect and preserve existing significant trees. This development does remove the existing trees on the site in order to have a dense infill project as called for in the Comprehensive Plan with a proposed zone that does not require tree canopy.
- B-RE1-1 Developments should improve the tree canopy. This development does remove the existing trees on the site in order to have a dense infill project as called for in the Comprehensive Plan with a proposed zone that does not require tree canopy.
- B-RE5-1 Dividing floodplains into privately owned parcels with flood insurance should be avoided. There is no floodplain on the properties.
- B-RE5-2 Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them. There is no floodplain on the properties.
- D-SP10-1 Prioritize street trees in the planting strip. This development does remove the existing trees on the site in order to have a dense infill project as called for in the Comprehensive Plan with a proposed zone that does not require tree canopy. Further, the utility strip along the Properties are currently too narrow to permit street trees in this location.

SITE DESIGN

- A-EQ9-1 School sites should be appropriately sized. This is not a school site.
- D-PL10-1 Activate the streetscape or publicly visible areas by designating public art easements in prominent locations. The development is activating the streetscape in other manners.

- D-SP3-2 Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping used to improve the visual impact from the roadway and residential areas. There is no cell tower proposed.

BUILDING FORM

- E-GR4-1 Developments should incorporate reuse of viable existing structures. There are no viable existing structure capable of meeting the proposed density.
- E-GR5-1 Structures with demonstrated historic significance should be preserved or adapted. There is no historic structure on the properties.

Multi-Family Design Standards

SITE PLANNING

- SP-1 This project is still in the early design phase. However, the location of the building on Maxwell and Lexington is reinforcing the street frontage.
- SP-2 This is being done where feasible with revised plan showing several units with direct access onto Lexington Avenue. The access to a majority of the individual units is through a center corridor for the safety of our tenants and building occupants.
- SP-3 This is being done where feasible with revised plan showing several units with direct access onto Lexington Avenue.
- SP-4 This development is establishing similar setbacks on Maxwell as the recently approved Stavroff project to maintain consistency in the setback.
- SP-5 This development is enhancing the pedestrian infrastructure on Maxwell in a safer manner than existing conditions while respecting this concept.
- SP-6 The amenity areas are centrally located inside the building and the project includes three open air courtyards.
- SP-7 This project is still in the early design phase. However, this is being done where feasible with the parking interior to the proposed residential development through a parking structure and dwelling units fronting public streets.
- SP-8 The parking occurs interior to the proposed residential development through a parking structure.
- SP-9 This is being done where feasible and we will continue to work with Staff throughout the final development plan process on this type of design issue.
- SP- 10 The site is well connected for vehicular and pedestrian access to the surrounding area, amenities, and open space.
- SP-11 This is an infill project with an established block size.
- SP-12 This is an infill project on an established roadway that is adding enhanced pedestrian infrastructure, appropriate lighting, and landscaping.
- SP-13 The site is well connected for vehicular and pedestrian access to the surrounding area, amenities, and open space.
- SP-14 This is an infill project on an established roadway that is adding enhanced pedestrian infrastructure, appropriate lighting, and landscaping.
- SP-15 This is being done where feasible.
- SP-16 This project will be built to code requirements.
- SP-17 This is an infill project on an established roadway that is in close proximity to the existing hospital tower, large dorm buildings and athletic facilities, as well as a future project of similar size and massing.

OPEN SPACE & LANDSCAPING

- OS-1 This is being done where feasible with the open space areas being easily accessible by its tenants and the public.
- OS-2 This is being done with centralized open space and easily accessible amenities.
- OS-3 While we are not proposing individual balconies for the rooms, the development is providing substantial open space areas for our tenants.
- OS-4 This is being done where feasible and we will continue to work with Staff throughout the final development plan process on this type of landscaping and design issue.
- OS-5 This is being done where feasible and we will continue to work with Staff throughout the final development plan process on this type of landscaping and design issue.
- OS-6 This is being done where feasible and we will continue to work with Staff throughout the final development plan process on this type of landscaping and design issue.
- OS-7 This is being done where feasible and we will continue to work with Staff throughout the final development plan process on this type of landscaping and design issue.
- OS-8 This is being done where feasible and we will continue to work with Staff throughout the final development plan process on any stormwater detention plans.
- OS-9 This is being done where feasible and we will continue to work with Staff throughout the final development plan process on the design of the sidewalks.
- OS-10 This is being done where feasible and we will continue to work with Staff throughout the final development plan process on this type of design issue.
- OS-11 This is being done where feasible and we will continue to work with Staff throughout the final development plan process on this type of landscaping and design issue.
- OS-12 This is being done where feasible and we will continue to work with Staff throughout the final development plan process on this type of lighting and design issue.
- OS-13 This is being done where feasible and we will continue to work with Staff throughout the final development plan process on this type of lighting and design issue.

ARCHITECTURAL DESIGN

- AD-1 This is a single structure that is appropriately sized. This project complies with all zoning and building code requirements regarding building mass, form, and roof shapes. It provides a variety of changes in materials, colors, and setbacks to ensure the building is aesthetically appealing for any pedestrian interaction.
- AD-2 This project is appropriately sized. This project complies with all zoning and building code requirements regarding height, size, and character. This is an infill project on an established roadway that is in close proximity to the existing hospital tower, large dorm buildings and athletic facilities, as well as a future project of similar size and massing.
- AD-3 This is being done. This project complies with all zoning and building code requirements regarding building mass, roof shapes, exterior wall setback, materials, It provides a variety of changes in materials, colors, and setbacks to ensure the building is aesthetically appealing for any pedestrian interaction.
- AD-4 This is being done. This project complies with all zoning and building code requirements regarding windows and contains a litany of windows with a variety of sizes.
- AD-5 This is being done. This project complies with all zoning and building code requirements regarding wall faces. It provides a variety of changes in materials, colors, and setbacks to ensure the building is aesthetically appealing for any pedestrian interaction.

- AD-6 This is being done. This project complies with all zoning and building code requirements regarding porches, stairs, railings, walls, and roofs.
- AD-7 This is being done. This project complies with all zoning and building code requirements regarding materials and colors for facades and roofing. It provides a variety of changes in materials, colors, and setbacks to ensure the building is aesthetically appealing for any pedestrian interaction.
- AD-8 This is being done. This project complies with all zoning and building code requirements regarding side and rear facades. It provides a variety of changes in materials, colors, and setbacks to ensure the building is aesthetically appealing for any pedestrian interaction.
- AD-9 This is being done. This project complies with all zoning and building code requirements regarding building spacing, landscaping, setbacks, building mass, building height, and building design. It provides a variety of changes in materials, colors, and setbacks to ensure the building is aesthetically appealing for any pedestrian interaction.

We will be at the April public hearing in order to make a complete presentation of this application and request your favorable consideration.

Sincerely,

Stoll Keenon Ogden PLLC

A handwritten signature in blue ink, appearing to read 'N. Nicholson', is written over the printed name.

Nick Nicholson

TRACT 1

185 East Maxwell Street and
275-277, 271, 267, 261, 257, 251 & 245 Lexington Avenue
Alice Real Estate Group, LLC Property, PJK Group, LLC Property,
Eden Companies Fund Class A, LLC Property, Horse Capital Rentals, LLC Property,
Glock Nicholasville, LLC Property, Holly Enterprises, LLC Property,
C.S.A. NY. Investments, LLC Property and Lexington Land Company, LLC Property
Zone Change from R-4 to B-2A
Lexington, Fayette County, Kentucky

A TRACT OR PARCEL OF LAND SITUATED WEST OF AND ADJACENT TO LEXINGTON AVENUE
LOCATED AT THE INTERSECTION OF EAST MAXWELL STREET AND LEXINGTON AVENUE IN
NORTHEAST LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED
AND BOUNDED AS FOLLOWS:

BEGINNING AT A POINT in the centerline intersection of Lexington
Avenue and East Maxwell; thence with the centerline of East Maxwell
Street North 41 degrees 35 minutes 15 seconds West, 68.35 feet to a
point; thence leaving said centerline North 46 degrees 28 minutes 39
seconds East, 121.28 feet to a point; thence North 41 degrees 48
minutes 46 seconds West, 12.12 feet to a point; thence North 48
degrees 11 minutes 14 seconds East, 43.91 feet to a point in the
centerline of Club Alley; thence with said centerline North 42 degrees
23 minutes 35 seconds West, 47.55 feet to a point; thence leaving said
centerline North 48 degrees 11 minutes 14 seconds East, 20.65 feet to
a point; thence North 42 degrees 56 minutes 37 seconds West, 52.65
feet to a point; thence North 47 degrees 10 minutes 23 seconds East,
50.00 feet to a point; thence North 47 degrees 28 minutes 51 seconds
East, 259.85 feet to a point; thence South 42 degrees 02 minutes 03
seconds East, 180.50 feet to a point in the centerline of Lexington
Avenue; thence with said centerline South 47 degrees 16 minutes 58
seconds West, 495.13 feet to the **POINT OF BEGINNING** and containing
1.62 acres (gross) and 1.32 acres (net).

TRACT 2
169 East Maxwell Street
175 East Maxwell Street
& 179 East Maxwell Street
HDC Holdings, LLC Property & Barbara Ann Leroy Trustee Property
Zone Change from P-1 to B-2A
Lexington, Fayette County, Kentucky

A TRACT OR PARCEL OF LAND SITUATED NORTH OF AND ADJACENT TO EAST MAXWELL STREET LOCATED 68.35 FEET WEST OF THE INTERSECTION OF LEXINGTON AVENUE AND EAST MAXWELL STREET IN NORTHEAST LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

COMMENCING AT A POINT in the centerline intersection of Lexington Avenue and East Maxwell Street; thence with the centerline of East Maxwell Street North 41 degrees 35 minutes 15 seconds West, 241.59 feet to **THE TRUE POINT OF BEGINNING**; thence leaving said centerline North 48 degrees 11 minutes 14 seconds East, 207.90 feet to a point; thence South 41 degrees 48 minutes 46 seconds East, 56.93 feet to a point; thence South 47 degrees 10 minutes 23 seconds West, 24.31 feet to a point; thence South 42 degrees 56 minutes 37 seconds East, 52.65 feet to a point; thence South 48 degrees 11 minutes 14 seconds West, 20.65 feet to a point in the centerline of Club Alley; thence with said centerline South 42 degrees 23 minutes 35 seconds East, 47.55 feet to a point; thence leaving said centerline South 48 degrees 11 minutes 14 seconds West, 43.91 feet to a point; thence South 41 degrees 48 minutes 46 seconds East 12.12 feet to a point; thence South 46 degrees 28 minutes 39 seconds West, 121.28 feet to a point in the centerline of East Maxwell Street; thence with said centerline North 41 degrees 35 minutes 15 seconds West, 173.24 feet to the **POINT OF BEGINNING** and containing 0.72 acres (gross) and 0.61 acres (net).

SUBTEXT ACQUISITIONS, LLC (PLN-MAR-25-00005)

169- 185 E. MAXWELL ST (ODD ADDRESSES ONLY);
245-277 LEXINGTON AVE (ODD ADDRESSES ONLY)

Applicant

Subtext Acquisitions, LLC,
3000 Locust Street
St. Louis, MO 63103
Attorney: Nick.Nicholson@skofirm.com

Owners

HDC Holdings, LLC
Leroy Barbara Ann Trustee
Alice Real Estate Group, LLC
Lexington Land Company, LLC
CSA NY Incestments, KKC
Holly Enterprises, LLC
TJH Campus Properties, LLC
Horse Capital Rentals, LLC
Eden Companies Fund Class A, LLC
PJK Group, LLC

Application Information

Acreage:

1.93 net (2.34 gross) acres

Current Zoning:

Medium Density Residential (R-4) and
Professional Office (P-1) Zone

Proposed Zoning:

Downtown Frame Business (B-2A) Zone

Place-type/Development Type

Downtown

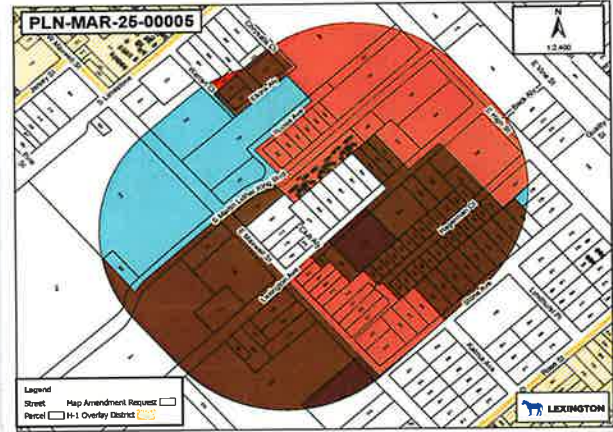
High Density Non-Residential/ Mixed-Use

For more information about the Downtown Place-Type see Imagine
Lexington pages 328-337. For more information on the High Density
Non-Residential/ Mixed-Use Development Type see page 271.

Description:

The applicant is seeking to rezone the subject properties in order to establish a mixed-use development. The applicant is proposing a 338 unit multi-family residential use, for a residential density of approximately 175 dwelling units per acre. The development also includes an integrated 367-space parking structure, and first floor commercial and amenity space.

Rezone the properties for a mixed-use
development

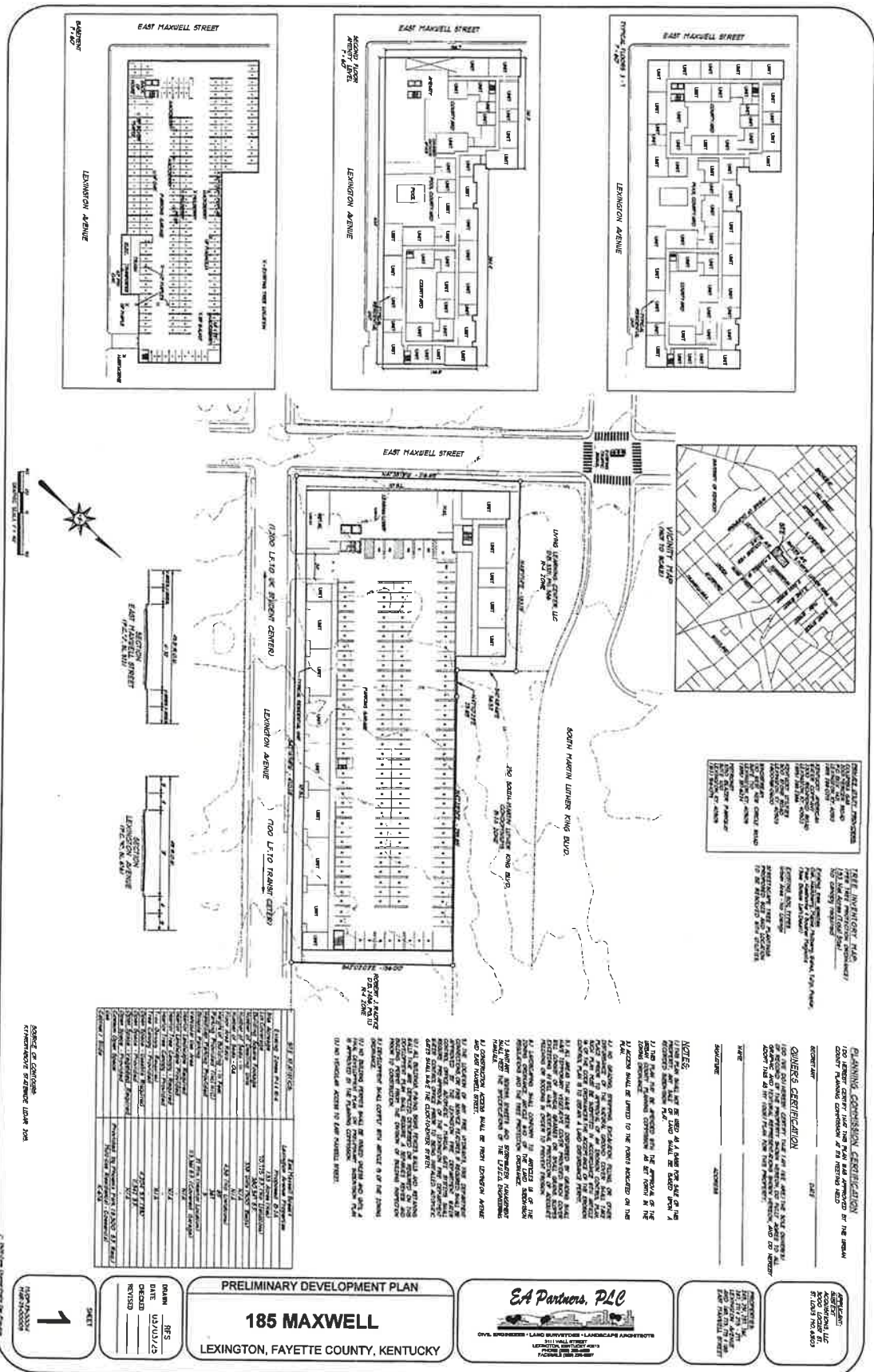


Public Engagement

- The applicant indicated that they have conducted a meeting with the surrounding neighborhood.

Status

- Public Engagement
- Pre-Application Meeting
- Application Review
- Planning Staff Review
- Technical Review Committee
- Zoning/Subdivision Committee Meetings
- Planning Commission Hearing
- Urban County Council Meeting



STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-25-00005: SUBTEXT ACQUISITIONS, LLC

DESCRIPTION OF ZONE CHANGE

Zone Change: From a Medium Density Residential (R-4) zone and Professional Office (P-1) zone
To a Downtown Frame Business (B-2A) zone

Acres: 1.93 net (2.34 gross) acres

Location: 169-185 E. Maxwell St. (Odd addresses only);
245-277 Lexington Ave. (Odd addresses only)

EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Properties	R-4/P-1	Offices and Multi-Family
To North	B-2A/R-4	Multi-Family
To East	B-2A/ R-4	Multi-Family
To South	R-4	Church/UK
To West	B-2A/R-4	Multi-Family



URBAN SERVICE REPORT

Roads - The subject properties are located at the intersection of E. Maxwell Street and Lexington Avenue. E. 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. Lexington Avenue is a two-lane local road that connects E. Maxwell to E. High Street. Club Alley is a public alley that connects from the existing parking lot at 175 E. Maxwell Street to Lexington Avenue. In order to construct the development as proposed, Club Alley will need to be closed by the Urban County Council, and the resulting right-of-way dedicated to the applicant.

Curb/Gutter/Sidewalks - East Maxwell Street and Lexington Avenue have been improved with curb, gutter and sidewalks.

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 ½ mile north of the subject properties on East Main Street.

Fire/Ambulance - The nearest fire station is Fire Station #6, located on S. Limestone approximately 1/2 mile southwest of the subject properties

Transit - Lextran services the area with inbound and outbound routes stopping nearby, at the intersection of Rose Street and Maxwell. Additionally, the property is approximately 700 feet south of the Transit Center.

Parks - The subject properties are located 1/3 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 and a Professional Office (P-1) zone to a Downtown Frame Business (B-2A) zone for the properties located at 169, 175, 179, and 185 E. Maxwell Street, and 245, 251, 257, 2611, 275-2277 Lexington Avenue in order to construct a mixed-use 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 NON-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 an 85-foot tall mixed-used development totaling 380,947 square feet in size. The residential component of the building will accommodate 338 dwelling units, with a total of 900 beds, for a density of 175 dwelling units per acre. The proposal features 1,250 square feet of commercial space located at the intersection of E. Maxwell Street and Lexington Avenue. A total of 367 parking spaces are being provided on-site within internal garages that are accessed from Lexington Avenue. Included within the structure is approximately 14,500 square feet of amenity areas.

APPLICANT & COMMUNITY ENGAGEMENT



Within the letter of justification, the applicant indicates that they met with the surrounding neighborhood, but did not provide any information as to when that meeting took place, or what kinds of commentary were provided at that time.

PROPERTY & ZONING HISTORY



The subject properties are a mixture of Professional Office (P-1) and Medium Density Residential (R-4) zone that have had that zoning prior to the comprehensive rezoning of the City and County in 1969. Development on the subject properties range from converted single-family structures that were constructed in the early 1900s to a mix of two and three story multi-family residential structures that were built in the 1990s. The subject properties also contain an office and surface parking lot uses.

The surrounding area features a mix of zoning and uses. Adjoining the properties to the west is a three-story residential structure associated with a fraternity that is zoned Medium Density Residential (R-4). Further west, Professional Office (P-1) zoning associated with Good Samaritan hospital is present. The property to the northwest of the site, along S. Martin Luther King Jr Blvd, was rezoned to the Downtown Frame Business (B-2A) zone in 2004 (MAR-2004-3), and features a three-story residential use located over podium parking. The remaining portion of Lexington Avenue is comprised primarily of R-4 zoning, and residential uses ranging from one to three stories. 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). These properties are not subject to the zoning restrictions of the LFUCG and are currently being operated as office, classroom, and research space. Across Lexington Avenue to the east are areas of B-2A zoning that are proposed to be utilized for a 250-unit, six story multi-family residential development that was approved in 2024.

While several of the subject properties feature older structures, 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 two blocks 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.

COMPREHENSIVE PLAN COMPLIANCE



GOALS AND OBJECTIVES

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 opines that they are in compliance with the adopted Goals and Objectives of the 2045 Comprehensive Plan. They state that the request will redevelop the site into a higher density housing product that will help meet an increase in the demand for housing, particularly for University of Kentucky students (Theme A, Goal #1.b and #1.d; Theme A, Goal #2.a). Additionally, the applicant states that the request will enhance the neighborhood through the incorporation of walkable commercial space on the first floor of the structure (Theme A, Goal #3.a and #3.c).

In review of the applicant's justification, the staff has identified an additional Comprehensive Plan Objective that requires further explanation by the applicant:

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 applicant's letter of justification situates the development within the context of E. Maxwell Street, where larger structures, such as the six-story Good Samaritan hospital and a planned six-story student housing development can be found. However, the majority of the existing development surrounding the project is comprised of low to medium density residential development ranging from one to four stories in size. The applicant should provide information on how their proposed seven-story development will integrate into this the context of the less intense development further into Lexington Avenue.

POLICIES

Within the letter of Justification, the applicant opines that the project is meeting Comprehensive Plan policies that call for intensifying land use on corridors (Density Policy #1; Connectivity Policy #3), providing additional housing (Density Policy #2), and providing on-site amenities and commercial space (Design Policy #13). While staff agrees that these policies could be met with this request, there are several policies that the applicant should expand on further:

Design Policy #5: Provide pedestrian-friendly street patterns & walkable blocks to create inviting streetscapes.

The applicant's request features commercial space and entrances along E. Maxwell Street; however, along Lexington Avenue, the streetscape is primarily defined by long stretches of black brick, without any designated landscaping, entrances, or other features to create an inviting streetscape along this frontage. The applicant should explore opportunities to more significantly activate or orient this space for pedestrians.

Protection Policy #7: Protect the urban forest and significant tree canopies.

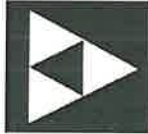
The request appears to remove all existing trees on site, and do not appear to provide for any replacement plantings. The applicant should explore opportunities to retain significant trees where possible, as well as incorporating new plantings to mitigate the loss of the existing elements.

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 Non-Residential/ Mixed-Use 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, existing Downtown Frame business (B-2A) zoning present on the adjoining properties, 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 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 2045 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 mixed-use 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.

While staff agrees with much of the justification provided by the applicant, there are several criteria listed below that require further explanation or justification:

1. Land Use

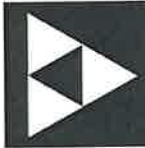
D-PL7-1: Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.

The applicant has indicated that they conducted public outreach for the project with the surrounding neighborhood, but have not provided any indication of when the meeting took place, who was in attendance, or the concerns or comments that were raised. The applicant should provide greater information on those efforts.

2. Transportation Connectivity and Walkability

A-DS4-1: A plan for a multi-modal network to adjacent neighborhoods, greenspaces, developments, and complementary uses should be provided.

The development plan currently shows the property utilizing the existing 5-foot wide sidewalks present on both E. Maxwell Street and Lexington Avenue; however, the traffic impact study prepared by the applicant



denoted that an 8-foot wide sidewalk would be provided along both road frontages. This width would be consistent with the approved Final Development Plan for the adjoining student housing development across Lexington Avenue. To maintain consistency between developments as well as provide sufficient infrastructure for the high number of anticipated pedestrians, the applicant should incorporate the wider sidewalks into the plan, as well as the study's striping and crosswalk recommendations.

A-DS5-2: Developments should incorporate vertical elements, such as street trees and buildings, to create a walkable streetscape.

As submitted, the plan does not indicate any plantings will be provided along the E. Maxwell Street or Lexington Avenue frontage. The applicant should explore the feasibility of providing landscaping or plantings in order to improve the pedestrian experience.

3. Environmental Sustainability and Resiliency

B-PR7-1: Developments should be designed to minimize tree removal and to protect and preserve existing significant trees.

In order to construct the proposed building, the applicant is proposing to remove all existing trees on-site. There are several significant trees, including a walnut (35" DBH), a silver maple (39" DBH), and a tulip poplar (32" DBH) that are located near the middle of the site and would most likely conflict with any redevelopment of the properties. The site's largest tree, a pin oak (42" DBH), is located on the southern edge of the property. Staff asks that the applicant provide information regarding the condition of the tree, and encourages the applicant to explore opportunities to retain the significant tree.

B-RE1-1: Developments should improve the tree canopy.

While there is not a tree canopy requirement for the B-2A zone, the Placebuilder Criteria recommends that developments provide canopy when it can be accommodated. The applicant should explore the opportunities to provide tree plantings along the road frontages, or to retain existing trees where possible.

4. Site Design

A-DS5-4 Development should provide a pedestrian-oriented and activated streetscapes.

As noted earlier, the applicant's proposal results in approximately 450 feet of continuous building along Lexington Avenue that creates large stretches that are absent of landscaping, building entrances, or meaningful articulation. The applicant should explore opportunities to improve the pedestrian experience in this area.

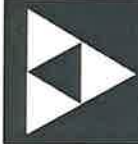
5. Building form

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

The applicant has provided renderings of the proposed development, but has not provided an updated justification that adequately addresses the landscaping or design aspects of the Design Standards. Additionally, the applicant should provide an explanation of how these items are being met with this request.

- i. SP.2: Provide as many private, ground level entries to individual units as possible.
- ii. AD.2: Relate the overall height, size, and character of the development to that of adjacent structures and those of the immediate neighborhood. Sensitively scaled development reinforces pedestrian-oriented character and neighborhood appeal.
- iii. 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 the proposed 85-foot height their building is in line with Comprehensive Plan provisions relating to the intensification of the Maxwell Corridor. The applicant should also provide information relating the proposed height of the building to the context of development along Lexington Avenue, and explore opportunities to create a transition in scale to better integrate the building into the area.

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 along Lexington Avenue, and how it will lend to the pedestrian-friendly atmosphere described in other portions of the application.

E-GR5-1: Structures with demonstrated historic significance should be preserved or adapted.

While the subject properties are not located within a Historic Design Overlay District (H-1) zone, the properties at 179 and 185 E. Maxwell Street feature structures constructed in the early 1900s. The applicant should provide some information relating to the history of these buildings, the state of the current structures, and whether there are other similar structures representative of the same period that are present in the area.



PARKING DEMAND MITIGATION STUDY

Under the requirements of the Parking and Landscaping Zoning Ordinance Text Amendment, all “Significant Developments,” or developments with over 5,000 square-feet of building coverage that require a Zoning Map Amendment, shall provide a Parking Demand Mitigation Study for the project that details the following information:

1. Review of national best practices for parking calculations for the project, including the current ITE Manual Parking ranges or the ranges produced by the ITEParkGen Report;
2. The anticipated parking demand for the project;
3. How the anticipated parking demand will be satisfied on-site or off-site;
4. The methods and strategies to be implemented in order to reduce vehicle trips by site users;
5. The methods and strategies to be implemented in order to promote transportation options by site users;
6. The projected mode share by site users from the utilization of the study’s strategies.

Within the applicant’s review of the parking demand, they have provided specific calculations based on the ITE manual for the proposed residential multi-family use and the commercial retail use. Based on the provided number of units and commercial square footage, the study indicates indicate that the a multi-family development at the proposed scale would require approximately 431 parking spaces at peak demand hours. The applicant states that due to the location adjacent to the University of Kentucky, as well as proximity to transit, that only 85% of the parking indicated by the ITE manual will be needed at this location, resulting in 367 on-site parking spaces provided within the internal garages.

STAFF RECOMMENDS: **POSTPONEMENT**, FOR THE FOLLOWING REASONS:



1. The applicant should provide information on how their proposal addresses the following Objectives 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 applicant should address the following Policies of the 2045 Comprehensive Plan:
 - a. Design policy #5: Provide pedestrian-friendly street patterns & walkable blocks to create inviting streetscapes.
 - b. Protection policy #7: Protect the urban forest and significant tree canopies.
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 Non-Residential Mixed-use Development Type. The following criteria require further discussion by the applicant to address compliance with the 2045 Comprehensive Plan:
 - a. D-PL7-1: Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
 - b. A-DS4-1: A plan for a multi-modal network to adjacent neighborhoods, greenspaces, developments, and complementary uses should be provided.
 - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
 - i. SP2: Provide as many private, ground level entries to individual units as possible.
 - ii. AD.2: Relate the overall height, size, and character of the development to that of adjacent structures and those of the immediate neighborhood. Sensitive scaled development reinforces pedestrian-oriented character and neighborhood appeal.
 - iii. 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-DS5-2: Developments should incorporate vertical elements, such as street trees and buildings, to create a walkable streetscape.
 - d. B-PR7-1: Developments should be designed to minimize tree removal and to protect and preserve existing significant trees.
 - e. A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
 - f. A-DS5-4: Development should provide a pedestrian-oriented and activated streetscapes.
 - g. B-PR7-3 Developments should improve the tree canopy.
 - h. E-GR5-1: Structures with demonstrated historic significance should be preserved or adapted.

SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-25-00005: SUBTEXT ACQUISITIONS, LLC



STAFF REVIEW

In the period following the April Subdivision and Zoning Committee meetings, the applicant met with staff to discuss the concerns described within the initial staff report and the comments received during the committee meetings. Since that time, the applicant has submitted updated application materials, including a revised development plan, revised supplemental renderings, a supplemental letter of justification, and an arborist's report on the health of the site's most significant tree.

The revisions to the proposed development plan include a shift in the building massing, where the structure shifts from eight stories along E. Maxwell Street to six stories along the middle of the structure, to four stories at the northernmost portion of the site along Lexington Avenue. This reduction in size will shift the building from a total of 900 proposed beds, to a total of 825 proposed beds, resulting in a total density of 159 units per acre. The plan also makes changes in the facade along the Lexington Avenue frontage, where individual units are proposed to be incorporated, along with landscape plantings, and a designated outdoor commercial patio. In order to accommodate the individual units with the change in grade present along Lexington Avenue, the applicant is proposing stairs within the Lexington Avenue setback. In order to accommodate the stairs as shown, future variances will be needed as the steps encroach into the side street side yard setback.

Additionally, the applicant provided updated renderings from the northern portion of the site to demonstrate the relationship between the structure and the adjoining buildings along Lexington Avenue and S. Martin Luther King Jr. Boulevard.

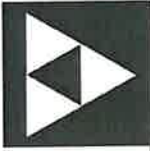
COMPREHENSIVE PLAN GOALS AND OBJECTIVES

In the initial staff report, staff requested that the applicant demonstrate how they were in agreement with the following Goals, Objectives, and Policies of the Comprehensive Plan:

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.

Under the initial proposal, staff voiced concerns regarding the relationship between the proposed eight-story structure and the two-story building located at 243 Lexington Avenue. The revised plan brings the building down to four stories in this area, which is in line with the existing heights of the condominiums at 250 S. Martin Luther King Jr. Boulevard, which adjoins the property to the west. The building then increases in size as the development approaches the Maxwell Street corridor, where higher intensity structures are present in the vicinity.

Based on the revised justification and development plan, staff finds that the request is in agreement with the Goals and Objectives of the Comprehensive Plan as the request will help meet an increase in the demand for housing, particularly for University of Kentucky students (Theme A, Goal #1.b and #1.d; Theme A, Goal #2.a), will provide walkable commercial space on the first floor of the structure (Theme A, Goal #3.a and #3.c), reduces dependence on single-occupancy vehicles by limiting parking on-site and providing for direct multi-modal connections to the University of Kentucky and the greater downtown area (Theme B, Goal #2.d), and incorporates changes in the massing and height of ability in order to transition into the scale of development currently present in the area (Theme A, Goal #2.b).



COMPREHENSIVE PLAN POLICIES

In addition, staff requested that the applicant respond to several Comprehensive Plan Policies.

Design Policy #5: Provide pedestrian-friendly street patterns & walkable blocks to create inviting streetscapes.

The initial staff report directed the applicant to explore opportunities to more significantly activate or orient the Lexington Avenue frontage to pedestrians. In response, the applicant expanded the proposed sidewalk width, added individual entries and stairways, provided outdoor seating areas for the commercial use, and provided street tree plantings.

Protection Policy #7: Protect the urban forest and significant tree canopies.

In response to staff's request to explore retaining existing significant trees, the applicant has provided a graphic that demonstrates the necessary tree protection areas for the significant trees on-site. The applicant opines that in order to effectively protect the trees, much of the site would be precluded from being redevelopment to meet the need for additional housing. While street trees are being proposed, the request does not appear to increase the canopy relative to the current condition.

Overall, staff finds that the request is in agreement with the majority of the Policies of the Comprehensive Plan, as the request meets the Multi-Family Design Standards (Theme A, Design Policy #3), creates a structure that is sensitive to the surrounding context (Theme A, Design Policy #4), provides neighborhood level commercial uses (Theme A, Design Policy #12), provides for additional residential density along a downtown corridor (Theme A, Density Policy #1 and #2).

DEVELOPMENT CRITERIA

The revised plan also addresses several of the Development Criteria previously identified by staff as requiring further clarification.

1. Land Use

D-PL7-1: Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.

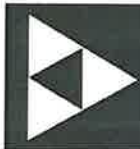
The applicant has provided information relating to the virtual neighborhood meeting they conducted with surrounding residents on February 26, 2025, prior to the submission of the application. The applicant states that the primary concerns raised by the attendees of the meeting was the lack of on-site parking, as well as the potential impact of on-street parking. The information provided by the applicant also states they met in-person with the Maxwell Presbyterian Church, Bluegrass Trust, as well as with members of the adjoining City Court Condominium Association. The letter also details efforts made to reach out during the zone change process for the Aylesford Neighborhood Association; however the neighborhood association opted not to meet.

With the revised justification and Development Plan, staff now finds the request is in agreement for the criteria for Land Use, as the request provides neighborhood level commercial areas (A-DS12-1), and significantly increases residential density along a downtown corridor (A-DN2-1; E-TS8-2)

2. Transportation Connectivity and Walkability

A-DS4-1: A plan for a multi-modal network to adjacent neighborhoods, greenspaces, developments, and complementary uses should be provided.

In response to staff comments, the applicant has shown a widening of the sidewalk to eight (8) feet along both road frontages to accommodate the large amount of pedestrians anticipated with the use.



A-DS5-2: Developments should incorporate vertical elements, such as street trees and buildings, to create a walkable streetscape.

The applicant has revised their plan to indicate that street trees and other plantings will be provided along both road frontages.

With the proposed changes, staff now finds the proposed rezoning meets the criteria for Transportation Connectivity, and Walkability, as the request provides accessible links to transit (A-DS1-1), widens the sidewalks present on the site (ADS4-1 and ADS5-1), and creates a walkable streetscape (A-DS5-2).

3. Environmental Sustainability and Resiliency

B-PR7-1: Developments should be designed to minimize tree removal and to protect and preserve existing significant trees; B-RE1-1: Developments should improve the tree canopy.

In the initial staff report, Planning Staff highlighted a significant Pin Oak present along the Lexington Avenue frontage, and requested further information on the condition of the tree, and suggested the applicant explore opportunities to retain the tree, if healthy. In response, the applicant provided a Tree Risk Assessment report by a certified arborist within their supplemental justification. The report concludes that the tree in question is currently distressed, and that it was the arborist's recommendation that the tree needs to be removed. In addition to the report, the applicant provided a graphic of the significant trees on site, and the necessary tree protection areas that would be needed in order for the trees to remain and thrive. The applicant opines that retaining these trees would effectively preclude any real redevelopment of the site, and is seeking to have the trees removed, and new street trees installed along the road frontage.

Otherwise, the request meets other applicable Environmental Sustainability and Resiliency, as the request does not impact any environmentally sensitive areas (B-PR-2-1), and incorporates an integrated parking structure to reduce surface parking and impervious surface present with the development (B-SU4-1).

4. Site Design

A-DS5-4 Development should provide a pedestrian-oriented and activated streetscapes.

Within the revised development plan, the applicant details several improvements that are designed to improve the pedestrian experience relative to the first iteration of the plan. The first version of the plan lacked pedestrian entrances along much of the Lexington Avenue frontage. Now, units are interspersed along the Lexington Avenue frontage, and are accessed via stairs along the frontage. Additionally, the applicant has indicated that they will provide widened sidewalks, street trees, and outdoor patio area to help activate these areas.

With the proposed changes, the request now meets the criteria for Site Design, as the request activates the streetscapes along both E. Maxwell Street and Lexington Avenue (A-DS5-4), improves pedestrian connectivity in the area (C-LI8-1), limits on-site parking (C-PS10-2), and provides for programmed open space (D-PL4-1).

5. Building form

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. AD.2: Relate the overall height, size, and character of the development to that of adjacent structures and those of the immediate neighborhood. Sensitively scaled development reinforces pedestrian-oriented character and neighborhood appeal.
- iii. 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.

In response to staff's request for more information regarding the Multi-Family Design Standards, the applicant provided a more in-depth explanation of the building design. Additionally, the applicant addressed specific concerns relating to the provision of direct ground entries along Lexington Avenue, two additional step-downs in building scale and massing along Lexington Avenue, as well as an increase in pedestrian level articulation 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 revised plan details a structure that relates to the existing height of the adjoining condo structure along S. Martin Luther King Jr. Boulevard, and gradually increases in height as the building moves closer to the corridor, where it is tallest and most intense.

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

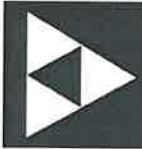
The revised development plan increases the size of the sidewalk along both street frontages from five feet to eight feet. This change provides continuity with the recent development plan approved for the multi-family residential development approved on the opposite side of Lexington Ave.

E-GR5-1: Structures with demonstrated historic significance should be preserved or adapted.

In response to the applicant's proposal, the Historic Preservation Staff have provided a report on the historicity of the parcels included with this request. For the properties with historically significant structures, the Historic Preservation Staff provided their historical background, if known, and the state of the structures. The report identifies five of the houses (179 and 185 E Maxwell; 245, 251, and 261 Lexington Avenue). All five structures identified within the report were constructed around 1880, and feature structures that generally have influences from the Italianate style. The report further states that four of the structures are located within the area designated by the Register of Historic Places as part of the Southeast Lexington Residential and Commercial National Register; however, none of the structures are individually listed.

The applicant's revised justification includes a discussion regarding the structures at 179 and 185 E Maxwell Street. There, the applicant notes the current condition of both buildings, and notes that the buildings have been altered over time to accommodate additional residential space, and to convert the buildings for office use. The applicant then provides several examples of other structures within Lexington's protected H-1 overlay zones that they opine exemplify the Italianate style of the buildings that they propose to remove. Finally, they state that their structures are not currently protected by any local historical restrictions, and that they do not have any desire to have the structures placed on the National Register.

Staff finds that overall, the plan meets the majority of the criteria for Building Form, as the request meets the Multi-Family Design Standards (A-DS3-1), incorporates height transitions to better relate to the existing context of development further along Lexington Avenue (A-DS4-2), and provides for active first-floor uses that improve the pedestrian experience on the site (A-DS5-3; D-PL2-1).



CONDITIONAL ZONING

Given the subject property's location to residential development and the applicant's stated goals of utilizing this property for higher density residential development, staff recommends the following restrictions be implemented via conditional zoning:

Conditional Zoning

1. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be prohibited:
 - i. Establishments for the display, rental, or sale of automobiles, motorcycles, trucks and boats.
 - ii. Hotels and motels.
 - 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. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
 - vii. Automobile and vehicle refueling stations and service stations
 - viii. Adult entertainment establishments
 - ix. Stadium and exhibition halls
2. The property shall be developed with a minimum of 103 dwelling units per acre, or 200 total dwelling units at this location.

These restrictions are necessary and appropriate in order to maintain the character of the E. Maxwell Street corridor, protect the adjoining residential uses, as well as meet the Comprehensive Plan's goal of increasing the density of residential development in and near downtown, and along arterial corridors.

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



1. The proposed Downtown Business Frame (B-2A) zone is in agreement with the Imagine Lexington 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The request will help meet an increase in the demand for housing, particularly for University of Kentucky students (Theme A, Goal #1.b and #1.d; Theme A, Goal #2.a).
 - b. The request will provide pedestrian-oriented commercial space on the first floor of the structure (Theme A, Goal #3.a and #3.c).
 - c. The request incorporates changes in the massing and height of the structure in order to transition into the scale of development currently present in the area (Theme A, Goal #2.b).
 - d. The request de-emphasizes single-occupancy vehicles by limiting parking on-site and providing for direct multi-modal connections to the University of Kentucky and the greater downtown area (Theme B, Goal #2.d).
2. The proposal is in agreement with the Policies of the 2045 Comprehensive Plan for the following reasons:
 - a. The request meets the Multi-Family Design Standards (Theme A, Design Policy #3).
 - b. By creating a step down in height, the proposed structure is sensitive to the surrounding context (Theme A, Design Policy #4).
 - c. The request provides neighborhood level commercial uses (Theme A, Design Policy #12).
 - d. The proposal provides for additional residential density along a downtown corridor (Theme A, Density Policy #1 and #2).
3. The justification and corollary development plan are in agreement with the Development Criteria of the 2045 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Land Use, as the request provides neighborhood level commercial areas (A-DS12-1), and significantly increases residential density along a downtown corridor (A-DN2-1; E-TS8-2).
 - b. The proposed rezoning meets the criteria for Transportation, Connectivity, and Walkability, as the request provides accessible links to transit (A-DS1-1), widens the sidewalks present on the site

- (ADS4-1 and ADS5-1), creates a walkable streetscape (A-DS5-2).
- c. The request meets the criteria for Environmental Sustainability and Resiliency, as the request does not impact any environmentally sensitive areas (B-PR-2-1), and incorporates an integrated parking structure to reduce surface parking and impervious surface present with the development (B-SU4-1).
 - d. The proposal meets the criteria for Site Design, as the development activates the streetscapes along both E. Maxwell Street as well as Lexington Avenue (A-DS5-4), improves pedestrian connectivity in the area (C-LI8-1), limits on-site parking (C-PS10-2), and provides for programmed open space (D-PL4-1).
 - e. The plan meets the majority of the criteria for Building Form, as the request meets the Multi-Family Design Standards (A-DS3-1), incorporates height transitions to better relate to the existing context of development further along Lexington Avenue (A-DS4-2), and provides for active first-floor uses that improve the pedestrian experience on the site (A-DS5-3; D-PL2-1).
4. This recommendation of approval is subject to the following conditional zoning restrictions:
1. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be prohibited:
 - i. Establishments for the display, rental, or sale of automobiles, motorcycles, trucks and boats.
 - ii. Hotels and motels.
 - 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. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
 - vii. Automobile and vehicle refueling stations and service stations
 - viii. Adult entertainment establishments
 - ix. Stadium and exhibition halls
 2. The property shall be developed with a minimum of 103 dwelling units per acre, or 200 total dwelling units at this location.
- These restrictions are necessary and appropriate in order to maintain the character of the E. Maxwell Street corridor, protect the adjoining residential use, as well as meet the Comprehensive Plan's goal of increasing the density of residential development in and near downtown, and along arterial corridors.
5. This recommendation is made subject to approval and certification of PLN-MJDP-25-00014: SUBTEXT DEVELOPMENT II) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

1. SUBTEXT ACQUISITIONS, LLC ZONING MAP AMENDMENT AND SUBTEXT DEVELOPMENT II DEVELOPMENT PLAN

- a. **PLN-MAR-25-00005: SUBTEXT ACQUISITIONS, LLC (6/1/25)*** – a petition for a zone map amendment from a Professional Office (P-1) zone and Medium Density Residential (R-4) zone to a Downtown Frame Business (B-2A) zone for 1.93 net (2.34 gross) acres for properties located at 169, 175, 179, 185 E. Maxwell Street and 245, 251, 257, 261, 267, 271, and 275-277 Lexington Ave.

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 petitioner is proposing an 85-foot tall mixed-used development totaling 380,947 square feet in size. The residential component of the building will accommodate 338 dwelling units, with a total of 900 beds, for a density of 175 dwelling units per acre. The proposal features 1,250 square feet of commercial space located at the intersection of E. Maxwell Street and Lexington Avenue. A total of 367 parking spaces are being provided on-site within internal garages that are accessed from Lexington Avenue. Included within the structure is approximately 14,500 square feet of amenity areas.

The Zoning Committee Recommended: Postponement.

The Staff Recommends: Postponement for the following reasons:

1. The applicant should provide information on how their proposal addresses the following Objectives 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 applicant should address the following Policies of the 2045 Comprehensive Plan:
 - a. Design policy #5: Provide pedestrian-friendly street patterns & walkable blocks to create inviting streetscapes.
 - b. Protection policy #7: Protect the urban forest and significant tree canopies.
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 Non-Residential Mixed-use Development Type. The following criteria require further discussion by the applicant to address compliance with the 2045 Comprehensive Plan:
 - a. D-PL7-1: Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
 - b. A-DS4-1: A plan for a multi-modal network to adjacent neighborhoods, greenspaces, developments, and complementary uses should be provided.
 - c. 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. AD.2: Relate the overall height, size, and character of the development to that of adjacent structures and those of the immediate neighborhood. Sensitively scaled development reinforces pedestrian-oriented character and neighborhood appeal.
 - iii. 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.
 - d. 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.
 - e. A-DS5-2: Developments should incorporate vertical elements, such as street trees and buildings, to create a walkable streetscape.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

- f. B-PR7-1: Developments should be designed to minimize tree removal and to protect and preserve existing significant trees.
 - g. A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
 - h. A-DS5-4: Development should provide a pedestrian-oriented and activated streetscapes.
 - i. B-PR7-3 Developments should improve the tree canopy.
 - j. E-GR5-1: Structures with demonstrated historic significance should be preserved or adapted.
- b. **PLN-MJDP-25-00014: SUBTEXT DEVELOPMENT II** (6/1/25)* – located at 245-271 LEXINGTON AVENUE (odd only) and 169-185 EAST MAXWELL STREET (odd only), LEXINGTON, KY.

Council District: 3

Project Contact: EA Partners

Note: The purpose of this plan is to depict a multi-story mixed use structure in support of the requested zone change from a Professional Office (P-1) zone and Medium Density Residential (R-4) to a Downtown Frame Business (B-2A) zone.

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

1. Provided the Urban County Council approves the zone change to **B-2A**; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Urban Forester's approval of tree preservation plan.
5. Greenspace planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval if environmentally sensitive areas.
7. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
8. United States Postal Service Office's approval of kiosk locations or easement.
9. Denote purpose of plan.
10. Correct plan title to match staff report.
11. Addition of north arrow on vicinity map.
12. Denote: Final Development Plan shall reflect the design elements indicated in the Multi-Family Design Standards.
13. Provide Tree Inventory Map and per Article 26 of the Zoning Ordinance.
14. Depict dimensions of building on all levels and distances from property lines.
15. Discuss drop-off location(s).
16. Discuss release of right-of-way of Club Alley.
17. Discuss proximity of parking in the first level with property line for constructability.
18. Discuss Placebuilder criteria.

Staff Presentation – Mr. Daniel Crum presented the staff report and revised recommendation 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 Professional Office (P-1) zone and Medium Density Residential (R-4) zone to a Downtown Frame Business (B-2A) zone for 1.93 net (2.34 gross) acres for properties located at 169, 175, 179, 185 E. Maxwell Street and 245, 251, 257, 261, 267, 271, and 275-277 Lexington Ave. Mr. Crum stated that the applicant was seeking the Downtown place-type and High Density Non-Residential Mixed Use development type and they were seeking to construct a mixed use-development. Mr. Crum indicated that Staff was in agreement with those selections. Mr. Crum stated that the applicant was in close proximity to the Stavroff development, and that the applicant wished to match the existing zone currently present. Mr. Crum noted the proximity to the H-1 overlay and that both the applicant and Historic Preservation had provided information on the historic houses in this area, but they would not be subject to the H-1 rules and regulations. Additionally, Mr. Crum showed photographs of the properties that would be demolished and noted that there would be a right-of-way that would need to be closed.

Mr. Crum continued his presentation by showing updated renderings from the applicant that depicted businesses on the first level, as well as stairs that lead to residential units to activate the street level. Mr.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Crum indicated that the applicant had changed the initial rendering and noted a step or transition in the height of the building. Initially the applicant was showing eight stories, but now depicts four stories at the eastern end of the project, then six stories, and finally eight stories at the corner. Additionally, he stated that the height transition caused the applicant to lose a few units and brought the total number of bedrooms down to 825 from the initial 900 requested by the applicant.

Mr. Crum noted Staff's initial concerns with the application, which included about connectivity, pedestrian activation, and the scale and its relationship to the surrounding smaller homes. Mr. Crum stated that the applicant had met with the neighborhood and that their concerns stemmed from a lack of available parking in the area. Mr. Crum presented renderings of the building with the proposed stepdowns as well as the location of significant trees and noted the report the applicant had provided that recommended the removal of those trees.

Mr. Crum provided a recommendation for conditional zoning restrictions that included prohibiting hotels, motels, automobile service stations and refueling stations, adult entertainment establishments, and stadium and exhibition halls. Mr. Crum concluded by stating that Staff was recommending approval of the subject application and could answer any questions from the Planning Commission.

Commission Questions – Mr. Robin Michler asked if there was anyone from Historic Preservation in attendance to answer any questions. Crum indicated there was not, but discussed the historic houses that were mentioned in the Historic Preservation report, noting the style of architecture, when the houses were built, and if any additions were added. Mr. Crum also noted that none of the homes were individually listed on the National Registry of Historic Places.

Mr. Michler asked if Mr. Crum knew what the term "very architecturally significant" meant and noted that he thought these homes had beautiful craftsmanship that was no where to be found on the current development plan. Additionally, Mr. Michler asked what the Comprehensive Plan says about protecting homes like this that aren't on a national registry, and if portions of the Comprehensive Plan that mention protecting homes is meaningful. Mr. Crum stated that portions of the Comprehensive Plan that mention this are absolutely meaningful, and there are many different factors that go into this. The context of the neighborhood, the layout of the site itself, and the level of detail and significance. Mr. Crum stated that the applicant could provide more information on the other factors that went into their thinking, but Staff was comfortable with these buildings being torn down given all the factors mentioned.

Mr. Michler asked why the applicant went with this stepdown approach when a previous plan had something that did not look like this. Mr. Crum indicated that a lot of the how the site is designed and functions is similar to what Staff was looking for with the previous application that Mr. Michler was talking about and sometimes the context of a building changes.

Mr. Michler asked how these changes would be addressed given the new ministerial standards set out by House Bill 443. Mr. Crum stated that right now they are reviewing the preliminary development plan and as a part of this review the Planning Commission can include notations and other elements to information and materials that are available today. Mr. Crum stated that this will serve as the mechanism moving forward that will hold the applicant to what was agreed to during the Planning Commission public hearings.

Development Plan Presentation – Mr. Chris Chaney oriented the Planning Commission to the location and characteristics of the subject property. He stated that the revised conditions had six of the usual sign off's with the addition of denoting the release of the right-of-way on Club Alley, as well as denoting the encroachment of the front yard setback which would need to conform to Article 15. Mr. Chaney presented renderings of the subject property and noted the location of retail facing Maxwell St. and the internal parking structures that are not connected. Mr. Chaney continued and showed the residential floors as well as the open air courtyard and pool.

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

Commission Questions – Ms. Molly Davis asked for clarification on the location of the open-air courtyard and pool area and Mr. Chaney highlighted it in the presentation.

Traffic Impact Study Presentation – Mr. Stuart Kearns, Principal Planner for Transportation Planning, gave a brief presentation about the findings of the traffic impact study. Mr. Kearns indicated that the number of trips generated by the development would be negligible because the student housing project is mostly pedestrian-oriented. Mr. Kearns also stated that there are sufficient pedestrian and bike facilities to accommodate residents in the area.

Mr. Kearns stated that the study recommended an eight-foot sidewalk along E. Maxwell St. and Lexington Ave., ADA compliant crossing ramps on E. Maxwell St. and Lexington Ave., and adding crosswalks across Lexington Ave. and E. Maxwell St. Mr. Kearns stated that Staff agreed with all of these recommendations.

Applicant Presentation – Ryan Bumb, representative for the applicant, stated that the developers liked this application due to its proximity to downtown Lexington and to the University of Kentucky, as well as the historic districts near it. Mr. Bumb presented photographs of recent developments completed by Subtext and noted his pride in their development's designs. Mr. Bumb continued by showing aerial photographs of the surrounding zoning and noted that he thought this development was an appropriate extension of the B-2A and residential zones in this area and that they would not be impacting the historic overlay. Additionally, Mr. Bumb argued that this site was in line with similar multi-story buildings in the area, noting the adjacent 4-story apartment complex and mentioning their building was eight stories that steps down to four.

Mr. Bumb noted the benefits he saw from this development including adding much needed housing, a mix of unit types, the proposed community retail, and the step-down design. Mr. Bumb stated that they had met with the neighborhood to receive feedback and provide some clarification where possible. Mr. Bumb mentioned that their concerns stemmed from the site's design quality, how parking would be managed, concerns about more development in the area, traffic, and if bars would be allowed. Mr. Bumb indicated that they had attempted to address all their concerns and even had an in person meeting church representatives from the nearby Maxwell Presbyterian Church to attempt to address additional concerns.

Mr. Bumb gave a brief summary of the changes that they had made since the committee meetings. Those changes included increased parking, the step-down design, more walk-out units along Lexington Avenue, additional street trees, added articulation and design features, and moving the building off the north property line. Mr. Bumb showed the site plan and indicated that there would be 307 dwelling units with 825 bedrooms and the parking would be underneath the complex. Mr. Bumb indicated they agreed with Staff findings on the traffic impact study and indicated they were willing to accommodate those recommendations.

Mr. Bumb concluded by stating that they had made a lot of improvements based on Staff's recommendations and are happy with how the design ended up and are asking for approval.

**Mr. Zach Davis left at approximately 2:30 PM*

Commission Questions and Comments – Ms. Molly Davis asked what Bluegrass Trust had comments on when they met with them. Mr. Bumb indicated that they were most concerned with 179 and 185 Maxwell and they did an on site visit to discuss the features of the buildings.

Ms. Davis stated that she understood that the Comprehensive Plan calls for more density, but it feels like this particular application does so at the expense of those who already live in the neighborhood.

Mr. Nicol thanked the applicant for his presentation and the adjustments made after speaking with Staff.

Applicant Presentation – Mr. Nick Nicholson, attorney for the applicant, stated that the Comprehensive Plan calls for more connections between downtown and the University of Kentucky and this development does just that. Mr. Nicholson stated that with the expected population of Lexington potentially moving up to 400,000, this would add the type of housing that Lexington needs. Mr. Nicholson argued that this is the sweet spot for where the Comprehensive Plan has said is appropriate to build more dense housing. Mr. Nicholson stated that this development is already near larger developments in downtown and the university. For all the reasons he and Mr. Bumb stated he believes this development should be approved. He concluded by stating he could answer any questions from the Planning Commission.

Commission Questions and Comments – Mr. Penn asked Mr. Nicholson when he thought the University of Kentucky started getting out of the housing business. Mr. Nicholson responded by stating that the university had been building more housing since the 90's than prior to that.

Mr. Penn asked what we could do to ensure that projects like this benefit the university and the city. Mr. Nicholson argued that this development does both by fulfilling a need by the university, while also connecting the university with downtown.

Mr. Michler stated he thought that Mr. Nicholson had outlined a compelling argument for density and the location of the density, but he thought that it was worth recognizing that some of the buildings on the block were beautifully built. Mr. Michler stated that we may gain density and development, but we will have lost detail and artistry by losing these homes. Mr. Nicholson stated he understood Mr. Michler's sentiment, but these buildings had changed hands many times, and did not have the protections of an H-1 overlay.

Mr. Nicol stated that the Planning Commission deals with objectivity and the details of the structures and architecture are subjective and they had the right to demolish the building.

Ms. Judy Worth asked if the owners of 179 and 185 Maxwell Street intended to register their houses as historic homes. Mr. Nicholson indicated that they did not.

Ms. Worth stated that she looked on the PVA website of all the listed addresses that were going to be effected or demolished and she was so sad that this neighborhood did not attempt to apply an H-1 overlay because of all the damage that had already been done.

**Mr. Bruce Nicol left at approximately 2:45 PM*

Public Comment – Rev. Matt Falco, pastor of Maxwell Presbyterian Church, stated that he was very concerned about traffic, parking, and a potential change in character of the neighborhood.

Dr. Zak Leonard, Bluegrass Trust, thanked the developer for meeting with them but stated concerns with demolishing the historic homes and questioned why there was not a bigger effort to try and save and reuse the property.

Amy Clark, 628 Kastle Road, stated she was against this development and that she thought the city should not allow the University of Kentucky to use our land for the housing of their students.

Maureen Peters, 276 Lexington Ave, stated her opposition because of the loss of historic houses and the shade put on her property.

Applicant Rebuttal – Mr. Nicholson stated that during the course of this meeting the owner of 185 Maxwell texted him and reaffirmed his support for this project and would like for the Planning Commission to approve it. Mr. Nicholson clarified that this development would not be solely student housing and instead would be multi-family housing. Mr. Nicholson stated that many of the concerns conveyed by the public, Staff, and the Planning Commission had been addressed in previous meetings with Staff and that there had been significant changes in this project since its inception.

Mr. Nicholson stated that disapproving projects like this does not send a message to UK, it sends a message to every landlord in town to keep buying up homes for student housing because the City of Lexington is not willing to do the serious work to grow up and not out. Mr. Nicholson concluded by stating it was time for Lexington to do something different, and approve this zone change.

Public Rebuttal – Amy Clark, 628 Kastle Road, stated that all the student housing the university needed could be added back where the Kirwin and Blanding Towers used to be and that this zone change was not necessary to provide an adequate amount of student housing.

Commission Questions and Comments – Mr. Michler asked if there was discussion or a note about where all the mechanicals would be located. Mr. Crum presented the development plan and stated that it looked like they would be inside the facility.

Mr. Michler asked if the applicant was willing to put a note on the development plan for the mechanical equipment to not be outside the structure of the development. Mr. Crum indicated that Staff could come up with the language for a note and the applicant indicated that they were willing to do that.

Mr. Michler stated his concerns with the scale of the building and the relationship to the street and had concerns about Ms. Peters home not getting any sunlight. Mr. Crum addressed his concerns and stated that the house in question already had tree canopy coverage and there was already shade coverage today without the buildings being there. Additionally, Mr. Crum stated that this was the only building of this size on the street.

Mr. Michler stated that Staff had put a rationale in a previous recommendation to not exceed a certain height given the width of Lexington Avenue and asked if Staff still believed that rationale. Mr. Crum indicated that Staff's rationale had changed since then because the context of the neighborhood had changed with the development across the street.

Mr. Owens noted a previous mistake with a similar recent development plan and asked if the applicant intended to keep the open patio shown in the renderings and Mr. Nicholson indicated that they were going to build it.

Mr. Owens stated his concern with the number of parking spaces in the building and the lack of street parking.

Mr. Michler commented that the features shown off in the renderings will not last 150 years like the house that is being demolished.

Mr. Johnathon Davis stated that while he thought this development fit within the Comprehensive Plan, he did not think that it fits the spirit or needs of the city. He stated that he thought something was missing here, but he could not put his finger on it.

Mr. Penn stated that society is building throw away buildings that will last the mortgage, keep the equity and income, and then tear it down to do it again. Mr. Penn stated that he did not agree with the recent actions by the university and his opinion that they are not building enough housing. He stated he would support this application because it was in line with the Comprehensive Plan.

Mr. Owens stated that the Comprehensive Plan talks about housing and this would fulfill that need for housing at this moment.

Action – A motion was made by Mr. Owens and seconded by Ms. Barksdale and carried 8-1 (M. Davis opposed) (Z. Davis and Nicol absent) to approve PLN-MAR-25-00005: SUBTEXT ACQUISITIONS, LLC for reasons provided by Staff.

Action – A motion was made by Mr. Owens and seconded by Ms. Ivy Barksdale and carried 8-1 (M. Davis opposed) (Z. Davis and Nicol absent) to approve PLN-MJDP-25-00014: SUBTEXT DEVELOPMENT II with the eight conditions provided by Staff, adding that a final development plan shall incorporate (1.) first level pedestrian entrances for residential units along Lexington Ave., (2.) landscaping and trees between the structure and the curb line, (3.) the use of various materials and articulations and (4) a step back of structure along Lexington Avenue to maintain 4 story structure at the northeast corner, adjacent to 243 Lexington Avenue. Additionally, all mechanical areas shall be incorporated, or located on rooftops.