

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

DESCRIPTION OF ZONE CHANGE

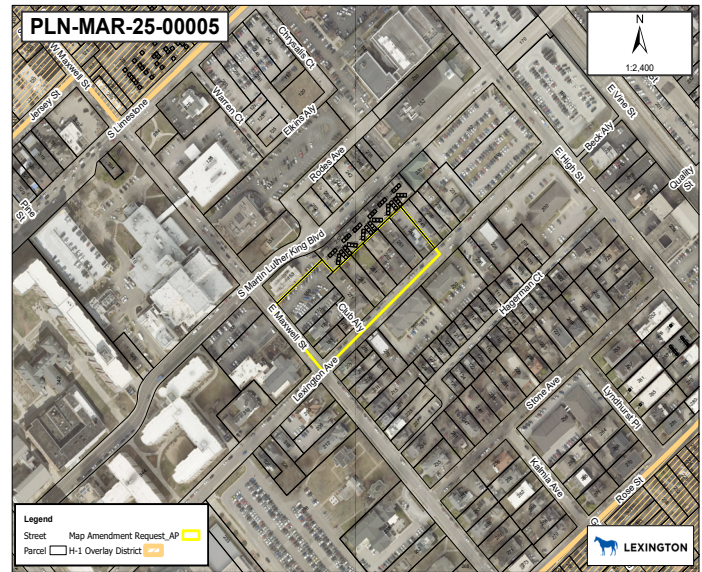
Zone Change: From a Medium Density Residential (R-4) zone and Professional Office (P-1) zone
To a Downtown Frame Business (B-2A) zone

Acreage: 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. 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.
 - 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.