

## 1. 214 WALLER AVENUE, LLC ZONING MAP AMENDMENT AND OT & ELIZABETH ROBINSON DEVELOPMENT PLAN

- a. **PLN-MAR-23-00009: 214 WALLER AVENUE, LLC** (11/5/2023)\* – a petition for a zone map amendment from a Wholesale and Warehouse Business (B-4) zone to a Lexington Center Business (B-2B) zone, for 0.1138 net (0.1868 gross) acres for property located at 416 & 418 W. Maxwell Street.

### COMPREHENSIVE PLAN AND PROPOSED USE

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

The petitioner is proposing to modify an existing 3,874 square-foot structure to establish four dwelling units, for a density of 29.9 units per acre. The applicant is proposing an access drive from W. Maxwell Street leading to an unloading area behind the building, with no on-site parking proposed.

The Zoning Committee Recommended: **Postponement.**

The Staff Recommends: **Postponement,** for the following reasons:

1. The applicant should provide further justification for the appropriateness of the Low-Density Residential Development Type within the proposed Downtown Place-Type.
2. The applicant should address the following Goals and Objectives of the Comprehensive Plan:
  - a. Accommodate demand for housing in Lexington responsibly, prioritizing higher-density and a mixture of housing types (Theme A, Objective #1.b).
  - b. Respect the context and design features of the areas surrounding development projects and develop design standards that ensure compatibility with the existing urban form (Theme A, Objective #2.b).
  - c. Implement the Complete Streets policy, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit, and other vehicles (Theme D, Objective #1.a).
3. The applicant should provide information on how the request is in agreement with the Policies of the Comprehensive Plan.
4. The zone change application for the subject properties, as proposed, does not completely address the development criteria for a zone change within the Downtown Place Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
  - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
  - b. A-DS4-2: New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
  - c. A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
  - d. A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
  - e. D-CO2-2: Development should create and/or expand a safe, connected multi-modal transportation network that satisfies all users' needs, including those with disabilities.
  - f. A-EQ3-2: Development on corridors should be transit oriented (dense and intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities).

- b. **PLN-MJDP-23-00045: OT & ELIZABETH ROBINSON PROPERTY** (11/5/2023)\* - located at 416 & 418 W. MAXWELL STREET, LEXINGTON, KY

Council District: 3

Project Contact: Vision Engineering

Note: The purpose of this plan is to depict residential development, in support of the requested zone change from a Wholesale and Warehouse Business (B-4) zone to a Lexington Center Business (B-2B) zone.

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

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

1. Provided the Urban County Council approves the zone change to B-2B; 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. Denote proposed pedestrian access to units 3 and 4.
7. Delete "office units" in site statistics.
8. Denote sanitary sewer service to proposed units shall be determined at time of final development plan.
9. Discuss need for proposed driveway width at rear of property.

Staff Presentation – Mr. Daniel Crum presented the staff report and 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 Wholesale and Warehouse Business (B-4) zone to a Lexington Center Business (B-2B) zone, for 0.1138 net (0.1868 gross) acres for property located at 416 & 418 W. Maxwell Street. Mr. Crum stated that the applicant was seeking to rezone the property to establish a 4-plex multi-family residential use. Additionally, Mr. Crum stated that the applicant has selected the Downtown Place-Type and the Low-Density Residential Development Type and while Staff was in agreement with the Place-Type, they were not with the Development-Type, stating that the Downtown Place-Type calls for a much higher density development type. Mr. Crum presented the information contained in the applicant's supplemental letter of justification, which argued that the current zone is inappropriate, and that the chosen zone is appropriate. Mr. Crum stated that Staff agrees with the applicant's appropriateness argument.

Mr. Crum noted the adjacent H-1 overlay near the property, its proximity to various businesses like the Lexington Center, and its former use as an auto repair shop. Additionally, Mr. Crum noted a change on the development plan to provide open space rather than vehicular use area around the property. Mr. Crum also presented aerial photography to outline the substantial changes away from industrial and warehouse uses that had happened in this area since 2000.

Mr. Crum concluded his presentation by stating that Staff was recommending approval, with conditional zoning restrictions that prohibit automobile service stations and establishments for rental or sale of automobile and other motorized vehicles.

Development Plan Presentation – Mr. Tom Martin oriented the Planning Commission to the location and characteristics of the subject property. Mr. Martin indicated that they would be using the existing building and adding a second floor for the four residential units. Mr. Martin noted the pedestrian facilities around the building as well as the open space around the outside of the property.

Mr. Martin concluded his presentation by stating that Staff was recommending approval and could answer any questions from the Planning Commission.

Applicant Presentation – Fred Eastridge, engineer for the applicant, thanked Staff for their presentations, and indicated that the owner was agreeable to the conditions suggested by Staff.

Action – A motion was made by Ms. Meyer, seconded by Mr. Wilson and carried 10-0 to approve PLN-MAR-23-00009: 214 WALLER AVENUE, for reasons provided by Staff, including the conditional zoning restrictions.

Action – A motion was made by Ms. Meyer, seconded by Ms. Worth and carried 10-0 to approve PLN-MJDP-23-00045: OT & ELIZABETH ROBINSON PROPERTY LLC with the 6 revised conditions provided by Staff.