

ORDINANCE NO. 004 - 2024

AN ORDINANCE CHANGING THE ZONE FROM A MEDIUM DENSITY RESIDENTIAL (R-4) ZONE TO A DOWNTOWN FRAME BUSINESS (B-2A) ZONE, FOR 2.143 NET (2.633 GROSS) ACRES, FOR PROPERTY LOCATED AT 201, 207, 209, 211, 215, 221, 225, 227, 231 AND 235 EAST MAXWELL STREET AND 245, 247 AND 251 STONE AVENUE. (STAVROFF LAND & DEVELOPMENT, INC.; COUNCIL DISTRICT 3).

WHEREAS, at a Public Hearing held on December 14, 2023, a petition for a zoning ordinance map amendment for property located at 201, 207, 209, 211, 215, 221, 225, 227, 231 and 235 East Maxwell Street and 245, 247 and 251 Stone Avenue from a Medium Density Residential (R-4) zone to a Downtown Frame Business (B-2A) zone, for 2.143 net (2.633 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 9-0; 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 201, 207, 209, 211, 215, 221, 225, 227, 231 and 235 East Maxwell Street and 245, 247 and 251 Stone Avenue from a Medium Density Residential (R-4) zone to a Downtown Frame Business (B-2A) zone, for 2.143 net (2.633 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 93 dwelling units per acre, or 200 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 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: January 23, 2024

Linda Gorton

MAYOR

ATTEST:

[Signature]

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED January 30, 2024- 1t
0032-24:TWJ:4863-5115-1515, v. 1

Rec'd by _____

Date: _____

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

IN RE: PLN-MAR-23-00016: STAVROFF LAND & DEVELOPMENT, INC - a petition for a zone map amendment from a Medium Density Residential (R-4) zone to a Downtown Frame Business (B-2A) zone, for 2.143 net (2.633 gross) acres for property located at 201, 207, 209, 211, 215, 221, 225, 227, 231, and 235 E. Maxwell Street, and 245, 247, and 251 Stone Avenue. (Council District 3)

Having considered the above matter on **December 14, 2023**, at a Public Hearing, and having voted **9-0** 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 proposed rezoning encourages the expansion of housing choices by providing for higher density residential development (Theme A, Goal #1.b).
 - b. By varying the building height and massing along each respective roadway, the request maintains compatibility with existing development in the area (Theme A, Objective #2.b).
 - c. The request encourages positive and safe social interactions by improving the existing pedestrian system, providing new crosswalks across E. Maxwell Street, and reducing vehicular conflict points.
 - 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 2018 Comprehensive Plan for the following reasons:
 - a. The request substantially complies with the Multi-Family Design Standards (Theme A, Design Policy #3).
 - b. The proposal directs increased residential density to one of the city's major corridors (Theme A, Density Policies #1, 2, and 4).
 - c. The development is designed so that the parking areas are not the primary visual component of the site (Theme A, Design Policy #7).
 - d. The request creates walkable streetscapes by incorporating street trees, townhouse units, and articulating the building facade (Theme A, Design Policy #5).
 - e. By limiting the amount of parking provided on-site, the request encourages alternative modes of transportation and promotes walking (Theme B, Sustainability Policy #5).
3. The justification and corollary development plan are in agreement with the Development Criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as it demonstrates compliance with the requirements of the Multi-Family Design Standards, creates a defined vertical edge along the corridor and adjoining roadways, mitigates the visual impact of the parking structure, and significantly increases residential density.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity, as the proposal provides for an improved pedestrian network, provides a defined vertical edge along all four roadways, provides for improved connections to the University of Kentucky and adjoining

neighborhoods, widens and reroutes Hagerman Court, and reduces the number of vehicular access points and curb cuts on E. Maxwell Street.

- c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as the request preserves two significant trees along the Stone Avenue, provides for clearly delineated open space, and incorporates street trees along all four frontages to create a walkable streetscape.
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 93 dwelling units per acre, or 200 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 meeting 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-23-00062: THE MAXWELL (LYNDHURST SUBDIVISION) 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 5th day of January, 2024.


Secretary, Jim Duncan

LARRY FORESTER
CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by March 13, 2024

Note: The corollary development plan, PLN-MJDP-23-00062: THE MAXWELL (LYNDHURST SUBDIVISION) was approved by the Planning Commission on December 14th, 2023 and certified on December 28th, 2023.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Jon Woodall, attorney.**

- Ginny Daley, Fayette County Neighborhood Council.
- John Michler, 415 E. Maxwell Street.
- Ian Haight, 3767 Winchester Road.
- Maureen Peters, 276 Lexington Avenue.
- Jim Dickenson, 368 Transylvania Park

pictures of other homes where parking was a problem.

- Stated that they supported the concerns of the Aylesford Neighborhood. She said that the area in question was different than the downtown business area.
- Felt that the development was out of scale with the existing neighborhood.
- Read a statement submitted by Kevin Benzie, who owns homes on Hagerman Court. He was opposed to the proposal.
- Stated that she was opposed to the proposal because of the historic nature of the buildings being removed. She was concerned that there hasn't been a new traffic study to cover rideshares, and deliveries. She was also concerned that the new structure would block sunlight from her home.
- Felt that the property was not a downtown development area. He said that the additional housing may not even be needed in the future. He said that the new building would have inferior materials compared to the existing homes.

VOTES WERE AS FOLLOWS:

AYES: (9) Forester, Wilson, Barksdale, Michler, Meyer, Pohl, Worth, Owens and Nicol

NAYS: (0)

ABSENT: (1) Davis

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-23-00016** carried.

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

MAP AMENDMENT REQUEST (MAR) APPLICATION

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

Applicant: STAVROFF LAND & DEVELOPMENT, INC, 700 E LOUDON AVE, LEXINGTON, KY 40505
Owner(s): THETA OF KAPPA HOUSING ORGANIZATION, 336 EUCLID AVENUE, SUITE 301, LEXINGTON, KY 40502
Owner(s): FFF MAX, LLC, 1515 LLAKE SHORE DRIVE, SUITE 250 COLUMBUS, OH 43204
Attorney: JON WOODALL

2. ADDRESS OF APPLICANT'S PROPERTY

201-235 E MAXWELL ST, LEXINGTON, KY 40505 245-251 STONE ACE, LEXINGTON, KY 40505

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

Zoning	Existing		Requested		Acreage	
		Use	Zoning	Use	Net	Gross
R-4		RESIDENTIAL	B-2A	RESIDENTIAL	2.143	2.633

4. COMPREHENSIVE PLAN

a. Utilizing Placebuilder, what Place-Type is proposed for the subject site?	DOWNTOWN
b. Utilizing Placebuilder, what Development Type is proposed for the subject site? If residential, provide the proposed density	HIGH DENSITY RESIDENTIAL

5. 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 checked="" type="checkbox"/> YES <input 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.	<input type="checkbox"/> YES <input type="checkbox"/> NO



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



September 5, 2023

Via Hand Delivery Mail

Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, Kentucky 40507

**RE: Zone Map Amendment
201-235 E Maxwell St and 245-251 Stone Road Zone Change
from R-4 to B-2A**

Dear Commissioners:

Please be advised that I represent Stavroff Land and Development, Inc. (“Stavroff”). My client desires to rezone approximately 2.633 (gross) acres from the Medium Density Residential (R-4) zone to the Downtown Frame Business (B-2A) zone in order to construct a multi-family development on the property. We submit that this proposal is in accord with the formerly adopted “Imagine Lexington” 2018 Comprehensive Plan, and request your approval of our request.

The subject properties are currently developed with single-family residential housing that is exclusively rental property, and primarily student rental. The site is located immediately adjacent to both the urban core and to the University of Kentucky. The vast majority of the surrounding properties are residential in nature – and almost all are rental properties. Multi-family developments exist nearby, as well as office and commercial uses to the north and west.

We believe our proposed development is highly appropriate for this site and reflects the kind of development needed and contemplated by Imagine Lexington. Imagine Lexington encourages redevelopment of properties to allow for denser developments, particularly along key corridors and where property is underutilized. Indeed, Imagine Lexington challenges Lexington as a community to embrace infill opportunities that provide for needed housing density while respecting overall neighborhood context. The proposed development is precisely the type of development that is needed to address the overall shortage of housing units in Fayette County, and upon the campus of the University of Kentucky. In fact, this application will be supported by the University as evidenced by the letter attached to this application. Moreover, the thoughtful planning envisioned by our design team will integrate with the neighborhood in a reasonable way, capturing needed density but also respecting the context of the neighborhood where possible.

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In sum, we are excited to present this proposal to the Planning Commission for consideration. We believe it meets numerous goals and objectives of the Comprehensive Plan, and further complies with relevant standards articulated in the “Placebuilder” included as part of the Comprehensive Plan.

We submit that this proposal comports with the 2018 Comprehensive Plan in the following ways:

Theme A – Growing Successful Neighborhoods

We submit that this proposal comports with Theme A of the Comprehensive Plan. In reviewing Theme A, we maintain that this development comports with the applicable design policies articulated, and is appropriately dense. We further submit that it meets the following goals and objectives articulated in Theme A:

Expand Housing Choices

Goal 1 of Theme A of the Comp Plan lists several objectives. Among them is that Lexington should “[a]ccommodate the demand for housing in Lexington responsibly, *prioritizing higher-density* and a mixture of housing types” (emphasis supplied). This proposal emphasizes housing density in a responsible fashion. We have sought to identify an area of our community that is currently underutilized, and provide housing stock in a location where the demand has historically been and remains high. Our proposal addresses the needs to students and young professionals in an area where they are already residing.

Support Infill & Redevelopment Through the Urban Service Area as a Strategic Component of Urban Growth

Goal 2 of Theme A emphasizes that areas for infill and redevelopment should be identified. This site falls within the defined Infill and Redevelopment Area, and replaces aging housing stock with modern, safe, dense housing choices. The applicant believes that it is identifying an area of our community suited to redevelopment, and can set a standard for responsible and appropriate development in the area.

Provide Well-Designed Neighborhoods & Communities

We believe this proposal addresses two of the objectives of Goal 3 of Theme A in a direct way. First, it will assist with providing various modes of transportation as an option. Because of its location, this site is ideal for individuals who may wish to walk or ride a bike to work or school, as it is in close proximity to the University of Kentucky and the urban core. It is also in close proximity to the Lextran Transit Center for those that

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would wish to utilize public transportation. In addition, residents will be able to access up to seventy-five (75) parking spaces at the Transit Center Garage.

Theme B – Protecting the Environment

We also submit that this proposal comports with goals and objectives articulated in Theme B of the Comp Plan.

Reduce Lexington-Fayette County's Carbon Footprint

As previously noted, this proposed development is ideally located to reduce the need for reliance upon personal automobiles, and has even been designed in such a manner as to encourage walking and biking. This is a key objective of Goal 2 of Theme B.

Theme D – Improving a Desirable Community

We further submit that this proposal comports with the goals and objectives articulated in Theme D of the Comp Plan.

Work to Achieve an Effective & Comprehensive Transportation System

We believe this proposal meets several of the objectives of Goal 1 of Theme D. We intend to interface with Lextran and remain committed to working with them so that the proposed development can be effectively served by public transit. This is in direct relation to Objective C of Goal 1. We also believe that our proposed reorientation of Hagerman Court would lead to safer traffic operations at the site. We also have discussed a commitment to public art, including implementation of public art into the project.

Theme E – Urban & Rural Balance

Finally, we submit that this proposal meets the goal of safeguarding rural land by providing needed housing units in an appropriately dense manner, thus reducing pressure on the Urban Service Boundary.

The Placebuilder

We have further evaluated our proposal under the design criteria in the Placebuilder. In consultation with Planning staff, we submit that this proposal should be evaluated with reference to the Downtown Place Type, and that the proposed development is appropriately classified as high density residential. We submit that this classification is appropriate because of the site's proximity to the urban core.

Attached hereto is a color-coded reflection of how we have addressed the design criteria listed in that Placebuilder category. Items highlighted in orange are represented graphically on our amended preliminary development plan; items in yellow are addressed in this letter, and items not highlighted we do not believe are applicable to our proposal.

Standards That Are Applicable to Our Proposal

A-DS3-1: The proposal, at both preliminary and final development plan, will seek to comply with the Multi-Family Design Standards.

A-DS4-2: There is no doubt that this proposal seeks to establish a new framework for redevelopment in this area. However, the applicant has attempted to incorporate features that acknowledge the neighborhood's context and history.

A-DS-3: This proposal has sought to provide pedestrian features at ground level (like public art) and is designed to facilitate usage by pedestrians and cyclists.

A-DS5-4: This proposal has sought to add features to the ground level to activate the development for pedestrians.

A-DS10-1: We are utilizing the University of Kentucky for the focal point for our development, particularly the buildings and open space across Maxwell Street. This is in walkable proximity to the proposed development.

A-DN1-1: This development is along a significant community corridor (Maxwell) and is located adjacent to the existing urban core.

A-DN2-1: This infill proposal would increase residential density substantially in this area.

B-SU11-1: The developer will investigate the appropriateness of the utilization of green infrastructure and will work with Staff to identify potential uses, to be reflected on a final development plan.

C-LI6-1: The development is located on the significant Maxwell Street corridor, and provides multi-family housing that is walkable to several commercial and employment sites.

C-LI7-1: As above, the development is in a highly walkable/bikable location that provides easy access to community amenities, both within the development (private community amenities) and external to it.

C-PS10-3: We have sought to minimize the parking on the site to a level sufficient to support the number of residents we believe would utilize parking. Our development seeks to provide parking for those that require it and as to not detrimentally impact the neighborhood. However, in accord with the parking standards and goals articulated in the Comprehensive Plan, we have sought to reduce parking to the extent practicable and not overpark the development. As previously mentioned, residents will have access to up to seventy-five (75) parking spaces at the nearby Transit Center Garage. In addition, we believe the University supplies a significant amount of parking to its students at relatively low cost, so those that may wish to have a car but not pay for the parking at this development could utilize University-supplied parking.

D-PL7-1: We have sent letters to the Aylesford and Grosvenor Neighborhood Associations and convened an open house on August 31, 2023, to seek input and to answer questions. We will continue to seek neighborhood involvement.

D-PL9-1: Following research, it is believed that none of the structures to be removed are historically significant.

D-PL10-1: The applicant intends to determine the feasibility of including public art in this development.

E-GR4-1: Following research, it has been determined that the housing to be replaced is in a relative state of disrepair, and that the structures are not viable to incorporate in to a project with density at this level.

E-GR9-4: The applicant submits that these parcels are presently underutilized. The underlying zoning for these properties, R-4, reflects that they are underutilized even as they exist today.

E-GR10-2: The site has been designed so that it serves the needs of those that will walk or bike to work, school, or community amenities/shopping.

A-DS1-1: The applicant is open to working with Lextran to implement appropriate transit infrastructure.

A-DS1-2: As above, the applicant will work with Lextran to discuss the most appropriate provision of mass transit service for the development.

A-DS4-1: The proposed development has been designed to accommodate multiple forms of transport and to provide safe facilities for pedestrians and cyclists.

A-DS5-2: The development will seek to provide a vertical edge along Maxwell Street, with appropriate architectural variation.

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A-EQ3-2: This project will be transit-oriented inasmuch as multiple methods of transit will be readily available from the site, and it is anticipated that many residents will decline to use personal automobile transport.

C-PS10-1: The applicant proposes to utilize shared parking arrangements inasmuch as student residents may utilize the Transit Center Garage, the University's parking options as well as the garage space provided in the development.

D-CO1-1: The development is committed to ensuring that the downtown, high-density residential place type is served with appropriate transportation infrastructure.

D-CO2-1: We will actively engage with Lextran to discuss the most appropriate way to provide transit access, though the site is within walking distance of the Lextran transit center.

D-CO2-2: As above, the applicant is committed to working with appropriate stakeholders to ensure safe access to the transportation system for various modes of transit.

D-SPI-3: As above, we are committed to working with Lextran for access to the University of Kentucky and downtown, as well as providing appropriate facilities for all transportation types.

E-ST3-1: The applicant will work to craft a design that will function effectively for ride-sharing services.

A-EQ7-3: Community open space is provided both for private use of the residents, but also with the available public open space located nearby on the campus of the University of Kentucky.

B-PR7-2: Though this site is certainly constrained, the applicant will seek to incorporate trees in a manner that will increase their chances for survivability.

B-PR7-3: The development will seek to add a reasonable number of trees to not only add to, but enhance the tree canopy.

B-RE1-1: The development will incorporate street trees.

Standards Not Applicable

A-DN3-2: The development does not seek to incorporate commercial space; however, there is commercial space available nearby.

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A-EQ7-1: This proposal does not have a school.

B-SU5-1: No drive-through or vehicle centric use is proposed.

C-PS10-2: There are no underutilized parking lots in the immediate area to our knowledge.

D-PL9-1: Upon review, it is not believed that the existing structures are considered “historically significant.”

D-SP3-1: There are no wireless towers as part of this application.

D-SP3-2: There are no wireless towers as part of this application.

E-GR5-1: As above, it is believed that there are no historically significant structures on the property.

E-GR10-1: The development is not proposed for a true “mixed-use” zone.

E-GR10-3: The development does not propose commercial space.

A-DS10-2: A new focal point is not being designed, but rather, use of an existing focal point is proposed.

A-EQ7-2: The proposed facility is not a health care or social service facility.

B-SU4-1: Greenspace and recreation is available nearby, though the development will usable facilities for residential recreation.

D-CO4-2: The development does not require construction of new streets.

D-CO5-1: As above, this is an infill project not creating new streets.

A-DS4-3: The entire site is presently developed and there are no natural features of note.

B-PR2-1: As the site is currently developed and we are aware of no unique natural features on the site, this standard is inapplicable.

B-PR2-2: There are no floodplains on this site.

B-PR2-3: There are no floodplains on this site.

B-PR7-1: There are no existing greenways or stream corridors to connect.

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B-RE2-1: As above, this site is not adjacent to the greenspace network.

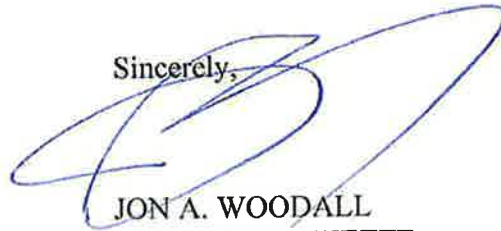
E-GR3-1: There is no existing greenway network in this area.

E-GR3-2: The proposal seeks to utilize an existing focal point instead of a designing a new focal point.

Conclusion

In sum, we submit that our proposal is in accord with the 2018 Comprehensive Plan. We look forward to our continued discussions with staff and the Commission, and request your approval of our request. Of course, if I can be of further assistance, please do not hesitate to contact me.

Sincerely,



JON A. WOODALL
SCOTT A. SCHUETTE

JAW/ss

October 30, 2023

VIA HAND DELIVERY MAIL

Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, Kentucky 40507

RE: Supplement to Justification Letter Dated September 5, 2023, in Support of Zone Map Amendment for 201-235 E Maxwell St and 245-251 Stone Road Zone Change from R-4 to B-2A

Dear Commissioners:

Please accept this Supplemental Justification on behalf of my client and the applicant, Stavroff Land and Development, Inc. ("Stavroff"). As you are aware, Stavroff is seeking to rezone approximately 2.633 (gross) acres from the Medium Density Residential (R-4) zone to the Downtown Frame Business (B-2A) zone in order to construct a multi-family development on the property. In our prior justification, we identified how the project complied with the 2018 Comprehensive Plan and are providing this supplement to address the 2045 Comprehensive Plan (the "Comp Plan") now that the legal challenge has been dismissed.

As you'll note, many of the references in the original justification to the 2018 Comprehensive Plan are equally applicable in reviewing and applying the 2045 Comprehensive Plan as the themes, goals and objectives applicable to this project from 2018 Comprehensive Plan have been carried over into the 2045 Comprehensive Plan. We believe this only further shows that a project such as this has been called for not only in the past, but also looking to the future.

Accordingly, below is how we believe this project comports with the 2045 Comprehensive Plan:

Theme A – Growing and Sustaining Successful Neighborhoods

We submit that this proposal comports with Theme A of the 2045 Comprehensive Plan. In reviewing Theme A, we maintain that this development comports with the applicable policies articulated, and is appropriately dense. We further submit that it meets the following goals and objectives articulated in Theme A:

Goal 1: *Expand housing choices.*

Goal 1 of Theme A of the Comp Plan lists several objectives. Among them is that Lexington should "[a]ccommodate the demand for housing in Lexington responsibly,

Law Offices: Lexington | Louisville

Government Affairs: Frankfort | Washington, D.C.

mcbayerfirm.com

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prioritizing higher-density and a mixture of housing types” (emphasis supplied). This proposal emphasizes housing density in a responsible fashion. We have sought to identify an area of our community that is currently underutilized, and provide housing stock in a location where the demand has historically been and remains high. Our proposal addresses the needs of students and young professionals in an area where they are already residing.

Goal 2: *Support infill & redevelopment throughout the urban service area as a strategic component of growth.*

Goal 2 of Theme A emphasizes that areas for infill and redevelopment should be identified. This is identified through Objective A which provides the objective of Theme A is to “*identify area of opportunity for infill, redevelopment, adaptive reuse, and mixed-use development.*” This site falls within the defined Infill and Redevelopment Area, and replaces aging housing stock with modern, safe, dense housing choices. The applicant believes that it is identifying an area of our community suited to redevelopment, and can set a standard for responsible and appropriate development in the area.

Goal 3: *Provide well-designed neighborhoods & communities.*

We believe this proposal addresses two of the objectives of Goal 3 of Theme A in a direct way. First, it will assist with providing various modes of transportation as an option, Objective b. Because of its location, this site is ideal for individuals who may wish to walk or ride a bike to work or school, as it is in close proximity to the University of Kentucky and the urban core. It is also in close proximity to the Lextran Transit Center for those that would wish to utilize public transportation. In addition, residents will be able to access up to seventy-five (75) parking spaces at the Transit Center Garage.

Theme B – Protect the Environment

We also submit that this proposal comports with goals and objectives articulated in Theme B of the Comp Plan.

Goal 2: *Identify and mitigate local impacts of climate 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.*

As previously noted, this proposed development is ideally located to reduce the need for reliance upon personal automobiles, and has even been designed in such a manner as to encourage walking and biking. There will be ample bike parking to accommodate the rests bikes to further encourage environmentally safe transit. This is a key objective of Goal 2 Objective C and D.

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Theme D – Improving a Desirable Community

We further submit that this proposal comports with the goals and objectives articulated in Theme D of the Comp Plan.

Goal 1: *Work to achieve an effective, equitable & comprehensive transportation system.*

We believe this proposal meets several of the objectives of Goal 1 of Theme D. We intend to interface with Lextran and remain committed to working with them so that the proposed development can be effectively served by public transit. This is in direct relation to Objectives B and C of Goal 1. We also believe that our proposed reorientation of Hagerman Court would lead to safer traffic operations at the site. We also have discussed a commitment to public art, including implementation of public art into the project.

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.*

We believe this proposal satisfies Objective B of Goal 2 in that the Applicant has “collaborate[d] with educational . . . entities to meet the needs of Lexington-Fayette County's residents and visitors.” Objective B. As is stated in the letter of support from the University of Kentucky, the Applicant has not only met with the largest educational provider in the City, but has also sought to alleviate the ever rising need for student housing on and near campus. As such, this proposal furthers Objective B of Goal 2.

Theme E – Maintaining a Balance Between Planning For Urban Uses and Safeguarding Rural Land.

Finally, we submit that this proposal meets the goal of safeguarding rural land by providing needed housing units in an appropriately dense manner, thus reducing pressure on the Urban Service Boundary.

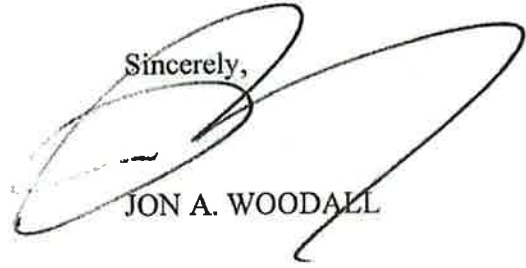
Conclusion

In sum, we submit that our proposal is in accord with the 2045 Comprehensive Plan. We look forward to our continued discussions with staff and the Commission, and request your approval of our request. Of course, if I can be of further assistance, please do not hesitate to contact me.

(M@BRAYER)

Lexington-Fayette Urban County Planning Commission
October 30, 2023
Page 4

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

JON A. WOODALL

JAW/ss

4882-3126-5931, v. 1

September 5, 2023

Via Hand Delivery Mail

Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, Kentucky 40507

**RE: Zone Map Amendment
201-235 E Maxwell St and 245-251 Stone Road Zone Change
from R-4 to B-2A**

Dear Commissioners:

Please be advised that I represent Stavroff Land and Development, Inc. (“Stavroff”). My client desires to rezone approximately 2.633 (gross) acres from the Medium Density Residential (R-4) zone to the Downtown Frame Business (B-2A) zone in order to construct a multi-family development on the property. We submit that this proposal is in accord with the formerly adopted “Imagine Lexington” 2018 Comprehensive Plan, and request your approval of our request.

The subject properties are currently developed with single-family residential housing that is exclusively rental property, and primarily student rental. The site is located immediately adjacent to both the urban core and to the University of Kentucky. The vast majority of the surrounding properties are residential in nature – and almost all are rental properties. Multi-family developments exist nearby, as well as office and commercial uses to the north and west.

We believe our proposed development is highly appropriate for this site and reflects the kind of development needed and contemplated by Imagine Lexington. Imagine Lexington encourages redevelopment of properties to allow for denser developments, particularly along key corridors and where property is underutilized. Indeed, Imagine Lexington challenges Lexington as a community to embrace infill opportunities that provide for needed housing density while respecting overall neighborhood context. The proposed development is precisely the type of development that is needed to address the overall shortage of housing units in Fayette County, and upon the campus of the University of Kentucky. In fact, this application will be supported by the University as evidenced by the letter attached to this application. Moreover, the thoughtful planning envisioned by our design team will integrate with the neighborhood in a reasonable way, capturing needed density but also respecting the context of the neighborhood where possible.

Lexington-Fayette Urban County Planning Commission
September 5, 2023
Page 2

In sum, we are excited to present this proposal to the Planning Commission for consideration. We believe it meets numerous goals and objectives of the Comprehensive Plan, and further complies with relevant standards articulated in the “Placebuilder” included as part of the Comprehensive Plan.

We submit that this proposal comports with the 2018 Comprehensive Plan in the following ways:

Theme A – Growing Successful Neighborhoods

We submit that this proposal comports with Theme A of the Comprehensive Plan. In reviewing Theme A, we maintain that this development comports with the applicable design policies articulated, and is appropriately dense. We further submit that it meets the following goals and objectives articulated in Theme A:

Expand Housing Choices

Goal 1 of Theme A of the Comp Plan lists several objectives. Among them is that Lexington should “[a]ccomodate the demand for housing in Lexington responsibly, *prioritizing higher-density* and a mixture of housing types” (emphasis supplied). This proposal emphasizes housing density in a responsible fashion. We have sought to identify an area of our community that is currently underutilized, and provide housing stock in a location where the demand has historically been and remains high. Our proposal addresses the needs to students and young professionals in an area where they are already residing.

Support Infill & Redevelopment Through the Urban Service Area as a Strategic Component of Urban Growth

Goal 2 of Theme A emphasizes that areas for infill and redevelopment should be identified. This site falls within the defined Infill and Redevelopment Area, and replaces aging housing stock with modern, safe, dense housing choices. The applicant believes that it is identifying an area of our community suited to redevelopment, and can set a standard for responsible and appropriate development in the area.

Provide Well-Designed Neighborhoods & Communities

We believe this proposal addresses two of the objectives of Goal 3 of Theme A in a direct way. First, it will assist with providing various modes of transportation as an option. Because of its location, this site is ideal for individuals who may wish to walk or ride a bike to work or school, as it is in close proximity to the University of Kentucky and the urban core. It is also in close proximity to the Lextran Transit Center for those that

Lexington-Fayette Urban County Planning Commission
September 5, 2023
Page 3

would wish to utilize public transportation. In addition, residents will be able to access up to seventy-five (75) parking spaces at the Transit Center Garage.

Theme B – Protecting the Environment

We also submit that this proposal comports with goals and objectives articulated in Theme B of the Comp Plan.

Reduce Lexington-Fayette County's Carbon Footprint

As previously noted, this proposed development is ideally located to reduce the need for reliance upon personal automobiles, and has even been designed in such a manner as to encourage walking and biking. This is a key objective of Goal 2 of Theme B.

Theme D – Improving a Desirable Community

We further submit that this proposal comports with the goals and objectives articulated in Theme D of the Comp Plan.

Work to Achieve an Effective & Comprehensive Transportation System

We believe this proposal meets several of the objectives of Goal 1 of Theme D. We intend to interface with Lextran and remain committed to working with them so that the proposed development can be effectively served by public transit. This is in direct relation to Objective C of Goal 1. We also believe that our proposed reorientation of Hagerman Court would lead to safer traffic operations at the site. We also have discussed a commitment to public art, including implementation of public art into the project.

Theme E – Urban & Rural Balance

Finally, we submit that this proposal meets the goal of safeguarding rural land by providing needed housing units in an appropriately dense manner, thus reducing pressure on the Urban Service Boundary.

The Placebuilder

We have further evaluated our proposal under the design criteria in the Placebuilder. In consultation with Planning staff, we submit that this proposal should be evaluated with reference to the Downtown Place Type, and that the proposed development is appropriately classified as high density residential. We submit that this classification is appropriate because of the site's proximity to the urban core.

Attached hereto is a color-coded reflection of how we have addressed the design criteria listed in that Placebuilder category. Items highlighted in orange are represented graphically on our amended preliminary development plan; items in yellow are addressed in this letter, and items not highlighted we do not believe are applicable to our proposal.

Standards That Are Applicable to Our Proposal

A-DS3-1: The proposal, at both preliminary and final development plan, will seek to comply with the Multi-Family Design Standards.

A-DS4-2: There is no doubt that this proposal seeks to establish a new framework for redevelopment in this area. However, the applicant has attempted to incorporate features that acknowledge the neighborhood's context and history.

A-DS-3: This proposal has sought to provide pedestrian features at ground level (like public art) and is designed to facilitate usage by pedestrians and cyclists.

A-DS5-4: This proposal has sought to add features to the ground level to activate the development for pedestrians.

A-DS10-1: We are utilizing the University of Kentucky for the focal point for our development, particularly the buildings and open space across Maxwell Street. This is in walkable proximity to the proposed development.

A-DN1-1: This development is along a significant community corridor (Maxwell) and is located adjacent to the existing urban core.

A-DN2-1: This infill proposal would increase residential density substantially in this area.

B-SU11-1: The developer will investigate the appropriateness of the utilization of green infrastructure and will work with Staff to identify potential uses, to be reflected on a final development plan.

C-LI6-1: The development is located on the significant Maxwell Street corridor, and provides multi-family housing that is walkable to several commercial and employment sites.

C-LI7-1: As above, the development is in a highly walkable/bikable location that provides easy access to community amenities, both within the development (private community amenities) and external to it.

C-PS10-3: We have sought to minimize the parking on the site to a level sufficient to support the number of residents we believe would utilize parking. Our development seeks to provide parking for those that require it and as to not detrimentally impact the neighborhood. However, in accord with the parking standards and goals articulated in the Comprehensive Plan, we have sought to reduce parking to the extent practicable and not overpark the development. As previously mentioned, residents will have access to up to seventy-five (75) parking spaces at the nearby Transit Center Garage. In addition, we believe the University supplies a significant amount of parking to its students at relatively low cost, so those that may wish to have a car but not pay for the parking at this development could utilize University-supplied parking.

D-PL7-1: We have sent letters to the Aylesford and Grosvenor Neighborhood Associations and convened an open house on August 31, 2023, to seek input and to answer questions. We will continue to seek neighborhood involvement.

D-PL9-1: Following research, it is believed that none of the structures to be removed are historically significant.

D-PL10-1: The applicant intends to determine the feasibility of including public art in this development.

E-GR4-1: Following research, it has been determined that the housing to be replaced is in a relative state of disrepair, and that the structures are not viable to incorporate in to a project with density at this level.

E-GR9-4: The applicant submits that these parcels are presently underutilized. The underlying zoning for these properties, R-4, reflects that they are underutilized even as they exist today.

E-GR10-2: The site has been designed so that it serves the needs of those that will walk or bike to work, school, or community amenities/shopping.

A-DS1-1: The applicant is open to working with Lextran to implement appropriate transit infrastructure.

A-DS1-2: As above, the applicant will work with Lextran to discuss the most appropriate provision of mass transit service for the development.

A-DS4-1: The proposed development has been designed to accommodate multiple forms of transport and to provide safe facilities for pedestrians and cyclists.

A-DS5-2: The development will seek to provide a vertical edge along Maxwell Street, with appropriate architectural variation.

Lexington-Fayette Urban County Planning Commission
September 5, 2023
Page 6

A-EQ3-2: This project will be transit-oriented inasmuch as multiple methods of transit will be readily available from the site, and it is anticipated that many residents will decline to use personal automobile transport.

C-PS10-1: The applicant proposes to utilize shared parking arrangements inasmuch as student residents may utilize the Transit Center Garage, the University's parking options as well as the garage space provided in the development.

D-CO1-1: The development is committed to ensuring that the downtown, high-density residential place type is served with appropriate transportation infrastructure.

D-CO2-1: We will actively engage with Lextran to discuss the most appropriate way to provide transit access, though the site is within walking distance of the Lextran transit center.

D-CO2-2: As above, the applicant is committed to working with appropriate stakeholders to ensure safe access to the transportation system for various modes of transit.

D-SP1-3: As above, we are committed to working with Lextran for access to the University of Kentucky and downtown, as well as providing appropriate facilities for all transportation types.

E-ST3-1: The applicant will work to craft a design that will function effectively for ride-sharing services.

A-EQ7-3: Community open space is provided both for private use of the residents, but also with the available public open space located nearby on the campus of the University of Kentucky.

B-PR7-2: Though this site is certainly constrained, the applicant will seek to incorporate trees in a manner that will increase their chances for survivability.

B-PR7-3: The development will seek to add a reasonable number of trees to not only add to, but enhance the tree canopy.

B-RE1-1: The development will incorporate street trees.

Standards Not Applicable

A-DN3-2: The development does not seek to incorporate commercial space; however, there is commercial space available nearby.

A-EQ7-1: This proposal does not have a school.

B-SU5-1: No drive-through or vehicle centric use is proposed.

C-PS10-2: There are no underutilized parking lots in the immediate area to our knowledge.

D-PL9-1: Upon review, it is not believed that the existing structures are considered “historically significant.”

D-SP3-1: There are no wireless towers as part of this application.

D-SP3-2: There are no wireless towers as part of this application.

E-GR5-1: As above, it is believed that there are no historically significant structures on the property.

E-GR10-1: The development is not proposed for a true “mixed-use” zone.

E-GR10-3: The development does not propose commercial space.

A-DS10-2: A new focal point is not being designed, but rather, use of an existing focal point is proposed.

A-EQ7-2: The proposed facility is not a health care or social service facility.

B-SU4-1: Greenspace and recreation is available nearby, though the development will usable facilities for residential recreation.

D-CO4-2: The development does not require construction of new streets.

D-CO5-1: As above, this is an infill project not creating new streets.

A-DS4-3: The entire site is presently developed and there are no natural features of note.

B-PR2-1: As the site is currently developed and we are aware of no unique natural features on the site, this standard is inapplicable.

B-PR2-2: There are no floodplains on this site.

B-PR2-3: There are no floodplains on this site.

B-PR7-1: There are no existing greenways or stream corridors to connect.

Lexington-Fayette Urban County Planning Commission
September 5, 2023
Page 8

B-RE2-1: As above, this site is not adjacent to the greenspace network.

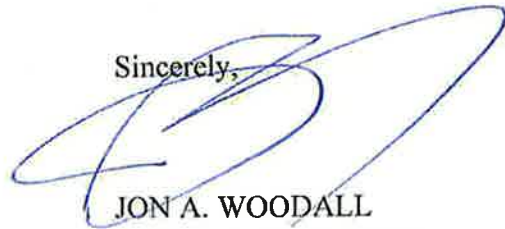
E-GR3-1: There is no existing greenway network in this area.

E-GR3-2: The proposal seeks to utilize an existing focal point instead of a designing a new focal point.

Conclusion

In sum, we submit that our proposal is in accord with the 2018 Comprehensive Plan. We look forward to our continued discussions with staff and the Commission, and request your approval of our request. Of course, if I can be of further assistance, please do not hesitate to contact me.

Sincerely,



JON A. WOODALL
SCOTT A. SCHUETTE

JAW/ss

December 6, 2023

VIA HAND DELIVERY

Lexington-Fayette Urban County Planning Commission
101 East Vine Street, #700
Lexington, Kentucky 40507

RE: Supplement to Justification Letter Dated October 30, 2023, in Support of Zone Map Amendment for 201-235 E Maxwell St and 245-251 Stone Road Zone Change from R-4 to B-2A

Dear Commissioners:

Please accept this Supplemental Justification on behalf of my client and the applicant, Stavroff Land and Development, Inc. ("Stavroff"). As you are aware, Stavroff is seeking to rezone approximately 2.633 (gross) acres from the Medium Density Residential (R-4) zone to the Downtown Frame Business (B-2A) zone in order to construct a multi-family development on the property. This Supplemental Justification is intended to provide further clarity as to how the proposed development complies with the Multi-Family Design Standards (The Placebuilder – Appendix A). A copy of the Applicant's revised Preliminary Development Plan is also attached hereto for your convenience and ease of reference. The Plan contains a key which specifically details Applicant's compliance with applicable Multi-Family Design Standards.

A. Site Planning

- **SP-1** – Building oriented along the site is to reinforce the street frontage along East Maxwell, Stone Avenue, and Lexington. The only fence will be located along 276 Lexington Avenue, to protect and respect the privacy of the adjacent property owner. The proposed fence will be 6 feet in height. It is envisioned that the proposed development will set the building lines and building orientation for future development along East Maxwell.
- **SP-2** – Refer to sheet PDP1.0. A significant number of units along the ground level can be accessed from the sidewalk. Stone Avenue has been lined with townhouses units on the first two floor to provide entry doors/porches for every unit along the public street. There will also be three community entries along East Maxwell.
- **SP-3** – Refer to sheet PDP1.0. All building entries are prominently visible. The main entry of the building along East Maxwell is handicap accessible.

Lexington-Fayette Urban County Planning Commission
December 6, 2023
Page 2

- **SP-4** – Setback along East Maxwell Street is consistent with other setback along adjacent properties. As previously mentioned, it is envisioned that the proposed development will set the building lines and building orientation for future development along East Maxwell. The setback along Lexington and Stone Avenue has a similar pattern to the vicinity of the project.
- **SP-5** – Refer to Sheet PDP1.0; Sidewalk along East Maxwell is improved to a width of 8 feet. Downtown Lexington, the UK campus, and other surrounding areas are easily accessible through a network of sidewalks.
- **SP-6** – Amenities of the projects are easily accessible and located at the ground level along the main entrance of the site.
- **SP-7** -The ground parking is designed to be depressed under the proposed building. Parking can be accessed from multiple locations for pedestrian and vehicular use. The parking garage will be designed in compliance with Article 16 of the Zoning Ordinance. The subject property is located within 1,250 linear feet of the Transit Center Garage and 1650 linear feet of the Helix Garage, refer to Exhibit E1.
- **SP-8** – Not Applicable.
- **SP-9** – All dwelling units have access to the open space area and majority of the units will have direct view to the open space, refer to Sheet PDP1.0. The subject property is located less than half a mile from multiple public parks and areas with large open/green spaces along the UK campus. Parks that are accessible to the site are: Phoenix Park, Courthouse Plaza, Woodland Park, and Thoroughbred Park. Refer to Exhibit E1.
- **SP- 10** – The site is well connected through an extensive network of vehicular and pedestrian access to the surrounding area, amenities, and open space.
- **SP-11** – The site is well connected through an extensive network of vehicular and pedestrian access to the surrounding area, amenities, and open space.
- **SP-12** – The Applicant is proposing a streetscape design along East Maxwell with benches and enhanced landscape areas. Crosswalks will also be constructed along the intersection of Lexington Avenue and East Maxwell, and Stone Road and East Maxwell. Proposed development will include on-street parking along East Maxwell and Stone Avenue.
- **SP-13** – The site is well connected for vehicular and pedestrian access to the surrounding area, amenities, and open space.
- **SP-14** – The Applicant is proposing a streetscape design along East Maxwell with benches and enhanced landscape areas. The proposed development contains ample

pedestrian facilities and open space. Additional landscaping is proposed between the building, sidewalk, and parking area, as shown on sheet PDP1.0.

- **SP-15** – All parking and walking areas will be well lit as per LFUCG zoning ordinance.
- **SP-16** – This project will be built to ADA standards and Kentucky Building code requirements.
- **SP-17** – Not applicable.

B. Open Space & Landscaping

- **OS-1** – Open spaces and amenities are centrally located where they can be accessed by most of the residents of the site. Provided open space is approximately 5,640 square feet. The subject property is located less than half a mile to multiple public parks and large areas of open/green space along UK campus. Parks that are accessible to the site are: Phoenix Park, Courthouse Plaza, Woodland Park, and Thoroughbred Park. Refer to Exhibit E1
- **OS-2** – The subject property is located less than half a mile to multiple public parks and large areas of open/green spaces along the UK campus. Parks that are accessible to the site are: Phoenix Park, Courthouse Plaza, Woodland Park, and Thoroughbred Park. Refer to Exhibit E1.
- **OS-3** – Private open space is provided by having porches, patios, and decks for the units along the ground levels. The Applicant is proposing a streetscape design along East Maxwell with benches and enhanced landscape areas that are available for all the residents. In addition, all court yards will be accessible by all residents.
- **OS-4** – Refer to PDP1.0.
- **OS-5** – Not applicable.
- **OS-6** – Refer to PDP1.0; Evergreen trees will be planted to buffer the solid waste area, and utilities area that serve the building.
- **OS-7** – Refer to PDP1.0.
- **OS-8** – Stormwater management will be underground detention
- **OS-9** – Proposed sidewalks and walking paths, will be handicap accessible.
- **OS-10** – Not applicable.
- **OS-11** – Refer to PDP1.0

Lexington-Fayette Urban County Planning Commission
December 6, 2023
Page 4

- **OS-12** – Open space area will have pedestrian lighting along the perimeter as shown on Sheet PDP1.0. The comprehensive lighting design for the project will be cohesive and sensitive to the proposed architectural style. Proposed lighting will include a combination of building entry lighting, street lighting, lighted bollards, and landscape lighting.
- **OS-13** – All proposed exterior lightings are LED lighting and will be designed to avoid any light pollutant or light spillage/glare on private spaces.

C. Architectural Design

- **AD-1** – This project complies with all zoning and building code requirements regarding building mass, form, and roof shapes.
- **AD-2** – The proposed maximum height of the building is 75 feet. The building height, size and character, of the proposed development is consistent with the other UK student housing projects within the vicinity of the project. The proposed development will set the design guidelines for building height and orientation for the future development along East Maxwell.
- **AD-3** – The building will be broken up and softened with façade articulations as shown in Exhibit E2 through the use of varying exterior wall setbacks, materials, colors, and landscaping. Refer to Exhibit E2.
- **AD-4** – There will be a maximum window size, height, and number to allow the maximum natural light to enter the units creating transparency between the exterior environment and the units, making the space feel larger.
- **AD-5** – There will not be any blank wall facing streets.
- **AD-6** – Stone Avenue has been lined with townhouse units on the first two floor to provide entry doors/porches for every unit along the public street. Refer to Exhibit E2.
- **AD-7** – The proposed materials will be a combination of stone, bricks, and vinyl/Hardie board siding. Refer to Exhibit E2.
- **AD-8** – The building along Lexington Road, will have a townhouse development character for the first 2 floors, with activation of the first floor with the sidewalk. The building will maintain the architectural design, articulations, level of details, and material consistent with the front façade.
- **AD-9** – The proposed building is surrounded by 4 streets, (East Maxwell Street, Lexington Road, Stone Avenue, and Hagerman Court). There is significant distance between the proposed building any adjacent building except the building at the northeast side of the development. The proposed development will set the building height,

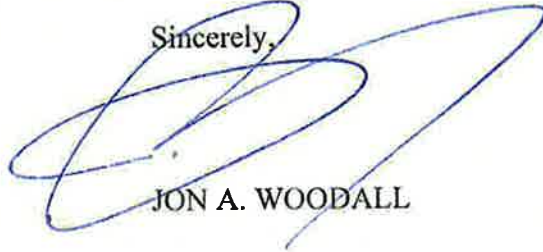
Lexington-Fayette Urban County Planning Commission
December 6, 2023
Page 5

character, and architectural shapes and lines for any future development along East Maxwell.

Conclusion

In sum, we submit that our proposal is in accord with the Multi-Family Design Standards. We look forward to our continued discussions with Planning Staff and the Planning Commission and request your approval of our client's application. Of course, if I can be of further assistance, please do not hesitate to contact me.

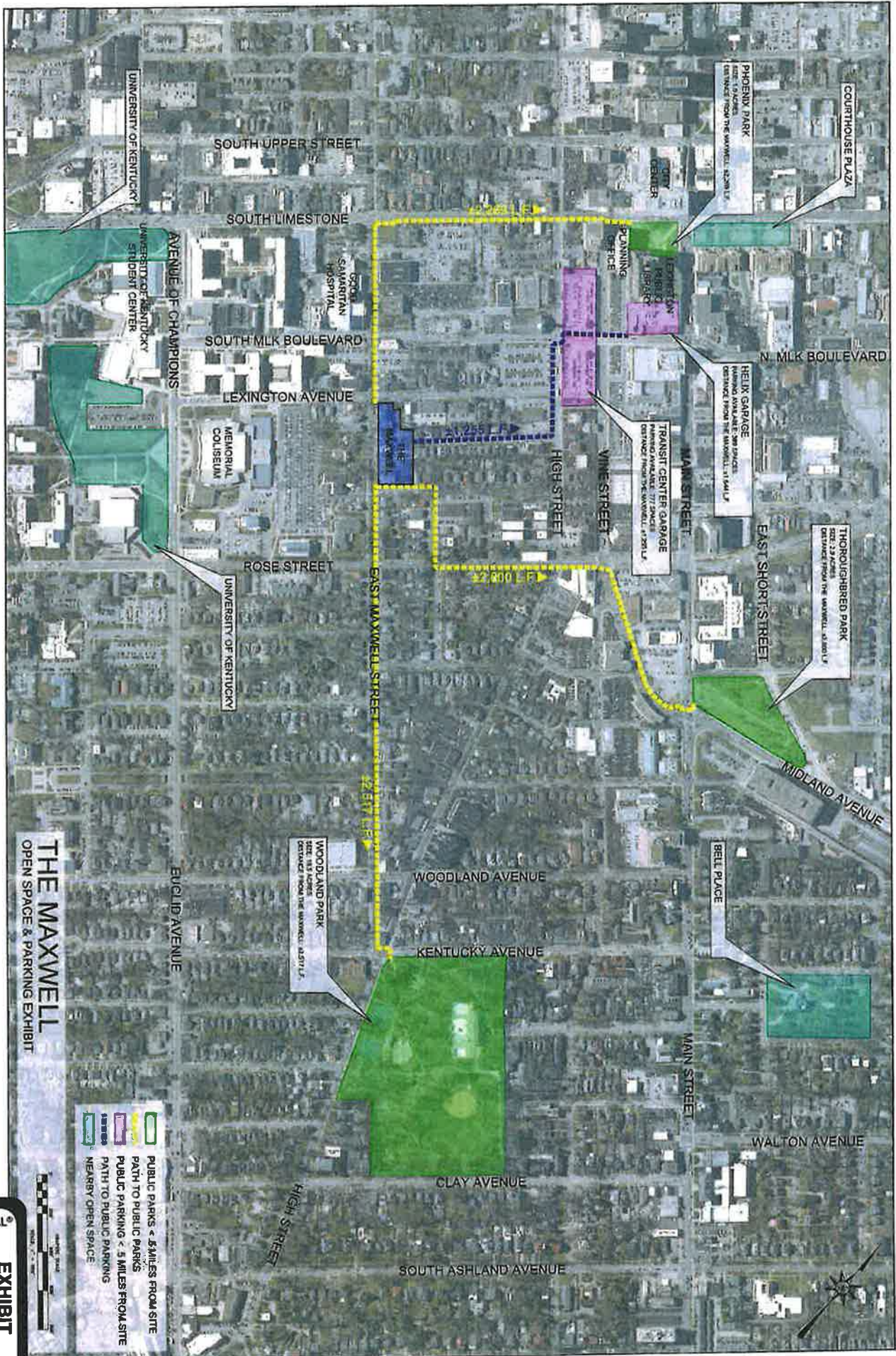
Sincerely,



JON A. WOODALL

JAW/ss

4890-2624-4757, v. 1



ALL-STATE LEGAL®
E1
EXHIBIT

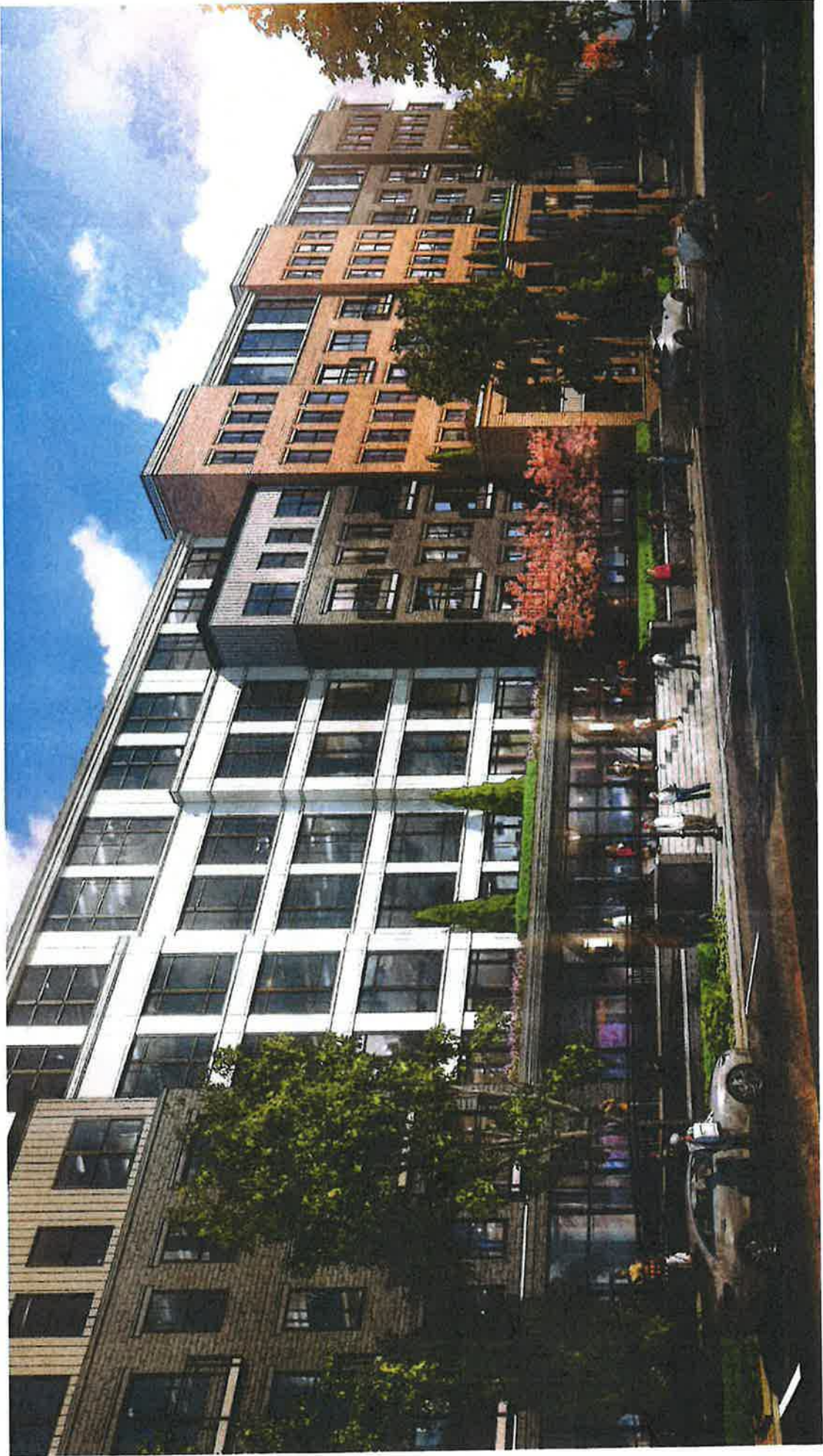
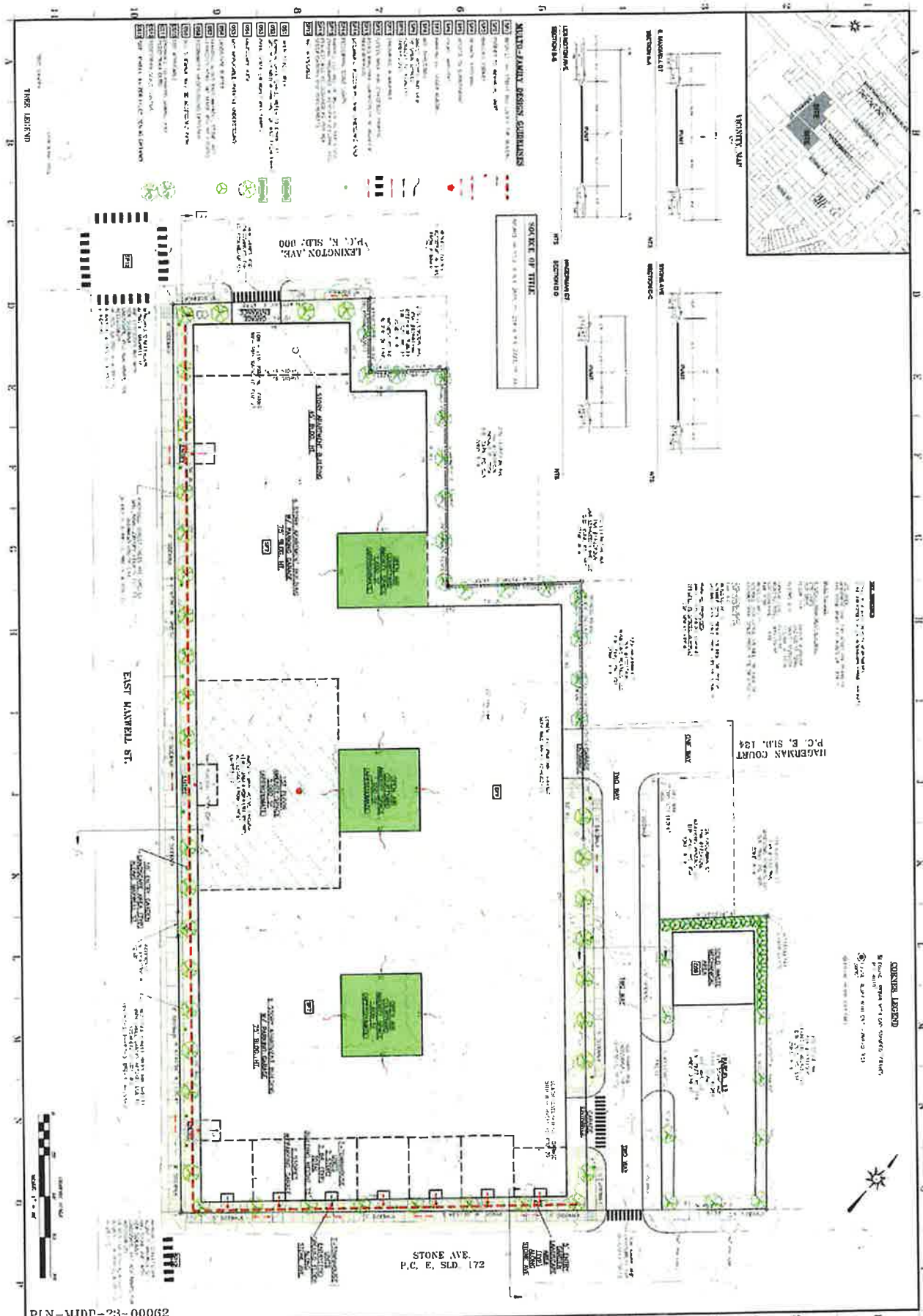


EXHIBIT
E2
ALL-STATE LEGAL®





PLN-MIDP-23-00062



DATE: 1.10.2023

The Maxwell
 201, 209, 211, 215, 221, 223, 227, 301 & 305 MAXWELL ST
 215, 247, 310, & 251 STONE AVE
 LEXINGTON, FAYETTE CO, KY
PRELIMINARY DEVELOPMENT PLAN
MULTI-FAMILY DESIGN GUIDELINES

PREPARED BY:
 P37 MAX LLC
 1818 LEE ROAD SUITE 400
 COLUMBUS KY 40202
 606.444.1118
 WWW.P37MAX.COM

DATE:
 1.10.2023

SCALE:
 1" = 20'

PROJECT:
 PRELIMINARY DEVELOPMENT PLAN
 MULTI-FAMILY DESIGN GUIDELINES



The following description is intended for zoning purposes only. The description represents information depicted on documents of record found in the Fayette County Clerk's office. This description does not represent a boundary survey and should not be used for real estate conveyance or transfer.

**FFF Max, LLC
&
Theta of Kappa Alpha Housing Corporation, LLC
Parcels**

Zone Change from R-4 to B-2A

**201, 207, 209, 211, 215, 221, 225, 227, 231, & 235 East Maxwell Street
&
245, 247, 249 & 251 Stone Avenue**



Beginning at the point of center line intersection of East Maxwell Street and Stone Avenue as depicted in Plat Cabinet E, Slide 172 of the Fayette County Clerk's records; thence with the center line of said East Maxwell Street for one (1) call:

1. N 41°31'35" W a distance of 493.34' to the point of center line intersection of said East Maxwell Street and Lexington Avenue as depicted in Plat Cabinet K, Slide 900; thence with the center line of said Lexington Avenue for one (1) call:
2. N 47°17'43" E a distance of 121.08'; thence crossing said Lexington Avenue for one (1) call:
3. S 41°50'31" E a distance of 24.94' to the northwest corner of the parcel conveyed to Joseph M. Turley in Deed Book 1577, Page 51; thence with the line of Turley for two (2) calls:
4. S 41°50'31" E a distance of 35.46';
5. N 47°17'36" E a distance of 37.47' to a point in the western line of the parcel conveyed to Donald P. Cook in Deed Book 2979, Page 525; thence with the line of Cook and the parcel conveyed to 260 Lexington Avenue, LLC in Deed Book 3568, Page 561, for two (2) calls:
6. S 41°36'23" E a distance of 106.51';
7. N 47°17'33" E a distance of 65.36' to the northwest corner of the parcel conveyed to Windsong Rentals, LLC in Deed Book 3545, Page 450; thence with the line of Windsong Rentals, LLC for one (1) call:
8. S 41°44'59" E a distance of 71.14' to a corner of Hagerman Court Right of Way as depicted in Plat Cabinet E, Slide 124; thence transversely crossing Hagerman Court for one (1) call:
9. N 84°04'10" E a distance of 22.84' to a point on the center line of said Hagerman Court; thence with said center line for one (1) call:
10. S 41°44'37" E a distance of 82.74' to a point on the southern Right of Way line of said Hagerman Court; thence with said Right of Way and the line of said Windsong Rentals, LLC for one (1) call:
11. N 47°08'59" E a distance of 71.22' to the northwest corner of the parcel conveyed to Lexington Village, LLC in Deed Book 2510, Page 538; thence with the line of Lexington Village, LLC for one (1) call:
12. S 41°07'07" E a distance of 144.07' to a point on the northern Right of way of said Stone Avenue; thence crossing said Stone Avenue for one (1) call:
13. S 41°07'07" E a distance of 22.84' to a point on the center line of Stone Avenue; thence with said center line for one (1) call:
14. S 48°43'44" W a distance of 313.51' to the Point of Beginning containing a Gross area of 2.633 acres and a Net area of 2.143 acres.

STAVROFF LAND & DEVELOPMENT, INC.
(PLN-MAR-23-00016)

201, 207, 209, 211, 215, 221, 225, 227, 231, AND 235
E MAXWELL STREET
245, 247, AND 251 STONE AVENUE

Rezone the property for a multi-family residential development.

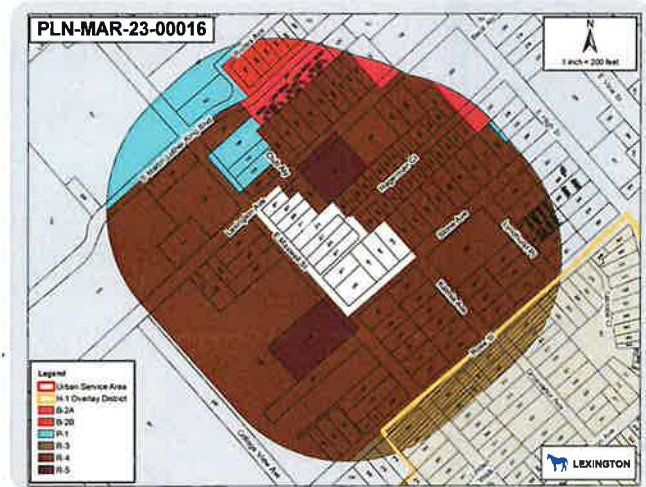
Applicant

Stavroff Land & Development, Inc.
6689 Dublin Center Drive
Dublin, Ohio 43017
Attorney: jwoodall@mcbayerfirm.com

Owners

Theta of Kappa Alpha Housing Corporation
836 Euclid Avenue, Suite 301
Lexington, Kentucky 40502

FFF Max, LLC
1515 Lake Shore Drive, Suite 250
Columbus, Ohio 43204



Application Details

Acreage:

2.143 net (2.633 gross) acres

Current Zoning:

Medium Density Residential (R-4) zone

Proposed Zoning:

Downtown Frame Business (B-2A) zone

Place-type/Development Type

Downtown

High Density Residential

For more information about the Downtown place type see Imagine Lexington pages 273-278. For more information on the High Density Residential Development Type see page 271.

Description:

The applicant is seeking to rezone the subject properties in order to construct a multi-family residential development. The development consists of a six-story residential structure with an attached parking structure, and a detached two story building. The applicant proposes a total of 250 units, at a residential density of 116.65 units per acre.

Public Engagement

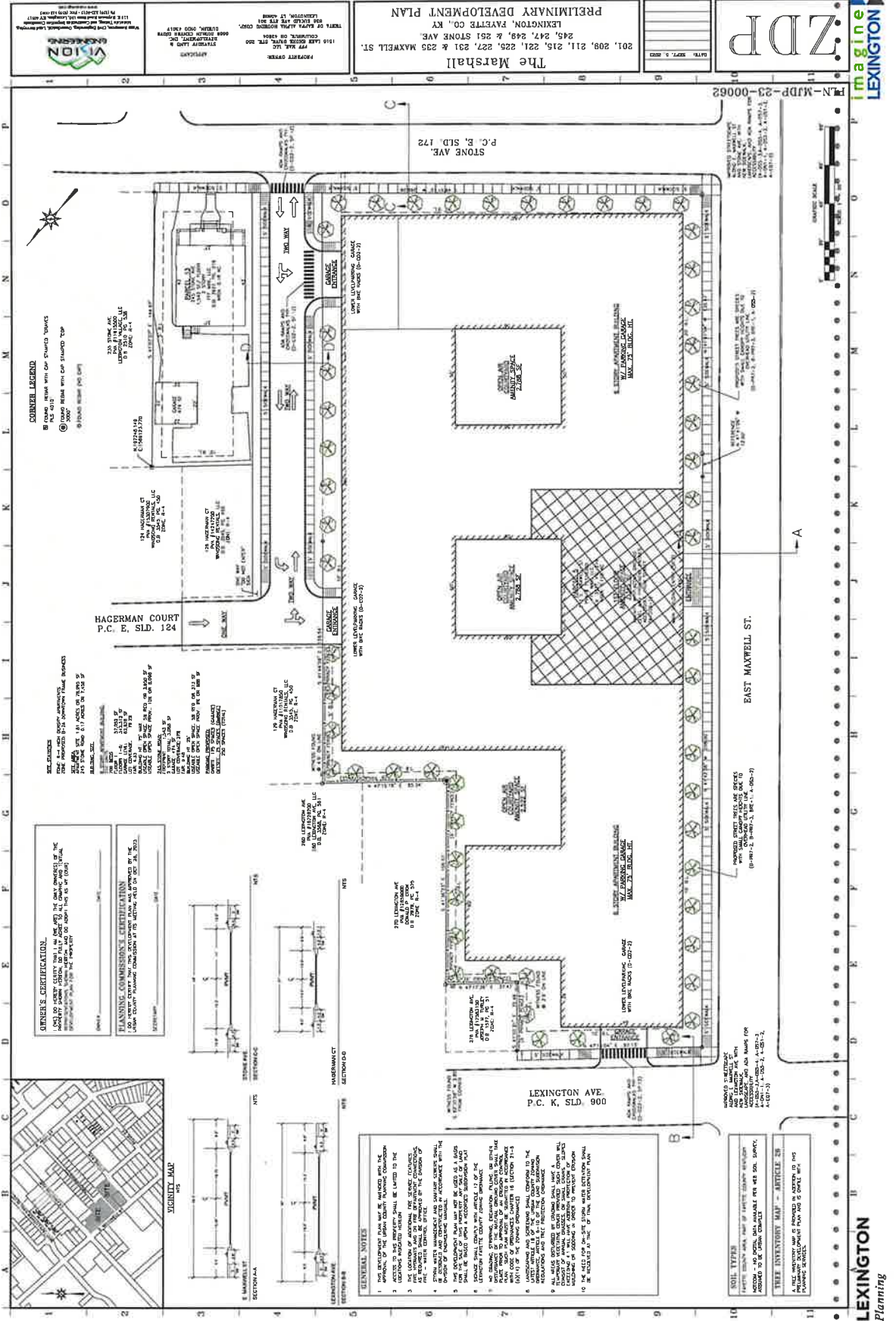
- The applicant hosted a meeting to discuss the proposal with the Aylesford neighborhood on 8/31/23, however, no neighborhood members attended. The applicant has indicated that they will conduct further outreach efforts.

Status

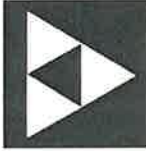
- Public Engagement
- Pre-Application Meeting
- Application Review
- Planning Staff Review
- Technical Review Committee
- Zoning/Subdivision Committee Meetings
- Planning Commission Hearing
- Urban County Council Meeting

DISCLAIMER: Plans are subject to change. Visit the Accela Citizen Portal (lexingtonky.gov/plans) or contact Planning for the latest information.

Development Plan



SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-23-00016 STAVROFF LAND & DEVELOPMENT, INC



STAFF REVIEW

In the period following the October 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 information including a revised development plan, supplemental renderings, a supplemental letter of justification, and a revised traffic impact study.

The revisions to the proposed development plan include a step down in the structure's height along Lexington Avenue from 75 feet to 45 feet. Along Stone Avenue, the applicant now proposes seven (7) two-story townhouse units, which will each have their own porch and entrance on to the street, and separate architectural articulation in an effort to create a transition in the building's height and mass. The sidewalk width along E. Maxwell Street is set to be increased from five (5) feet to eight (8) feet, and two new pedestrian crossings across E. Maxwell Street are depicted. The proposal also increases the number of units over the previous iteration, from 250 to 275, while the overall proposed number of beds remains the same (700 beds). The change in residential units results in a residential density of approximately 128 units per acre. The revised development plan also includes changes to the parcel at 245 Stone Avenue, which was originally slated to have its existing structure retained. The applicant is now proposing to demolish the residential structure, and utilize this portion of the development for a trash compactor, as well as underground stormwater retention areas. The applicant is proposing to enclose the compactor with fencing, as well as a row of vegetative screening.

The architectural renderings provided show a significantly increased level of architectural detail over the previous proposal, including a larger variety of materials used, the incorporation of balconies and landscaping, changes in the building massing, and stepbacks in height. The renderings also demonstrate a more complete level of activation for pedestrians, with access ramps, an increase in the number of entrances, and ground level patio spaces. While not all of the detail is reflected on the corresponding development plan, if approved, the developer would be held to substantial compliance with these renderings.

TRAFFIC IMPACT STUDY

The applicant's revised traffic impact study was evaluated by staff from Lexington's Metropolitan Planning Organization. It uses rates from the 10th edition of the ITE Trip Generation Manual, which indicates that the proposed 700 bedroom development is anticipated to generate 112 new vehicle trips during the AM peak hour and 182 new vehicle trips during the PM peak hour. The most significant increase in delay is anticipated at the intersection of East Maxwell and Lexington Avenue where the PM peak hour delay for the southbound movement from Lexington Avenue is expected to increase from 30 seconds to 39 seconds. Planning MPO staff found that the existing roadway system is capable of handling the traffic generated by the proposed development at an acceptable level of service during the peak hours, without improvements.

GOALS AND OBJECTIVES, AND POLICIES

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.

While the applicant indicates that the proposal would set a new context for development for this portion of E. Maxwell Street, they contend that they have taken several steps to attempt to create compatibility with the existing urban form of the area. The applicant is utilizing stepbacks along Lexington Avenue to provide a transition from 45 feet in height to 75 feet, which is consistent with the 50-foot tall height limit along Lexington Avenue recommended by staff in the previous rezoning request at this location (MAR-19-



00013). Along Stone Avenue, the applicant plans to reinforce the streetscape with two stories of townhome units, each with a ground level entrance, in an attempt to replicate the “front porch” feel of the current development in the area. The applicant also notes that the proposed setbacks for the development are compatible with those of other existing development in the area.

POLICIES

Based on the revised and supplementary materials, staff finds that the proposal meets several of the policies of the 2018 Comprehensive Plan. The request now complies with the Multi-Family Design Standards (Theme A, Design Policy #3). The proposal directs increased residential density to one of our major downtown corridors (Theme A, Density Policies #1, 2, and 4). By implementing an underground parking structure, the development is designed so that the parking areas are not the primary visual component of the site (Theme A, Design Policy #7), and creates walkable streetscapes by incorporating street trees, townhouse units, and articulating the building facade (Theme A, Design Policy #5). Finally, limiting the amount of parking provided on-site, the request encourages alternative modes of transportation and promotes walking (Theme B, Sustainability Policy #5).

DEVELOPMENT CRITERIA

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

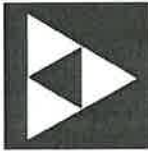
1. Site Design, Building Form and Location

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

Within the revised letter of justification, the applicant provides additional information regarding the Multi-Family Design Standards, and provides architectural renderings of two of the proposed elevations. These elevations show a greater variety of materials being utilized, wall offsets and articulation of the structure, the incorporation of setbacks in height, additional landscaping, and a greater degree of architectural ornamentation on all sides of the structure. The applicant notes that the proposal reinforces the streetscape along all of the adjoining roadways, and provides pedestrian paths along all sides of the structure. The proposal maintains a walkable, pedestrian scale block size, and incorporates street trees to reinforce all four roadways. The three open space areas that are being provided with this request are bound by the residential units, and are highly visible from the residential units. Based on the revised renderings, updated development plan, and justification, staff finds the proposal is in substantial agreement with the Multi-Family Design Standards.

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.

While most of the proposed development will be bound by roadways, the northwest portion of the property will directly adjoin existing residential development. The properties at 260, 270, and 276 Lexington Avenue and 129 Hargerman Court currently adjoin the rear parking areas of the subject property, and would be within 10 feet of the proposed multi-family residential structure under the applicant’s proposal. In order to help mitigate the visual impact from Lexington Avenue, the applicant proposes a step down in building height along the roadway from 75 feet to 45 feet. This step down in height is not present in the rear portions of the property; however, the applicant indicates that a six-foot tall solid fence and landscaping will be planted in the 10-foot buffer to provide privacy for those individuals. The applicant acknowledges that there will still be contrasts in the scale despite these mitigation efforts, but states that the proposal is in accordance with the Comprehensive Plan’s calls for intensification and additional residential density in our downtown, and along our corridors.



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.

The applicant's revised proposal improves upon the pedestrian experience of the initial request by providing varied articulation along the building facade, incorporating a greater number of entrances along the road frontages, and stepping back the massing of the structure from Lexington Avenue, Stone Avenue, and E. Maxwell Street. The request increases the width of the proposed pedestrian path along E. Maxwell from five to eight feet, and provides pedestrian connectivity along all four sides of the development. The proposal also provides for pedestrian crossings across E Maxwell Street, to connect with the University of Kentucky's campus.

D-PL9-1 Historically significant structures should be preserved.

A number of the of existing structures proposed to be demolished meet the age criteria to be considered historically significant. While these structures are located within a national historic register district, they were not individually listed, nor deemed necessary to include within the Aylesford Historic District (H-1) Overlay Zone when it was created in 1998. While the subject properties were not included, other properties with development of a similar style and indicative of the same periods were preserved under the creation of the nearby overlay.

As they were not included within any overlay, the non-historic modifications and additions that were made to these structures over time did not require a certificate of appropriateness or design review, and the applicant has the ability to demolish said structures with a demolition permit from the Division of Building Inspection without the Board of Architectural Review's approval. While the Comprehensive Plan calls for consideration for historically significant structures to be preserved, such considerations must be weighed against the Comprehensive Plan's goals of providing housing and intensifying our downtown core.

With these revisions, the proposed rezoning now meets the criteria for Site Design, Building Form and Location, as the proposal intensifies an underutilized property, demonstrates compliance with the requirements of the Multi-Family Design Standards, creates a defined vertical edge along the corridor, mitigates the visual impact of the parking structure, and significantly increases the residential density.

2. Transportation and Pedestrian Connectivity

E-ST3-1 : Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area.

The applicant's revised plan and justification does not explicitly mention a rideshare pick-up or drop off area for the development; however, there are on-street parking spaces along E. Maxwell Street that can be utilized for this structure, as well as within the integrated parking structure.

Overall, staff finds that the revised request meets the criteria for Transportation and Pedestrian Connectivity, as the proposal provides for an improved pedestrian network, provides a defined vertical edge along all four roadways, provides for improved connections to the University of Kentucky and adjoining neighborhoods, widens and reroutes Hagerman Court, and reduces the number of vehicular access points and curb cuts on E. Maxwell Street.

3. Greenspace and Environmental Health



B-PR7-3: Developments should improve the tree canopy.

Within the revised development plan, the applicant notes that there currently is 31,500 square feet of tree canopy coverage on-site, primarily concentrated towards the interior and rear portions of the properties. Many of the trees present on the interior portions of the site will be removed under the proposed request, with new plantings being provided around the perimeter of the development. The applicant's engineers indicate that there will be approximately 20,000 square feet of canopy coverage under the new proposal.

While the greater utilization of the site does result in the reduction in the total amount of tree canopy that can be accommodated on-site, the proposal exceeds the typical amount of tree canopy coverage found in downtown development, and there is no tree canopy coverage in the B-2A zone. Overall, staff finds the request does meet the remaining provisions of the Greenspace and Environmental Health as the request preserves two significant trees along the Stone Avenue, provides for clearly delineated open space, and incorporates street trees along all four frontages to create a walkable streetscape.

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.*
2. The property shall be developed with a minimum of 93 dwelling units per acre, or 200 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 meeting 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 proposed rezoning encourages the expansion of housing choices by providing for higher density residential development (Theme A, Goal #1.b).
 - b. By varying the building height and massing along each respective roadway, the request maintains compatibility with existing development in the area (Theme A, Objective #2.b).
 - c. The request encourages positive and safe social interactions by improving the existing pedestrian system, providing new crosswalks across E. Maxwell Street, and reducing vehicular conflict points.
 - 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 2018 Comprehensive Plan for the following reasons:
 - a. The request substantially complies with the Multi-Family Design Standards (Theme A, Design Policy #3).
 - b. The proposal directs increased residential density to one of the city's major corridors (Theme A, Density Policies #1, 2, and 4).

- c. The development is designed so that the parking areas are not the primary visual component of the site (Theme A, Design Policy #7).
 - d. The request creates walkable streetscapes by incorporating street trees, townhouse units, and articulating the building facade (Theme A, Design Policy #5).
 - e. By limiting the amount of parking provided on-site, the request encourages alternative modes of transportation and promotes walking (Theme B, Sustainability Policy #5).
3. The justification and corollary development plan are in agreement with the Development Criteria of the 2018 Comprehensive Plan.
- a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as it demonstrates compliance with the requirements of the Multi-Family Design Standards, creates a defined vertical edge along the corridor and adjoining roadways, mitigates the visual impact of the parking structure, and significantly increases residential density.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity, as the proposal provides for an improved pedestrian network, provides a defined vertical edge along all four roadways, provides for improved connections to the University of Kentucky and adjoining neighborhoods, widens and reroutes Hagerman Court, and reduces the number of vehicular access points and curb cuts on E. Maxwell Street.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as the request preserves two significant trees along the Stone Avenue, provides for clearly delineated open space, and incorporates street trees along all four frontages to create a walkable streetscape.
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.
 2. The property shall be developed with a minimum of 93 dwelling units per acre, or 200 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 meeting 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-23-00062: THE MAXWELL (LYNDHURST SUBDIVISION) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-23-00016: STAVROFF LAND & DEVELOPMENT, INC.

DESCRIPTION OF ZONE CHANGE

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

Acreage: 2.143 net (2.633 gross) acres

Location: 201, 207, 209, 211, 215, 221, 225, 227, 231
and 235 E. Maxwell Street; 245, 247, 249 and
251 Stone Avenue



EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	R-4	Multi-Family
To North	R-4	Multi-Family
To East	R-4	Multi-Family
To South	R-4/R-5	Multi-Family / UK
To West	R-4	Multi-Family

URBAN SERVICE REPORT

Roads - 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. There are three local roads that border the subject properties: Lexington Avenue, Hagerman Court, and Stone Avenue. Both Stone Avenue and Hagerman Court connect High Street and East Maxwell Street. The proposal includes a relocation of the termination of Hagerman Court from Maxwell Street to Stone Avenue.

Curb/Gutter/Sidewalks - East Maxwell Street, Lexington Avenue, and Stone Avenue have been improved with curb, gutter and sidewalks. Hagerman Court has curb and sidewalks for much of the street; however, these facilities terminate as the road bends towards its intersection with East Maxwell Street. The current sidewalks along Hagerman Court do not meet the minimum standards for ADA accessibility.

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 (#5) is located less than ½ mile southeast of the subject properties at the intersection of E Maxwell Street and Woodland Avenue

Transit - Lextran services the area with inbound and outbound routes stopping nearby, at the intersection of Rose Street and Maxwell, one block from the subject properties.

Parks - The subject properties are located 1/3 of a 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 to a Downtown Frame Business (B-2A) zone for 2.143 net (2.633 gross) acres for the properties located 201, 207, 209, 211, 215, 221, 225, 227, 231 and 235 E. Maxwell Street; 245, 247, 249 and 251 Stone Avenue in order to establish a six-story multi-family residential 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 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 a six-story, 75-foot tall structure that would contain a lower parking structure, common area courtyards, and associated residential amenities (gym, meeting space, etc.). The proposal would include a total of 250 residential units, with a total bedroom count of 700, and a residential density of 116.65 units per acre. The petitioner proposes a total of 175 on-site parking spaces for the development, with an additional 75 spaces available to rent off-site. The request also calls for maintaining the existing two-story residential structure at 245 Stone Avenue. The petitioner has indicated that this development will be geared toward student housing for those attending the University of Kentucky, but will not be limited to that population.

APPLICANT & COMMUNITY ENGAGEMENT



Prior to the submission of the zone change application, the petitioner reached out to the Aylesford Place Neighborhood Association to gain neighborhood feedback regarding the proposed rezoning and the associated development plan. The applicant organized an “open house” style meeting located at the Central Library (140 East Main Street) on August 31, 2023. Planning Staff attended the meeting to answer any zoning or Comprehensive Plan questions. No neighborhood attendees were present during this meeting.

A second meeting was organized by the Aylesford Place Neighborhood Association. In attendance at this meeting was a member of the planning staff from Planning Services. During this meeting, the applicants presented their proposal to the neighborhood. Those in attendance from the neighborhood voice concerns regarding the size of the building, parking concerns, and integration into the existing urban context.

PROPERTY & ZONING HISTORY



The subject properties are located within an area that is primarily comprised of multi-family residential zoning (R-4, R-5). The subject properties have been zoned R-4 since before to the 1969 comprehensive rezoning of the Urban County. The residential nature of this portion of East Maxwell Street is primarily focused on student housing, with a smaller population of longer term residents. There is a small portion of Professional Office (P-1) zoning located across Lexington Avenue that is utilized for parking for the surrounding uses and the office for An/Dor Reporting and Video Technologies, Inc. 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). As such, these properties are not subject to the zoning restrictions of the LFUCG and are currently being operated as office, classroom, and research space. The two remaining properties are multi-family dwelling units. The property located at 200 East Maxwell Street is a 10-unit apartment complex, and the property located at 238 East Maxwell Street is a sorority house owned and operated by the Kappa Kappa Gamma Sorority.

While the subject properties are older structures and some have been listed as contributing to the Southeastern Lexington Residential and Commercial District (listed on the National Register of Historic Places), 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 one block 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.

All of the subject properties with the exception of 235 E Maxwell Street were included in a similar zone change request in 2019 to the B-2A zone in order to establish a multi-family residential development (PLN-MAR-19-00013). During the review of the proposal, staff had concerns with the compatibility of the proposal and recommended conditional zoning restrictions that would limit incompatible uses, and establish maximum heights based on the street frontage and right-of-way width. At the time, staff recommended a maximum height of 75 feet along E Maxwell Street, 50 feet along Lexington Avenue, and 43 feet along Stone Avenue. This request



was recommended for disapproval by the Planning Commission in late 2019, and the request was disapproved by the Urban County Council on in early 2020.

COMPREHENSIVE PLAN COMPLIANCE



GOALS AND OBJECTIVES

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 applicant opines that they are in compliance with the adopted Goals and Objectives of the 2045 Comprehensive Plan. They state that the proposed rezoning encourages the expansion of housing choices by prioritizing a higher density residential development (Theme A, Goal #1.b and c). The applicant also indicates that they are seeking to provide a well-designed neighborhood (Theme A, Goal #3.b) by promoting alternative modes of transportation including pedestrian, cycling, and mass transit. The proposed site is located near the LexTran transit center and is also nearby a major transit corridor. The applicant has also indicated that they are working with LexTran (Theme D, Goal #1.a and c) to review a possible stop at this location.

While these Goals can be met, the applicant should address the following Comprehensive Plan Objective:

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 area surrounding the development is primarily comprised of low to medium density residential development that occurred in the early 1900s, and the development adjoins several parcels with structures that are two stories in size. The applicant should provide information on how their proposed six-story development will integrate into this low to medium density area.

POLICIES

The applicant did not provide any information on how the proposal is in agreement with the 2018 Comprehensive Plan Policies. The applicant should provide further information on how the request is meeting these items.

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 Residential 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, 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 High Density Residential 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 2018 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 residential 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.

1. Site Design, Building Form and Location

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 or not applied the criteria.

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

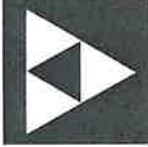
While the applicant has provided a rendering of the proposed structure, the applicant has not provided an explanation of how the request is meeting the Multi-Family Design Standards. In particular, the applicant should address how they are meeting the following criteria:

- i. SP.2: Provide as many private, ground level entries to individual units as possible.
- ii. SP.17: Create streets that are balanced on both sides in massing and building character.
- iii. OS.8: Provide stormwater detention areas and link to other open spaces and recreational amenities.
- iv. 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 in their letter of justification applicant that they are seeking to establish a new framework for the redevelopment of this area. While establishing the new framework, the applicant also indicates that they are attempting to incorporate features that acknowledge the neighborhood's context and history. Staff would like the applicant to indicate how they will incorporate the aspects attributed to the Aylesford Historic District, or the Southeastern Lexington Residential and Commercial District.

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

2. Transportation and Pedestrian

Staff finds that the request meets a majority of the criteria for Transportation and Pedestrian Connectivity, as the proposal provides for bicycle facilities, expands the sidewalk network, improves the site access, and improves Hagerman Court. However, the applicant should however indicate how they are meeting the following criteria:

E-ST3-1 : Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area.

3. Greenspace and Environmental Health

While several of the criteria for Greenspace and Environmental health are being met with this request, the applicant should provide further information regarding the following criteria:

B-PR7-3: Developments should improve the tree canopy.

The applicant states that they will improve the tree canopy for the site; however, their proposal involves the removal of all existing canopy coverage. The applicant should provide further information regarding the current coverage of the site, and what will be proposed under this development.

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



1. The applicant should provide information on how their proposal addresses the following Objective 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 zone change application does not provide any information on compliance with the Policies of the 2018 Comprehensive Plan.
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 Residential Development 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.
 - i. SP.2: Provide as many private, ground level entries to individual units as possible.
 - ii. SP.17: Create streets that are balanced on both sides in massing and building character.
 - iii. OS.8: Provide stormwater detention areas and link to other open spaces and recreational amenities.
 - iv. 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-DS5-3: 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. E-ST3-1: Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area.
 - f. B-PR7-3 Developments should improve the tree canopy.

4. **STAVROFF LAND & DEVELOPMENT, INC ZONING MAP AMENDMENT AND LYNDHURST SUBDIVISION DEVELOPMENT PLAN**

- a. **PLN-MAR-23-00016: STAVROFF LAND & DEVELOPMENT, INC (12/14/2023)*** – a petition for a zone map amendment from a Medium Density Residential (R-4) zone to a Downtown Frame Business (B-2A) zone, for 2.143 net (2.633 gross) acres for property located at 201, 207, 209, 211, 215, 221, 225, 227, 231, and 235 E. Maxwell Street, and 245, 247, and 251 Stone Avenue.

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 a six-story, 75-foot tall structure that would contain a lower parking structure, common area courtyards, and associated residential amenities (gym, meeting space, etc.). The proposal would include a total of 250 residential units, with a total bedroom count of 700, and a residential density of 116.65 units per acre. The petitioner proposes a total of 175 on-site parking spaces for the development, with an additional 75 spaces available to rent off-site. The request also calls for maintaining the existing two-story residential structure at 245 Stone Avenue. The petitioner has indicated that this development will be geared toward student housing for those attending the University of Kentucky, but will not be limited to that population.

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 Objective 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 zone change application does not provide any information on compliance with the Policies of the 2018 Comprehensive Plan.
 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 Residential Development 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.
 - i. SP.2: Provide as many private, ground level entries to individual units as possible.
 - ii. SP.17: Create streets that are balanced on both sides in massing and building character.
 - iii. OS.8: Provide stormwater detention areas and link to other open spaces and recreational amenities.
 - iv. 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-DS5-3: 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. E-ST3-1: Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area.
 - f. B-PR7-3 Developments should improve the tree canopy.
- b. **PLN-MJDP-23-00062: THE MAXWELL (LYNDHURST SUBDIVISION) (12/14/2023)*** - located at 201-235 E. MAXWELL STREET & 245-251 STONE AVENUE, LEXINGTON, KY
Council District: 3

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

Project Contact: Vision Engineering

Note: The purpose of this plan is to depict multi-family residential development with 245 dwelling units, in support of the requested zone change from a Medium Density Residential (R-4) zone to a Downtown Frame Business (B-2A) zone.

The Subdivision Committee Recommended: **Approval**, subject to the following revised 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. United States Postal Service Office's approval of kiosk locations or easement.
7. Revise plan title to match staff report.
8. Denote: The development shall be in substantial compliance with the renderings on file with the Division of Planning.
9. Revise development plan to match submitted exhibit for 245 Stone Avenue.
10. Clarify difference in open space between development plan and submitted exhibit.
11. Revise development plan to graphically match exhibit submitted December 5, 2023, as appropriate.
12. Discuss Placebuilder criteria.

Staff Presentation – Mr. Daniel Crum presented the original and supplemental staff reports 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 Medium Density Residential (R-4) zone to a Downtown Frame Business (B-2A) zone, for 2.143 net (2.633 gross) acres for property located at 201, 207, 209, 211, 215, 221, 225, 227, 231, and 235 E. Maxwell Street, and 245, 247, and 251 Stone Avenue. Mr. Crum stated that the applicant is seeking to construct a multi-family residential development with the Downtown Place-Type and the High Density Residential Development Type. Mr. Crum indicated that after reviewing the application, Staff is in agreement with those selections.

Mr. Crum stated that the overwhelming majority of properties in the immediate area is residentially zoned, is directly adjacent to the University of Kentucky, and are not located in an H-1 overlay. Mr. Crum gave a brief history of the area, and indicated that there was an attempted zone change in 2019 to the B-2A that ultimately did not pass, although Staff recommended approval at the time with some conditional zoning restrictions. Additionally Mr. Crum stated that this area was considered to be included in the Aylesford Place H-1 overlay in 1998, but was not included.

Mr. Crum gave a brief overview of the development plan and noted the first floor parking area, access from Easy Maxwell Street to the amenity area, and expanded pedestrian walkways. Mr. Crum stated that the proposed height is 75 feet, and noted the updated change for the removal of a house to allow for the installation of waste facilities.

Mr. Crum compared the initial renderings of the property and the current renderings and stated that Staff's original recommendation for postponement was because Staff wished for the applicant to maximize entrances, make the property more accessible for pedestrians, engage the street frontage, and to create visual compatibility with the neighborhood. Mr. Crum continued, mentioning the goals and objectives that this application meets including the demand for housing, respecting the context and design features of the area, and locating higher density areas along high capacity roads.

Mr. Crum presented the findings of the traffic impact study and stated that the new development would generate 112 new vehicle trips in the morning and 182 trips at night in the peak hour. Additionally, Mr. Crum

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stated that the most significant delay would take place at the intersection of East Maxwell and Lexington Avenue, but concluded that the existing roadway could handle that amount of new traffic.

Mr. Crum indicated that there were conditional zoning restrictions proposed by Staff including the prohibition of sale of automobiles, hotels, wholesale establishments, automobile repair, drive-through facilities, and automobile refueling stations. Mr. Crum stated that Staff also intended to limit automobile service stations in use #vii. Mr. Crum also indicated that the Staff recommends a restriction for a minimum of 93 dwelling units per acre.

Mr. Crum concluded his presentation by stating that Staff was recommending approval and based upon the updated supplemental staff report with the following proposed findings.

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 proposed rezoning encourages the expansion of housing choices by providing for higher density residential development (Theme A, Goal #1.b).
 - b. By varying the building height and massing along each respective roadway, the request maintains compatibility with existing development in the area (Theme A, Objective #2.b).
 - c. The request encourages positive and safe social interactions by improving the existing pedestrian system, providing new crosswalks across E. Maxwell Street, and reducing vehicular conflict points.
 - 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 2018 Comprehensive Plan for the following reasons:
 - a. The request substantially complies with the Multi-Family Design Standards (Theme A, Design Policy #3).
 - b. The proposal directs increased residential density to one of the city's major corridors (Theme A, Density Policies #1, 2, and 4).
 - c. The development is designed so that the parking areas are not the primary visual component of the site (Theme A, Design Policy #7).
 - d. The request creates walkable streetscapes by incorporating street trees, townhouse units, and articulating the building facade (Theme A, Design Policy #5).
 - e. By limiting the amount of parking provided on-site, the request encourages alternative modes of transportation and promotes walking (Theme B, Sustainability Policy #5).
3. The justification and corollary development plan are in agreement with the Development Criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as it demonstrates compliance with the requirements of the Multi-Family Design Standards, creates a defined vertical edge along the corridor and adjoining roadways, mitigates the visual impact of the parking structure, and significantly increases residential density.
 - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity, as the proposal provides for an improved pedestrian network, provides a defined vertical edge along all four roadways, provides for improved connections to the University of Kentucky and adjoining neighborhoods, widens and reroutes Hagerman Court, and reduces the number of vehicular access points and curb cuts on E. Maxwell Street.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as the request preserves two significant trees along the Stone Avenue, provides for clearly delineated open space, and incorporates street trees along all four frontages to create a walkable streetscape.
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.

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- ix. Stadium and exhibition halls.
 - 2. The property shall be developed with a minimum of 93 dwelling units per acre, or 200 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 meeting 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-23-00062: THE MAXWELL (LYNDHURST SUBDIVISION) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

Commission Comments and Questions – Mr. Michler stated that he did not think this area fit into the Downtown Place-Type as it was not the urban epicenter of commerce and entertainment. Mr. Michler also inquired about the differences between an R-4 and an R-5 zone. Mr. Crum indicated that the main differences included allowable heights, floor area ratios, and densities.

Mr. Michler asked if there was any discussion from Staff about adding conditions that the applicant would have to add vegetative areas or open space requirements and Mr. Crum stated that there was. Additionally, Mr. Crum noted the applicant's proximity to local parks as well as the walkability to other downtown amenities.

Mr. Michler also asked if it was possible to add open space/green space incentives into this plan and Ms. Wade indicated that it was if the Planning Commission wished to have open space elements on the development plan. Additionally, Mr. Michler wanted to put in the record that the Downtown Master Plan called for 45 feet maximum height in residential areas.

Finally, Mr. Michler asked about the term "underutilized" that Mr. Crum used in his presentation, and what is the reasoning for using that word. Mr. Crum indicated that is reflective on the development pattern as a whole, and showcased the empty parking lot behind the properties to show that the properties were being underutilized. Additionally, Mr. Crum stated that was not meant to besmirch single-family residents at all.

Mr. Nicol asked if there was any contact with the University of Kentucky and what their student housing needs may be and Mr. Crum indicated that the applicant could go into greater detail about that.

Development Plan Presentation – Mr. Tom Martin oriented the Planning Commission to the location and proposed development of the subject property. Mr. Martin stated that the applicant is proposing 275 units and 700 beds and showcased the various open space/greenspace areas around the property. Mr. Martin reiterated the 75 foot height, and mentioned that the height changes around the garage to 45 feet. Additionally, Mr. Martin highlighted the three access points to the garage from Lexington Avenue, Hagerman Court, and Stone Avenue. Mr. Martin also commented that Urban County Council will have to release the public right-of-way on Hagerman Court.

Mr. Martin continued showcasing the aspects of the property and noted the trash compactor in the rear and noted that if this is approved, the applicant would have to detail stormwater solutions, as well as show the 10 foot setback on the final development plan.

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

Commission Comments and Questions – Mr. Pohl stated that he did not see any offsets in the development plan. Mr. Martin stated that the applicant will have to show that they will comply with that and that generally with 2-D development plans, Staff asks to show that where they can.

Mr. Pohl also asked what the back of the building will look like and Mr. Martin stated that the applicant could address that question.

Ms. Meyer asked about who makes the decisions on what kind of materials will be used on the property and Mr. Martin indicated that Staff works with the applicant with that because of KRS and what Staff can actually require.

Mr. Michler asked about the location of the trash compactor next to residential properties and Mr. Martin's perspective on moving the compactor to inside the building. Mr. Martin stated that the factors would include the grade change, the height of the parking garage ceiling, and public safety's need to get inside the garage if there is an emergency. He opined that would be a good discussion for a final development plan. Mr. Michler also asked if the current denotation could be removed and discussed at the time of the final development plan and Mr. Martin indicated that it could.

Mr. Michler inquired if 10-15% of open space could be met at this development and Mr. Martin stated he thought it was possible, and worthy of discussion.

Mr. Pohl asked if there was any concern about approving a Downtown Place-Type that is not in the downtown core. Mr. Crum stated that Staff was looking at the whole of the downtown area and gave the example of a recent zone change on Midland as a justification. In that zone change, the Downtown Place-Type was used and Staff and the Planning Commission deemed it appropriate. Additionally, Mr. Crum indicated that there is a B-2A zoned property with the Downtown Place-Type a block away from this property.

Mr. Pohl also asked if this area of College Town will look more like the downtown core or more like Aylesford, and Mr. Crum indicated that Staff cannot predict future development but this area already borders downtown and could possibly get growth pressure from both sides.

Finally, Mr. Pohl asked if there were multi-family design standards that were not being met by the project and Mr. Martin indicated that there was great discussion about the orientation of the building but the applicant had gone to great lengths to meet that as well as pedestrian access.

Applicant Presentation – Mr. Jon Woodall, attorney for the applicant, began by stating that the development has gone through many iterations and with extensive discussions with Staff, is where it is today. Mr. Woodall began by showing a letter from the University of Kentucky that stated that this development would bring much needed housing assistance to the University of Kentucky. Additionally, Mr. Woodall admitted that the initial renderings were made to mirror those of the dormitories and housing on campus.

Mr. Woodall reiterated the information that Mr. Crum and Mr. Martin presented and gave a timeline of the application since July. In meetings with the Aylesford and Transylvania Park neighborhoods, it became clear that the initial renderings were too dorm-like and not architecturally nuanced. Due to those meetings and the committee meetings, the applicant went back to the drawing board, worked with Staff and got to the rendering and development plan that is being presented today.

Mr. Woodall argued that this location bridges the gap between downtown and the University of Kentucky's campus and showcased a portion of the University of Kentucky's Master Plan that stated as such. Mr. Woodall also noted that almost 90% of the properties in this vicinity are either occupied by renters or owned by the university. Mr. Woodall acknowledged that the neighborhood does not want this, but that does not remove the applicant's obligation to fit in. Mr. Woodall stated the intention was to make this property feel like it had a front-porch feel, and less like a dorm.

Mr. Woodall concluded that this process is how the planning process is supposed to be, agreed with Staff's recommendations, and indicated that he could answer any questions from the Planning Commission.

Commission Comments and Questions – Ms. Worth asked Mr. Woodall if there were any renderings of what the interior of the property would look like and Mr. Woodall stated that they did not currently have those available.

Mr. Nicol asked what the overall cost and economic impact for a development like this and Mr. Woodall stated that any project like this is over 50 million dollars. Additionally, Mr. Nicol asked for a comparable project and Mr. Woodall stated that The Hub or the university's housing across the street are comparable.

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Mr. Michler asked Mr. Woodall why the trash compactor could not be incorporated inside the property and Mr. Jihad Hallany stated that he thought the location could be discussed at the time of the final development plan and was open to putting it inside the garage.

Additionally, Mr. Michler asked for a best guess on what percentage of the property would include greenspace and would the spaces have some sort gardens. Mr. Hallany indicated that it is currently at around seven percent and that there would be space to grow small gardens.

Mr. Woodall indicated to Mr. Pohl that the back of the building will be constructed of the same material as the front.

Mr. Michler also asked the applicant to expand on the materials that would be used and Mr. Hallany and Mr. Woodall indicated that it would be most hardy board, stone, and brick in keeping with the community.

Citizen Comments – Jessica Winters, attorney for the Aylesford Place Neighborhood Association, opined that the proposed development is not appropriate in this location and is not in agreement with the Comprehensive Plan. Additionally, Ms. Winters indicated that the development was too dense for this neighborhood and that the Downtown Place-Type is not appropriate. Finally, Ms. Winters indicated that the university's housing shortage does not justify the development and should not outweigh the destruction of the Aylesford Place neighborhood.

Zach Leonard, expert witness for Ms. Winters, stated that the homes demolished are architecturally varied and provide enrichment to the neighborhood. Additionally, he stated that the homes, while being poorly kept, still retain a strong foundation and are not beyond repair.

Kathy Reynolds, 138 S. Hanover Street, representing the Kappa Kappa Gamma sorority. She felt that putting an apartment complex in the middle of a residential area made no sense.

David Eggers, 150 Penmoken Park, rents several homes in the area that are used as sober living homes. He opposes the redevelopment because it would hinder the work of their organization.

Johnathan Coleman, Executive Director of The Bluegrass Trust, felt that the demolition of the homes was egregious. He said that Lexington should learn from their past mistakes and save these homes.

Jackson Osborne, The Bluegrass Trust, said that they had reached out through social media with a petition. He read several comments that had been sent in through the petition.

Kate Savage, 619 Columbia Avenue, felt that the University of Kentucky had taken over the area for student housing. She was concerned about the lack of parking, as well.

Wendy McAllister, 225 Stone Road, felt that the proposal did not fit the definition of infill. She displayed several photographs of the corridor which were modified to depict the proposed development. She felt that the height of the proposed building would be too tall. She was also concerned about the preservation of a tree on Stone Road.

Bill Johnston, 171 Old Georgetown Street, displayed an aerial photograph of the area, focusing on the houses that would be removed. He asked the Planning Commission to preserve the houses.

Peggy McAllister, 225 Stone Road, stated that there were not enough parking spaces for the number of people that would be living in the apartments. She displayed pictures of other homes where parking was a problem.

Ginny Daley, Fayette County Neighborhood Council, stated that they supported the concerns of the Aylesford Neighborhood. She said that the area in question was different than the downtown business area.

John Michler, 415 E. Maxwell Street, felt that the development was out of scale with the existing neighborhood.

Ian Haight, 3767 Winchester Road, read a statement (submitted) by Kevin Benzie, who owns homes on Hagerman Court. He was opposed to the proposal.

Maureen Peters, 276 Lexington Avenue, stated that she was opposed to the proposal because of the historic nature of the buildings being removed. She was concerned that there hasn't been a new traffic study to cover rideshares, and deliveries. She was also concerned that the new structure would block sunlight from her home.

Jim Dickenson, 368 Transylvania Park, felt that the property was not a downtown development area. He said that the additional housing may not even be needed in the future. He said that the new building would have inferior materials compared to the existing homes.

Blake Hall, 36 Richmond Avenue, supported the project. He said that there were multiple examples of seven story buildings in the area. He felt that the homes were old, not historic. He reminded the Commission that nothing changed after the last zone change was denied.

Applicant Rebuttal – Mr. Jon Woodall stated that he understood the opposition from the neighborhood, but the arguments are an empty wagon. Mr. Woodall argued that if this development was not approved, those houses would not be saved or improved, and instead the owner of the property will find another development type to go in its place. Mr. Woodall stated that at the end of the day, this is not an H-1 overlay area and the development is much needed in this area.

Mr. Woodall stated that Staff is correct and this development is an efficient use of a downtown property and an infill development. Mr. Woodall concluded his comments by stating the applicant agrees with Staff's recommendations and conditions.

Citizen Rebuttal – Jessica Winters, attorney for the Aylesford Place Neighborhood Association, reiterated that the application is not in agreement with the Comprehensive Plan and its development criteria. Finally, Ms. Winters concluded her comments by proposing findings for disapproval and urged the Planning Commission disapprove this zone change.

Staff Rebuttal – Mr. Crum began his rebuttal by stating that when looking at historic preservation, Staff tries to see if the properties are indicative of a time and a period that are being preserved and attained anywhere else, and that answer is yes. There are houses very similar to those here, but as the properties are not in the H-1 overlay they could be demolished. Mr. Crum also indicated that the Comprehensive Plan is calling for more density and to provide more housing and this property is doing that while attempting to maintain compatibility in the area. Additionally, Mr. Crum stated that the subject development would increase transportation options and connectivity in this area. Mr. Crum stated that while the property was losing tree canopy in the rear parking lot, several trees would be retained.

Mr. Crum concluded by reiterating that Staff is recommending approval of this zone change at this time.

Commission Comments and Questions – Mr. Michler asked if adult entertainment establishments and stadium and exhibition halls were allowable uses in this proposed zone. Mr. Crum indicated that the adult entertainment establishments have a residential separation requirement and Ms. Wade indicated the stadium and exhibition halls are a principal use in the proposed zone.

Mr. Wilson asked what the recommended number of parking spaces for 700 beds is and Mr. Crum indicated that parking minimums have been eliminated so it is a development by development basis.

Mr. Nicol stated that he thought the short 1,000 feet from downtown made this a great spot for a development like this.

Mr. Michler asked if a parking report was provided for this development and Mr. Crum indicated there was and Staff deemed the number provided appropriate for the development. Ms. Wade also indicated that a parking demand study is not required in the B-2A zone.

Ms. Meyer asked if this property were to stay in the R-4 zone, would the changes come to the Planning Commission and Mr. Martin indicated only if there were multiple structures on one lot. Otherwise it would be reviewed by Building Inspection.

Mr. Owens stated that he thought if this was not approved, you would just see the neighborhood continue to be more rentals in older homes. Further, Mr. Owens indicated he thought it was time to adjust and move forward with the development.

Ms. Worth stated that while she wished there was a "white knight" that would save these historic houses, she thought that this was a much better alternative than the student housing that is currently there.

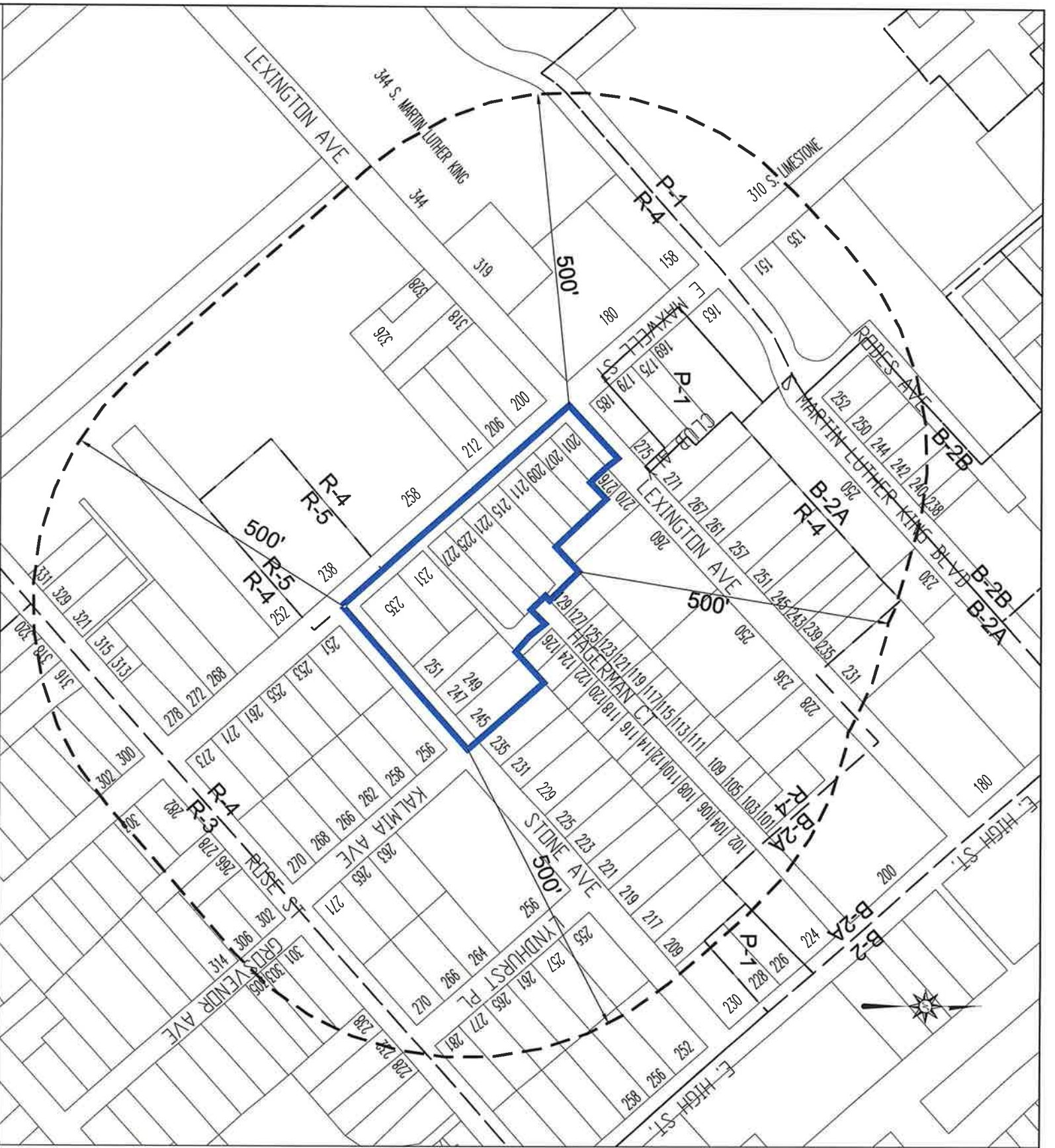
Mr. Michler stated that he grew up on East Maxwell Street, and he genuinely believes this is a walkable area close to downtown, and he thinks this a great location to live. Mr. Michler thought that finding the right balance between greenspace and density was key and that the developer has come a long way from where they were initially. He said he was going to support this proposal because he wants people to live in this neighborhood.

Mr. Pohl stated that he agreed with Mr. Michler, and added that while he thinks they are getting closer to the context and look of the neighborhood, he does not think the applicant is quite there yet. Additionally, Mr. Pohl mentioned he would like to see a condition that dealt with height of the property facing East Maxwell.

Mr. Owens stated that the thought this was a much better plan from the initial plan in 2019, and should get better at the time of the final development plan.

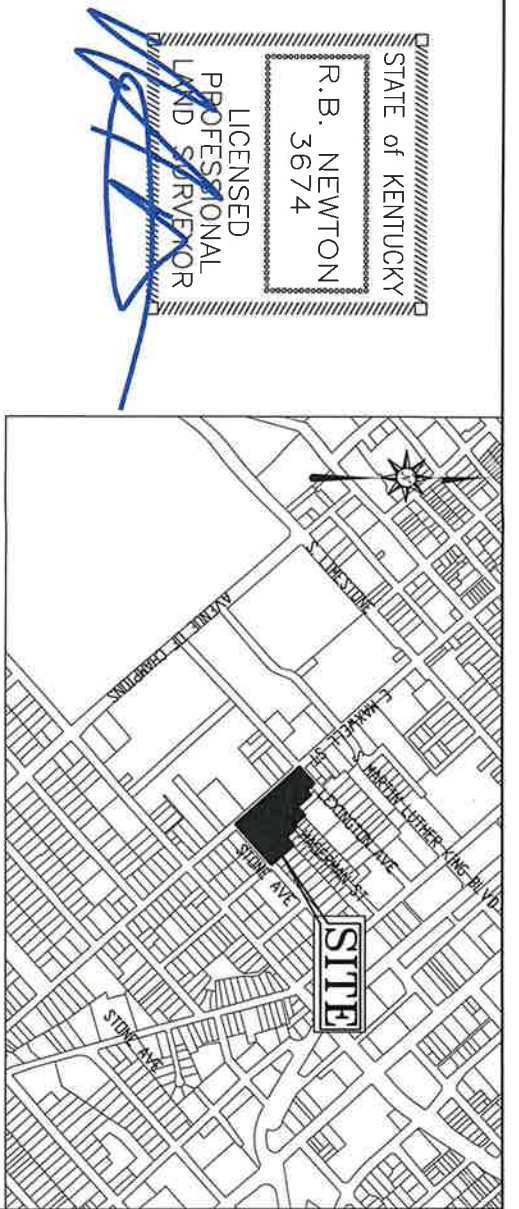
Action – Mr. Owens made a motion, seconded by Mr. Wilson, and carried 9-0 (Davis absent), to approve PLN-MAR-23-00016: STAVROFF LAND & DEVELOPMENT, INC as recommended by Staff, with the 7 recommended zoning restrictions, adding automobile service stations, adult entertainment establishments and stadium and exhibition halls as prohibited uses.

Action – Mr. Owens made a motion, seconded by Mr. Wilson and carried 9-0 (Davis absent), to approve PLN-MJDP-23-00062: THE MAXWELL (LYNDHURST SUBDIVISION) with the revised 11 conditions, deleting condition #11.



NOTIFICATION MAP

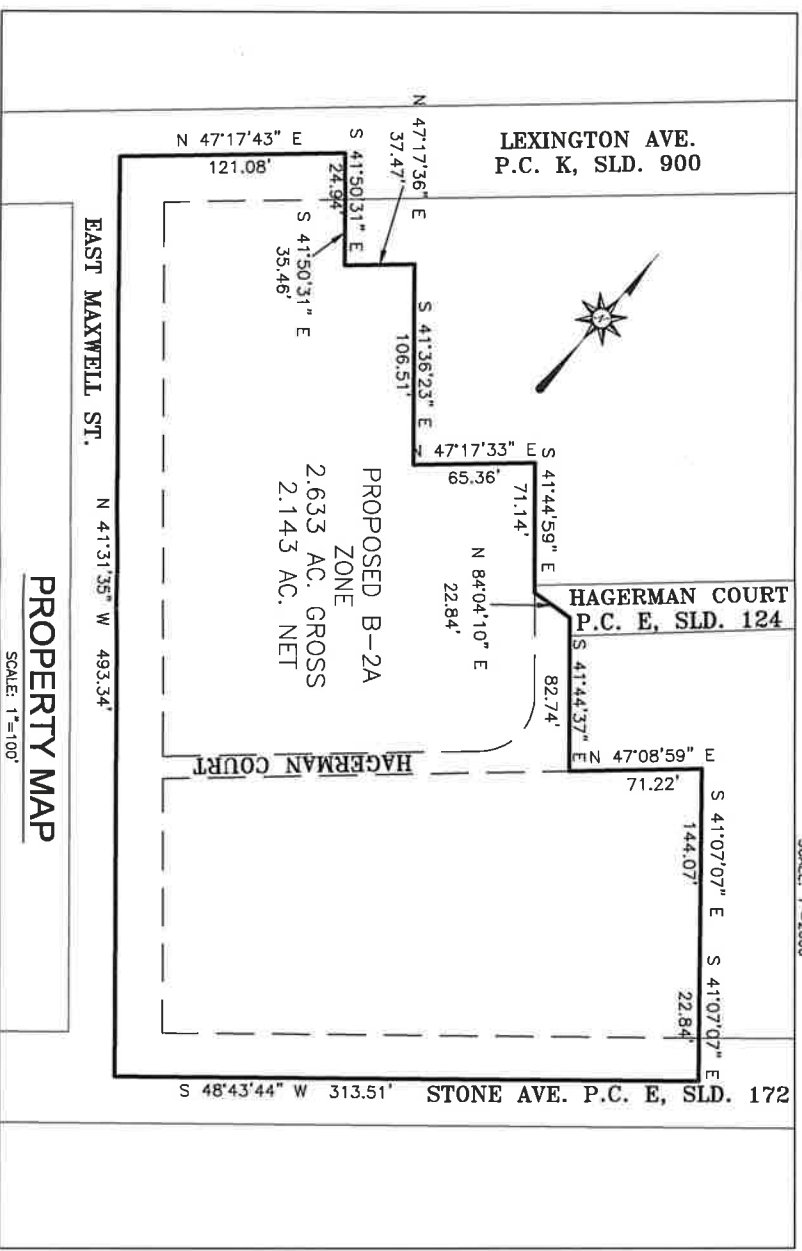
SCALE: 1" = 200'



VICINITY MAP

SCALE: 1" = 2000'

STATE OF KENTUCKY
R.B. NEWTON
 3674
 LICENSED PROFESSIONAL LAND SURVEYOR



PROPERTY MAP

SCALE: 1" = 100'

ZONAR:	TITLE: THE MARSHALL LEXINGTON	FROM	TO	GROSS	NET
PROPERTY ADDRESSES:		R-4	B-2A	2,633	2,143
201, 207, 209, 211, 215, 221, 225, 227,					
231, 235 E MAXWELL & 245, 247, 249,					
251 STONE AVENUE					
TOTAL				2,633	2,143

OWNER: FFF MAX LLC & THETA OF KAPPA ALPHA HOUSING CORP. LLC
 1515 LAKE SHORE DR, STE 250
 COLUMBUS, OH 43204

PREPARED BY: VISION ENGINEERING, LLC

DATE FILED OR AMENDED: SEPT. 5 2023