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March 3, 2025

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

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

Dear Members of the Planning Commission:

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

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

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

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

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

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

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

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

THEME A: GROWING & SUSTAINING SUCCESSFUL NEIGHBORHOODS.

GOAL 1: EXPAND HOUSING CHOICES.

OBJECTIVES:

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

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

OBJECTIVES:

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

GOAL 3: PROVIDE WELL-DESIGNED NEIGHBORHOODS AND COMMUNITIES.

OBJECTIVES:

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

THEME B: PROTECTING THE ENVIRONMENT.

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

OBJECTIVES:

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

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

OBJECTIVES:

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

THEME D: IMPROVING A DESIRABLE COMMUNITY.

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

OBJECTIVES:

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

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

OBJECTIVES:

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

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

GOAL 1: UPHOLD THE URBAN SERVICE AREA CONCEPT.

OBJECTIVES:

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

Placebuilder

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

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

Standards That Are Applicable to Our Proposal

LAND USE

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

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

TRANSPORTATION, CONNECTIVITY, AND WALKABILITY

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

ENVIRONMENTAL SUSTAINABILITY AND RESILIENCY

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

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

SITE DESIGN

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

BUILDING FORM

- A-DS3-1 Multi-family residential developments should comply with the Multi-family Design Standards in Appendix A. This is being done as documented below.
- A-DS4-2 New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context. This development is at an appropriate scale for the Downtown area and its intent to encourage high-density mixed-use developments in a compact, walkable, and sustainment manner on a major corridor.
- A-DS5-3 Building orientation should maximize connections with the street and create a pedestrian-friendly atmosphere. This is being done.
- D-PL2-1 Development should provide active first floor uses whenever adjacent to a street, pedestrian facility, or community focused open space. This development is a mixed-use development adjacent with an activated first floor featuring a neighborhood-

focused retail component.

Standards Not Applicable

LAND USE

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

TRANSPORTATION, CONNECTIVITY, AND WALKABILITY

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

ENVIRONMENTAL SUSTAINABILITY AND RESILIENCY

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

SITE DESIGN

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

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

BUILDING FORM

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

Multi-Family Design Standards

SITE PLANNING

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

OPEN SPACE & LANDSCAPING

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

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

ARCHITECTURAL DESIGN

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

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

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

Stoll Keenon Ogden PLLC

A handwritten signature in blue ink, appearing to read "N. Nicholson", is positioned above the printed name.

Nick Nicholson