

ORDINANCE NO. 057 - 2023

AN ORDINANCE CHANGING THE ZONE FROM A NEIGHBORHOOD BUSINESS (B-1) ZONE, A LIGHT INDUSTRIAL (I-1) ZONE, AND A MIXED USE COMMUNITY (MU-3) ZONE TO A DOWNTOWN FRAME BUSINESS (B-2A) ZONE, FOR 2.93 NET (3.61 GROSS) ACRES, FOR PROPERTY LOCATED AT 262-276 MIDLAND AVENUE AND 604 WINCHESTER ROAD. (UCD MIDLAND, LLC; COUNCIL DISTRICT 3).

WHEREAS, at a Public Hearing held on April 27, 2023, a petition for a zoning ordinance map amendment for property located at 262-276 Midland Avenue and 604 Winchester Road from a Neighborhood Business (B-1) zone, a Light Industrial (I-1) zone and a Mixed Use Community (MU-3) zone to a Downtown Frame Business (B-2A) zone, for 2.93 net (3.61 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 9-0; and

WHEREAS, the Urban County 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 262-276 Midland Avenue and 604 Winchester Road from a Neighborhood Business (B-1) zone, a Light Industrial (I-1) zone and a Mixed Use Community (MU-3) zone to a Downtown Frame Business (B-2A) zone, for 2.93 net (3.61 gross) acres, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 – 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 3 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: June 15, 2023


MAYOR

ATTEST:


CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: June 22, 2023-1t

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Rec'd by _____

Date: _____

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

IN RE: **PLN-MAR-23-00004: UCD MIDLAND, LLC** - a petition for a zone map amendment from a Neighborhood Business (B-1) zone, a Light Industrial (I-1) zone, and a Mixed Use Community (MU-3) zone to a Downtown Frame Business (B-2A) zone, for 2.93 net (3.61 gross) acres, for property located at 262-276 Midland Avenue and 604 Winchester Road. (Council District 3)

Having considered the above matter on April 27, 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 **APPROVAL** of this matter for the following reasons:

1. The requested Downtown Frame Business (B-2A) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed project will encourage expanded housing choices (Theme A, Goal #1), prioritizing higher density housing by adding 182 additional residential dwelling units (Theme A, Goal #1.a).
 - b. The proposed rezoning supports infill and redevelopment by infilling an industrial area that is now more appropriate for residential or mixed-use projects (Theme A, Goal #2.a; Theme E, Goals #1.c, 1.d).
 - c. The proposed project will prioritize multi-modal options to de-emphasize single occupancy vehicle dependence (Theme B, Goal #2.d), and support the Complete Streets concept, prioritizing a pedestrian first design that also accommodates the needs of bicycle, mass transit, and other vehicles (Theme D, Goal 1.a).
2. The requested Downtown Frame Business (B-2A) zone is in agreement with the 2018 Comprehensive Plan's Policies, for the following reasons:
 - a. The proposed rezoning will give this area additional flexibility in uses, allowing the applicant to create walkable neighborhood amenities that will help supplement the surrounding residential and commercial land uses (Density Policy #3 and Design Policy #12).
 - b. The proposed development creates a pedestrian-friendly street pattern and more walkable blocks to create inviting streetscapes (Design Policy #5).
 - c. The request meets Livability Policy #6 by providing the opportunities to accommodate additional residential and amenity opportunities that appeal to young professionals.
3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the recommendations for Site Design, Building Form and Location. The applicant's proposal intensifies an underutilized site and creates a mixed-use development that prioritizes higher density residential. The proposed development provides safe pedestrian-scale connections to adjacent community facilities, greenspace, and potential employment, business, shopping, and/or entertainment uses.
 - b. The proposed rezoning addresses the Transportation and Pedestrian Connectivity Development Criteria. The proposed development provides increased access to planned trail systems, incorporates direct pedestrian linkages to the nearby transit stop, and provides safe multi-modal connections to the development.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase the amount of green open space, tree canopy coverage, and reduce the overall amount of

impervious surface on-site. Additionally, the proposed development will add street trees along the Midland Avenue frontage.

4. This recommendation is made subject to approval and certification of PLN-MJDP-23-00015: Arthur E Abshire Property (Lexington Cut Stone & Marble Tile Co.), 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 12th day of May, 2023.


Secretary, Jim Duncan

LARRY FORESTER
CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by July 26, 2023.

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

OBJECTORS

- Bruce Simpson
- Tyler Wilson, 628 Winchester Road
- Kristan Curry, 3608 Hartland Parkway
- Jonas Bastien

OBJECTIONS

- Has concerns with pedestrian connectivity and the property's connection to the sewers.
- Has concerns about vehicular safety at Owen Avenue.
- Has safety concerns due to the amount of traffic and the tractor-trailers.
- Has concerns about the traffic, lack of commercial space, and the buffer fence to the south.

VOTES WERE AS FOLLOWS:

AYES: (9) Bell, Davis, de Movellan, Forester, Meyer, Michler Nicol, Pohl, and Worth
NAYS: (0)
ABSENT: (2) Penn and Barksdale
ABSTAINED: (0)
DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-23-00004** 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: UCD MIDLAND, LLC, 128 S HANOVER AVE, LEXINGTON, KY 40502
Owner(s): LEX CUT STONE & MARBLE TILE CO, PO BOX 950, LEXINGTON, KY 40588 LEX CUT STONE MARBLE, 276 MIDLAND AVE, LEXINGTON, KY 40508 LEX CUT STONE MARBLE & TILE CO, 276 MIDLAND AVE, LEXINGTON, KY 40508
Attorney: CHRIS CLENDENEN, 250 W MAIN STREET, STE 2510, LEXINGTON, KY 40507

2. ADDRESS OF APPLICANT'S PROPERTY

262, 266, 270, 276 MIDLAND AVE, LEXINGTON, KY 40508 AND 604 WINCHESTER RD, LEXINGTON, KY 40508
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3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

Zoning	Existing Use	Requested		Acreage	
		Zoning	Use	Net	Gross
B-1	Cut Stone and Landscaping Business	B-2A	Mixed-Use	0.77	1.10
MU-3		B-2A		0.29	0.29
I-1		B-2A		1.87	2.22

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 NON-RESIDENTIAL / MIXED-USE

5. EXISTING CONDITIONS

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

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

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



MURPHY & CLENDENEN, PLLC

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Chris@MurphyClendenen.com

RICHARD V. MURPHY
CHRISTOPHER M. CLENDENEN

Mr. Larry Forester, Chairman
Members of the LFUCG Planning Commission
200 E Main Street
Lexington, KY 40507

March 6, 2023

RE: Proposed Zone Change for 262, 266, 270, 276 Midland Avenue and 604 Winchester Road

Dear Mr. Chairman and Members:

Our firm represents the Applicant, UCD Midland, LLC, in this matter before the Commission in which our client seeks a zone map amendment and approval of a preliminary development plan for five lots known and designated as 262/266/270/276 Midland Avenue and 604 Winchester Road. The lots currently contain the principal office of the Lexington Cut Stone, Marble & Tile Company. The property is fronted by the intersection of Winchester Road and Midland Avenue along what is commonly referred to as the "curve" before changing to Third Street and before reaching the "Herald-Leader Building" now owned by the Fayette County Public School System.

UCD Midland is requesting a zone change from the current combination of the B-1 (Neighborhood Business), M-U (Mixed Use), and I-1 (Light Industrial) zones to B-2A (Downtown Business Frame) for all of the lots. The proposed development plan calls for the construction of two (2) residential apartment buildings, each with five (5) floors, and with one of the buildings providing retail on the first floor.

Description of Project:

The five-lot site is comprised of 2.85 acres along Winchester Road and Midland Avenue situated in the Midland Shoppes Area of Lexington. It is adjacent to the Lexington Design Center and is across the street from the DV8 Kitchen, and near both the Met Apartments and the Isaac Murphy Memorial Gardens. The zone change is requested to allow the construction of two apartment buildings designed to complement each other, provide shared amenities, and create an estimated 182 residential dwelling units between the two buildings.

Goals and Objectives of the 2018 Comprehensive Plan:

The proposed zone change to B-2A agrees with the Goals and Objectives of the 2018 Comprehensive Plan. This application overwhelmingly meets the criteria of the Themes and Goals as follows:

- Theme A Goal 1(b) Accommodate the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types.

This proposal prioritizes higher density housing by adding 182 additional residential dwelling units.

- Theme A Goal 2(a) Identify areas of opportunity for infill, redevelopment, adaptive reuse, and mixed use development.

This property is currently zoned for neighborhood business, mixed use, and light industrial and is comprised of 2.85 acres. This project takes this land and repurposes it from commercial/industrial use to provide much needed housing opportunities within the downtown infill development area. While largely residential, the project does provide a mixed use through a retail storefront.

- Theme B Goal 2(d) Prioritize multi-modal options to de-emphasize single occupancy vehicle dependence.

This proposal incorporates 22 bicycle rack spaces as well as interconnection with the walking trail system and Lex Tran to de-emphasize dependency on single occupancy vehicle use for travel.

- Theme D Goal 1(a) Support the Complete Streets concept, prioritizing a pedestrian first design that also accommodates the needs of bicycle, mass transit, and other vehicles.

Situated along Midland Avenue, this proposed project will also incorporate and provide a priority connection with the Town Branch Commons Greenway for bikers and walkers from Midland Avenue to Vine Street to the Rupp District and beyond. It is within walking distance and biking distance to the heart of downtown.

- Theme E Goal 1(d) Maximize development on vacant land and unimproved lots within the Urban Service Boundary and promote redevelopment of underutilized land in a manner that enhances existing urban form and/or historic features.

This project takes and repurposes, through adaptive reuse, land previously used for light industrial and commercial retail. The land is utilized for housing instead and also at a high density, saving space while maintaining the current land boundary.

Engagement:

Representatives of the applicant and developer have arranged for and are currently scheduled to meet with members of the Bell Court Neighborhood Association and the Mentelle Neighborhood Association on March 15, 2023, as well as the Williams Wells Brown Neighborhood Association and the Midlands Condominium Association on March 16, 2023.

Place Type/Development Type/Requested Zone Change:

The proposed development fits within the Downtown category and HNRMU (High Density Non-Residential Mixed Use) under the Placebuilder criteria of the Comprehensive Plan. Downtown is the most appropriate place type and HNRMU the most appropriate development type, because at its core,

the project involves mid-rise buildings offering dense residential uses and provides for a variety of transportation options. Further, the project prioritizes density, ground level pedestrian engagement, trail head connection, multi-modal options, and appropriate transition to urban and historic neighborhoods. The applicant is seeking a zone change to B-2A, which is a recommended zone for this place type.

Development Criteria: Downtown/High Density Non-Residential Mixed Use

The following are some of the criteria which are either not included on the development plan or warrant further discussion:

Site Design Building Form & Location:

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

Building design is oriented toward the street front. In addition to widened pedestrian sidewalks and social hub area there are connections to the Town Branch Commons Greenway for pedestrian access to downtown area and adjoining neighborhoods.

A-DS5-4 Development should provide a pedestrian oriented atmosphere and activated ground level.

The project incorporates widened sidewalks that merge into walking paths/greenways that tie into trailheads that are connected for pedestrians and various modes of transportation. Corner outdoor plaza area serves as social gathering hub for the community.

A-DS10-1 Residential units should be within reasonable walking distance to a focal point.

High density residential units situated within pedestrian community-wide masterplan for easy access to focal points such as the DV8 Kitchen, Isaac Murphy Memorial Art Garden and the Met, the National Ave bar and restaurant district and downtown Lexington.

A-DN1-1 High density residential development (HR) should be located on corridors and downtown.

The project is designed for two high density residential multi-family apartment buildings and is situated at the intersection of Midland and Winchester Road (Third Street) which is located in the downtown area.

C-LI6-1 Developments should incorporate multi-family housing and walkable commercial uses into development along arterials/corridors

High density residential apartment buildings integrated with community greenspace areas and retail component along major arterial Midland Avenue and Winchester Road.

C-LI7-1 Developments should create mixed use neighborhoods with safe access to community facilities, greenspace, employment, business, shopping and entertainment.

Development incorporates high density multi-family housing with pedestrian friendly access to greenway/walking trail system with retail component. Includes safe and easy access to downtown and University employment, historic neighborhoods, entertainment, dining, and increased greenspace.

E-GR9-4 Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods.

This project takes underutilized commercial and industrial space and repurposes it for high density residential use. Creates 182 new housing unit where there are presently none.

E-GR10-2 Developments should provide walkable service and amenity oriented commercial spaces.

The project design incorporates and provides for a corner retail/public space. This is accessible for the building residents but also for the Downtown/ East End residents as well.

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

The project provides for connectivity that links to LexTran and the Town Branch Commons greenway/trail system and Legacy Trail through its expanded sidewalks fronting the project along the arterial.

A-DS5-1 Adequate multi-modal infrastructure should be provided to ensure vehicular from other modes of transport.

Bicycle racks, pedestrian walkway system, and integration with the existing transit stop in front of the project provides separate transportation access from vehicular transport.

D-CO2-1 Safe facilities for all users and modes of transportation should be provided.

Integration with Lexington's three major trail systems that meet at Isaac Murphy Memorial Art Garden will include potential accommodation of the Brighton trail on the property, bicycle racks, and a transit stop in front of the project all provide for and encourage multi-modal forms of transportation. Additionally, adequate parking contained within the facility but with separation from other forms of transportation provides for safe operation of all forms of transportation.

A-EQ7-3 Community open spaces should be easily accessible and clearly delineated from private open spaces.

Project provides for open space community plaza in front of active retail area. There is a clear delineation between this public space and the private green space located within the rear of the development and oriented away front the front of the development.

B-PR7-1 Connections to greenways, tree stands, and stream corridors should be provided.

Development provides for widening of sidewalks and trail head connectivity to Town Branch Commons greenway trail system.

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

This project will increase the tree canopy over the existing coverage.

E-GR3-1 Physical and visual connections should be provided to existing greenway networks.

The project will create signage directing pedestrians and bicyclists to various links to the Town Branch Commons trail/greenway system.

No variances are requested by the Applicant at this time.

This proposal provides for essential residential multi-family housing opportunities for the community at a high density level. It makes the most and best use of the available land space for this and further, makes use of underutilized land situated within the Urban Service Boundary. It supports and is made in conformity with the Place Builder and is in agreement with the Goals and Objectives of the 2018 Comprehensive Plan.

Respectfully submitted,



Christopher M. Clendenen

CMC/prb

MURPHY & CLENDENEN, PLLC

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RICHARD V. MURPHY
CHRISTOPHER M. CLENDENEN

Mr. Larry Forester, Chairman
Members of the LFUCG Planning Commission
200 E Main Street
Lexington, KY 40507

March 3, 2023

RE: Proposed Zone Change for 262, 266, 270, 276 Midland Avenue and 604 Winchester Road

Dear Mr. Chairman and Members:

Our firm represents the Applicant, UCD Midland, LLC, in this matter before the Commission in which our client seeks a zone map amendment and approval of a preliminary development plan for five lots known and designated as 262/266/270/276 Midland Avenue and 604 Winchester Road. The lots currently contain the principal office of the Lexington Cut Stone, Marble & Tile Company. The property is fronted by the intersection of Winchester Road and Midland Avenue along what is commonly referred to as the "curve" before changing to Third Street and before reaching the "Herald-Leader Building" now owned by the Fayette County Public School System.

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This proposal prioritizes higher density housing by adding 182 additional residential dwelling units.

- Theme A Goal 2(a) Identify areas of opportunity for infill, redevelopment, adaptive reuse, and mixed use development.

This property is currently zoned for neighborhood business, mixed use, and light industrial and is comprised of 2.85 acres. This project takes this land and repurposes it from commercial/industrial use to provide much needed housing opportunities within the downtown development area.

- Theme B Goal 2(d) Prioritize multi-modal options to de-emphasize single occupancy vehicle dependence.

This proposal incorporates 22 bicycle rack spaces as well as interconnection with the walking trail system and Lex Tran to de-emphasize dependency on single occupancy vehicle use for travel.

- Theme D Goal 1(a) Support the Complete Streets concept, prioritizing a pedestrian first design that also accommodates the needs of bicycle, mass transit, and other vehicles.

Situated along Midland Avenue, this proposed project will also incorporate and provide a priority connection with the Town Branch Commons Greenway for bikers and walkers from Midland Avenue to Vine Street to the Rupp District and beyond. It is within walking distance and biking distance to the heart of downtown.

- Theme E Goal 1(d) Maximize development on vacant land and unimproved lots within the Urban Service Boundary and promote redevelopment of underutilized land in a manner that enhances existing urban form and/or historic features.

This project takes and repurposes, through adaptive reuse, land previously used for light industrial and commercial retail. The land is utilized for housing instead and also at a high density, saving space while maintaining the current land boundary.

Engagement:

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transportation options. Further, the project prioritizes density, ground level pedestrian engagement, trail head connection, multi modal options, and appropriate transition to urban and historic neighborhoods. The applicant is seeking a zone change to B-2A which is a recommended zone for this place type.

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A-DS5-4 Development should provide a pedestrian oriented atmosphere and activated ground level.

The project incorporates widened sidewalks that merge into walking paths/greenways that tie into trailheads that are connected for pedestrians and various modes of transportation. Corner outdoor plaza area serves as social gathering hub for the community.

A-DS10-1 Residential units should be within reasonable walking distance to a focal point.

High density residential units situated within pedestrian community-wide masterplan for easy access to focal points such as the DV8 Kitchen, Isaac Murphy Memorial Art Garden and the Met.

A-DN1-1 High density residential development (HR) should be located on corridors and downtown.

The project is designed for two high density residential multi-family apartment buildings and is situated at the intersection of Midland and Winchester Road (Third Street) which is located in the downtown area.

C-LI6-1 Developments should incorporate multi-family housing and walkable commercial uses into development along arterials/corridors

High density residential apartment buildings integrated with community greenspace areas and retail component along major arterial Midland Avenue and Winchester Road.

C-LI7-1 Developments should create mixed use neighborhoods with safe access to community facilities, greenspace, employment, business, shopping and entertainment.

Development incorporates high density multi-family housing with pedestrian friendly access to greenway/walking trail system with retail component. Includes safe and easy access to historic neighborhoods, entertainment, dining, and increased greenspace.

E-GR9-4 Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods.

This project takes underutilized commercial and industrial space and repurposes it for high density residential use. Creates 182 new housing unit where there are presently none.

E-GR10-2 Developments should provide walkable service and amenity oriented commercial spaces.

The project design incorporates and provides for a corner retail/public space. This is accessible for the building residents but also for the Downtown/ East End residents as well.

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

The project provides for connectivity that links to Lex Tran and the Town Branch Commons greenway/trail system through its expanded sidewalks fronting the project along the arterial.

A-DS5-1 Adequate multi-modal infrastructure should be provided to ensure vehicular from other modes of transport.

Bicycle racks, pedestrian walkway system, and integration with the existing transit stop in front of the project provides separate transportation access from vehicular transport.

D-CO2-1 Safe facilities for all users and modes of transportation should be provided.

Bicycle racks, pedestrian walkway system, and integration with the existing transit stop in front of the project provides for and encourages multi-modal forms of transportation. Additionally, adequate parking contained within the facility but with separation from other forms of transportation provides for safe operation of all forms of transportation.

A-EQ7-3 Community open spaces should be easily accessible and clearly delineated from private open spaces.

Project provides for open space community plaza in front of active retail area. There is a clear delineation between this public space and the private green space located within the rear of the development and oriented away front the front of the development.

B-PR7-1 Connections to greenways, tree stands, and stream corridors should be provided.

Development provides for widening of sidewalks and trail head connectivity to Town Branch Commons greenway trail system.

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

This project will increase the tree canopy over the existing coverage.

E-GR3-1 Physical and visual connections should be provided to existing greenway networks.

The project will create signage directing pedestrians and bicyclists to various links to the Town Branch Commons trail/greenway system.

No variances are requested by the Applicant at this time.

This proposal provides for essential residential multi-family housing opportunities for the community at a high density level.. It makes the most and best use of the available land space for this and further, makes use of underutilized land situated within the Urban Service Boundary. It supports and is made in conformity with the Place Builder and is in agreement with the Goals and Objectives of the 2018 Comprehensive Plan.

Respectfully submitted,



Christopher M. Clendenen

CMC/prb

ZONE CHANGE DESCRIPTION

262-276 MIDLAND AVENUE & 604 WINCHESTER ROAD

ZONE CHANGE FROM B-1, I-1, MU-3 TO B-2A

LEXINGTON, FAYETTE COUNTY, KENTUCKY

BEGINNING in the centerline of Midland Avenue being the common corner of 262 Midland Avenue (Lexington Cut Stone, Tile & Marble Company, DB 1802 Pg 341, Tract 3) and 218 Midland Avenue (Hanna Family Trust, DB 3096 PG 373):

1. North $81^{\circ}01'56.00''$ East, 204.50 feet to a point at a common corner with said Lexington Cut Stone (270 Midland Avenue, DB 1802, Pg 341, Tract 1),
2. With said Lexington Cut Stone, North $45^{\circ}46'04.00''$ East, 8.66 feet to a point,
3. Continuing with said Lexington Cut Stone, North $81^{\circ}01'56.00''$ East, 420.41 feet to a point,
4. Along a curve to the right with a radius of 178.24 feet, an arc length of 70.11 feet and a chord South $87^{\circ}41'58.16''$ East, 69.66 feet to a point,
5. North $13^{\circ}34'07.68''$ East, 6.00 feet to a point in the Winchester Road centerline,

Thence with said Winchester Road centerline for two (2) lines:

1. Along a non-tangent curve to the right with a radius of 184.24 feet, an arc length of 68.67 feet and a chord South $65^{\circ}45'14.10''$ East, 68.27 feet to a point,
2. South $55^{\circ}04'35.88''$ East, 12.77 feet to a point,

Thence leaving said Winchester Road centerline and with said Weiland for seven (6) lines:

1. South $34^{\circ}55'24.12''$ West, 41.00 feet to a point at a common corner with James R Weiland, LLC (610 Winchester Road, DB 3693, Pg 678, Tracts 5 & 6);
2. South $28^{\circ}30'26.00''$ West, 67.87 feet to a point,
3. South $12^{\circ}00'18.94''$ West, 79.87 feet to a point,
4. South $78^{\circ}15'05.84''$ East, 19.84 feet to a point,

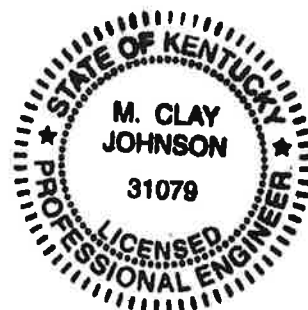
5. South $10^{\circ}07'57.11''$ West, 35.75 feet to a point at a common corner with said Lexington Cut Stone (270 Midland Avenue, DB 1532, Pg 736)
6. Continuing with said Weiland and Lexington Cut Stone, South $75^{\circ}08'05.36''$ East, 252.12 feet to a point in the Owen Street centerline,

Thence leaving said Weiland and with said Owen Street centerline, South $35^{\circ}01'35.96''$ West, 48.41 feet to a point at a common corner with James R Weiland (223 Owen Street, DB 3693, Pg 678, Tract 2); thence leaving said Owen Street centerline and with said Weiland for six (6) lines:

1. North $74^{\circ}40'19.22''$ West, 21.24 feet to a point,
2. North $74^{\circ}39'53.48''$ West, 44.71 feet to a point,
3. North $76^{\circ}00'59.21''$ West, 98.00 feet to a point,
4. North $77^{\circ}34'59.21''$ West, 97.35 feet to a point,
5. North $79^{\circ}55'59.21''$ West, 98.00 feet to a point,
6. North $81^{\circ}37'59.21''$ West, 56.68 feet to a point at a common corner with said Hanna Family Trust,

Thence leaving said Weiland and with said Hanna Family Trust for six (6) lines:

1. North $84^{\circ}54'37.95''$ West, 215.09 feet to a point,
2. North $87^{\circ}51'21.95''$ West, 81.04 feet to a point,
3. North $89^{\circ}53'44.95''$ West, 158.32 feet to a point,
4. North $20^{\circ}58'13.95''$ West, 50.82 feet to a point,
5. North $40^{\circ}00'08.95''$ West, 61.36 feet to a point,
6. North $08^{\circ}58'04.00''$ West, 40.00 feet to a point to the point of beginning, containing 157,073 square feet, 3.61 acres gross; 127,619 square feet, 2.93 acres net.



UCD MIDLAND, LLC (PLN-MAR-23-00004)

262, 266, 270, 276 MIDLAND AVENUE &
604 WINCHESTER ROAD

Rezone the property to establish a mixed-use development.

Applicant

UCD MIDLAND, LLC
138 S Hanover Street
Lexington, KY 40508
Attorney: chris@murphyclendenen.com

OWNER

LEX CUT STONE MARBLE
276 Midland Avenue
Lexington, KY 40508

Application Details

Acreage:

2.93 (3.61 gross) acres

Current Zoning:

Neighborhood Business (B-1) zone, Light Industrial (I-1) zone, Mixed Use (MU-3) zone

Proposed Zoning:

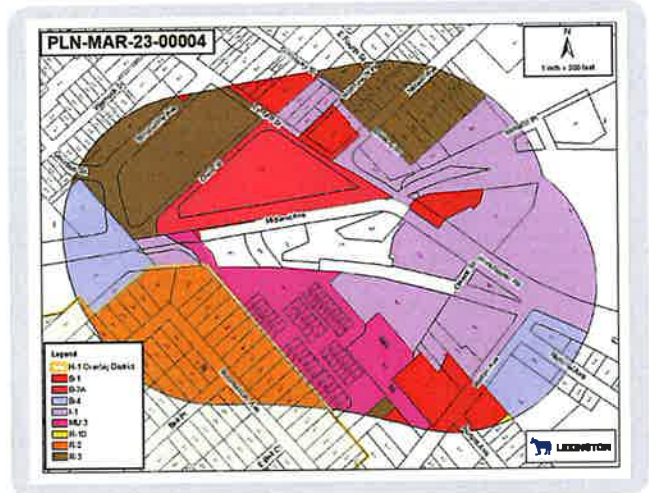
Downtown Frame Business (B-2A) zone

Place-type / Development Type:

Downtown
High Density Non-Residential/ Mixed Use
For more information about the Downtown Place-Type see Imagine Lexington pages 273-278. For more information on the High Density Non-Residential/ Mixed Use Development Type see page 271.

Description:

The applicant is seeking to construct a five-story mixed-use development consisting of 182 residential units, with ground floor retail space and parking structure.



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

Public Engagement

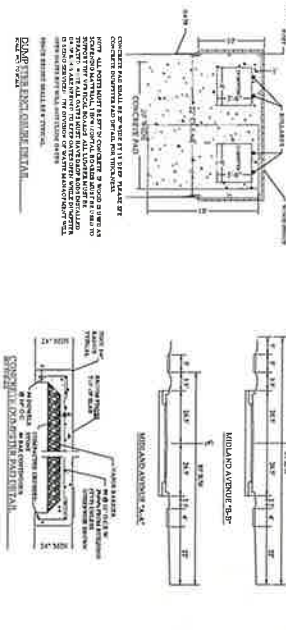
- The applicant conducted neighborhood meetings with the Bell Court, Mentelle, and William Wells Brown Neighborhood Associations, as well as the Midlands Home Owner Association to discuss the proposal.

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

Development Plan

REVISIONS

REVISION	DATE	DESCRIPTION
1	03/21/2023	Final Development Plan
2	03/21/2023	Final Development Plan
3	03/21/2023	Final Development Plan
4	03/21/2023	Final Development Plan
5	03/21/2023	Final Development Plan
6	03/21/2023	Final Development Plan
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14	03/21/2023	Final Development Plan
15	03/21/2023	Final Development Plan
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99	03/21/2023	Final Development Plan
100	03/21/2023	Final Development Plan



GENERAL NOTES:

1. THIS DEVELOPMENT PLAN MAY NOT BE USED AS A BASIS FOR CONSTRUCTION OF ANY BUILDING OR STRUCTURE WITHOUT THE APPROVAL OF THE LOCAL GOVERNMENT.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.
3. ACCESS SHALL BE MAINTAINED TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. UTILITIES SHALL BE LOCATED AND DEPTH SHALL BE AS SHOWN ON THE UTILITIES MAP.
5. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
6. ALL UTILITIES SHALL BE DEPTH TO THE FINISHED GRADE.
7. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.
8. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.
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14. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.

LEGEND

- EXISTING BUILDING
- NEW BUILDING
- EXISTING DRIVE
- NEW DRIVE
- EXISTING SIDEWALK
- NEW SIDEWALK
- EXISTING PARKING
- NEW PARKING
- EXISTING UTILITY
- NEW UTILITY
- EXISTING FENCE
- NEW FENCE
- EXISTING LANDSCAPE
- NEW LANDSCAPE
- EXISTING SIGNAGE
- NEW SIGNAGE
- EXISTING LIGHTING
- NEW LIGHTING
- EXISTING TREES
- NEW TREES
- EXISTING BUSHES
- NEW BUSHES
- EXISTING GRASS
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- NEW STUCCO
- EXISTING MORTAR
- NEW MORTAR

ADJACENT PROPERTIES

ADDRESS	OWNER	STATUS
262 MIDLAND AVENUE	601 BLDG 201	BLDG 201
264 MIDLAND AVENUE	601 BLDG 202	BLDG 202
266 MIDLAND AVENUE	601 BLDG 203	BLDG 203
268 MIDLAND AVENUE	601 BLDG 204	BLDG 204
270 MIDLAND AVENUE	601 BLDG 205	BLDG 205
272 MIDLAND AVENUE	601 BLDG 206	BLDG 206
274 MIDLAND AVENUE	601 BLDG 207	BLDG 207
276 MIDLAND AVENUE	601 BLDG 208	BLDG 208
278 MIDLAND AVENUE	601 BLDG 209	BLDG 209
280 MIDLAND AVENUE	601 BLDG 210	BLDG 210
282 MIDLAND AVENUE	601 BLDG 211	BLDG 211
284 MIDLAND AVENUE	601 BLDG 212	BLDG 212
286 MIDLAND AVENUE	601 BLDG 213	BLDG 213
288 MIDLAND AVENUE	601 BLDG 214	BLDG 214
290 MIDLAND AVENUE	601 BLDG 215	BLDG 215
292 MIDLAND AVENUE	601 BLDG 216	BLDG 216
294 MIDLAND AVENUE	601 BLDG 217	BLDG 217
296 MIDLAND AVENUE	601 BLDG 218	BLDG 218
298 MIDLAND AVENUE	601 BLDG 219	BLDG 219
300 MIDLAND AVENUE	601 BLDG 220	BLDG 220

<p>PROJECT NO: 19012022404</p> <p>DATE: MARCH 2023</p> <p>DRAWN BY: [Name]</p> <p>CHECKED BY: [Name]</p> <p>SEG: [Segment]</p>	<p>262 - 276 MIDLAND AVE & 604 WINCHESTER ROAD LEXINGTON, KY 40509 FAYAT COUNTY GOVERNMENT</p> <p>128 S HANOVER STREET LEXINGTON, KY 40502</p>	<p>PRIME AE</p> <p>601 Parkside Drive Suite 100 Lexington, KY 40517 P: 859.368.0145</p>
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STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-23-00004: UCD MIDLAND, LLC

DESCRIPTION OF ZONE CHANGE

Zone Change: From a Light Industrial (I-1), a Neighborhood Business (B-1), and a Mixed Use Community (MU-3) zone
To a Downtown Frame Business (B-2A) zone

Acreage: 2.93 net (3.61 gross) acres

Location: 262-276 Midland Ave. and 604 Winchester Rd.



EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Properties	I-1 / B-1 / MU-3	Cut Stone Sales & Storage
To North	B-2A / I-1	Mixed Use / Park
To East	I-1	Storage / Parking
To South	I-1 / MU-3	Storage / Residential
To West	MU-3	Residential

URBAN SERVICE REPORT

Roads - The subject properties have frontage on Midland Avenue / Winchester Road (US 60) and Owens Street. Midland Avenue / Winchester Road (US 60) is a four-lane, major arterial roadway into downtown from the east. It handles more than 18,500 vehicle trips per day near its intersection with E. Third Street. Owens Street is a short local street that stubs into the neighboring properties southeast of the site.

Curb/Gutter/Sidewalks - Curb, gutter and sidewalks exist along Midland Avenue / Winchester Road (US 60). However, with the proposed redevelopment, typical street cross-section improvements will be required to be constructed by the developer. There is a public project, under review at the intersection of Midland Ave. and E. Third St. that is targeted at providing access to the proposed Liberty Trail, while also providing a safer gateway into Downtown Lexington. Sidewalk facilities are not present on Owens Street.

Utilities - All utilities, including natural gas, electric, water, phone, cable television, and Internet are available in the area, and are able to be extended to serve the proposed development.

Storm Sewers - The subject properties are located within the Town Branch watershed. Stormwater improvements, such as detention basins, do not exist on the subject properties; however, storm sewer lines do exist within the right-of-way of Midland Avenue / Winchester Road. Although historically no detention basins existed to serve the subject properties, on-site stormwater quantity and quality may need to be addressed by the developer in order to comply with the Division of Engineering Stormwater Manuals. For mixed-use developments, underground storage basins are often constructed.

Sanitary Sewers - The subject properties are located within the Town Branch sewershed. The property is served by the Town Branch Waste Water Treatment Facility, located on Lisle Industrial Avenue, inside New Circle Road, and west of Leestown Road. Since the use of the site is proposed for a major redevelopment, the petitioner will need to secure Capacity Assurance Program approval prior to the final development plan being certified.

Refuse - The Urban County Government serves this area with refuse collection on Tuesdays. Supplemental service may be required to serve the needs of the proposed mixed-use development. This can be accomplished by contracting with private refuse collectors, if desired.

Police - The Police Headquarters, located on E. Main Street, is located approximately ¼ mile to the northwest of the site. The property is located within the Central Sector and is served by the Central Sector Roll Call Center located approximately 1½ miles to the northeast of the properties.

Fire/Ambulance - The closest station is Fire Station #1 and Headquarters, located on E. Third Street, between Elm Tree Lane and Martin Luther King Boulevard, located approximately one-half mile northwest of the subject properties.

Transit - This area is served by the Leestown Road Route (#12), with outbound and inbound service at the intersection of Leestown Road and N. Forbes Road.

Parks - The subject properties are a walkable distance to multiple downtown parks. Both Isaac Murphy Art Garden and the Charles Young Park are located across Midland Ave. / Winchester Road from the subject properties, and Thoroughbred Park and Northeastern Park are located approximately a ½ mile west of the subject properties.

SUMMARY OF REQUEST

The applicant is seeking a zone change from the Light Industrial (I-1), Neighborhood Business (B-1), and Mixed-Use Community (MU-3) zones to the Downtown Frame Business (B-2A) zone in order to create a mixed-use residential and commercial development.

PLACE-TYPE

DOWNTOWN

2nd Tier Urban development consists of areas that complement the urban core, generally located within the established Infill and Redevelopment Boundary. Development within the 2nd Tier Urban Place-Type should promote walkability, increased intensity, and should promote appropriate stewardship of the available opportunities that will accommodate Lexington's future growth.

DEVELOPMENT TYPE

HIGH DENSITY NON-RESIDENTIAL / MIXED-USE

Primary Land Use, Building Form, & Design

Primarily regional-serving commercial uses, services, places of employment, and/or a mix of uses within high-rise structures with a high Floor Area Ratio. Mixed-use structures typically include an abundance of multi-family residential units, places of employment, and entertainment options, and the retail and commercial options generally draw from a regional geographic area. Screening and buffers should be provided to adjoining lower-density residential developments, however those adjoining neighborhoods should retain convenient access to the development.

Transit Infrastructure & Connectivity

These developments are generally located along higher intensity roadways. Mass transit infrastructure, on par with that of other modes, should be provided, and bicycle and pedestrian connections to adjoining developments are required. Internal multi-modal connectivity throughout the development is critical.

Parking

Parking is generally provided in structures with activated ground levels.

PROPOSED ZONING

B-2A

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 the Downtown Frame Business (B-2A) zone in order to create a mixed-use residential and commercial development. The applicant's proposal includes the construction of two five-story structures that will include a total of 182 dwelling units, and approximately 2,000 square feet of commercial space. The associated parking will be located on the first floor of the structures and along the rear of the property. The applicant is proposing an activated corner that will incorporate future development of the Liberty Trail.

APPLICANT & COMMUNITY ENGAGEMENT



The applicant met with stakeholders within the Mentelle, Bell Court, and William Wells Brown Neighborhood Associations, as well as the Midlands Home Owners Association. During these meetings, the development team presented the proposed development, discussed the Place-Type and Development Type, and reviewed the proposed zoning. The staff was present at each of the meetings to provide insight into the zone change process and answer any questions regarding the zoning regulations. Following the meetings, the applicant continued their correspondence with members of the neighborhood associations to answer any further questions and receive feedback regarding the project. The applicant included staff on the correspondence, which included questions regarding increased traffic, buffering near the adjacent residential zoning, and what types of commercial was proposed at the site.

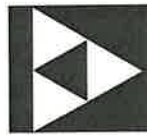
PROPERTY & ZONING HISTORY



The historical land use on the subject properties land use was industrial in nature. Such use was were heavily influenced by access to the two railroads that crossed the properties: the L & N Railway crossed along the front of the properties and the C & O Railway along the rear of the properties. In addition to the limitations to the properties caused by the location of the railways, the Town Branch Creek runs across the property. The creek was more natural in form until it was encased in a culvert in the 1930s. Despite the limitations on the properties, there have been a host of different businesses that have operated on the site, including the cut stone business, which still occupies the site, a gas station, an electric supply warehouse, and offices.

While 276 Midland Avenue and 604 Winchester Road have been zoned I-1 since zoning was established in Lexington, 262-270 Midland Avenue have been the subject of three zone changes since the 1980s. In 1988, the three properties were rezoned from the I-1 zone to a restricted Neighborhood Business (B-1) zone to allow for the development of a large commercial shopping center that would extend from Midland Avenue to Walton Avenue (Ord. No. 252-88; MAR 88-27 CZ). In 2000, the owners of the property were granted relief from some of the conditional zoning restrictions that increased buffering between the development and the surrounding residential development (Ord No. 321-2000). Finally, in 2007, a portion of right-of-way operated by CSX Railroad, the historic location of the C & O Railroad, was rezoned to the Mixed-Use Community (MU-3) zone to allow for the development of the Midlands, a townhouse and multi-family development.

COMPREHENSIVE PLAN COMPLIANCE



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.

GOALS, OBJECTIVES, & POLICIES

The applicant opines that they are in agreement with the adopted Goals and Objectives of the 2018 Comprehensive Plan. The applicant indicates that the proposed project will encourage expanded housing choices (Theme A, Goal #1), prioritizing higher density housing by adding 182 additional residential dwelling units (Theme A, Goal #1.a). Additionally, the applicant opines that their proposal supports infill and redevelopment by infilling an area that has been industrial historically, but is now more appropriate for residential or mixed-use projects (Theme A, Goal #2.a; Theme E, Goals #1.c, 1.d). Furthermore, the applicant stresses that they are seeking to enhance both the proposed area of development, as well as the public realm. The applicant states that through the inclusion of bike infrastructure, integrating into the current and proposed trail network, and enhancing the bus stop along the frontage of the property, they will prioritize multi-modal options to de-emphasize single occupancy vehicle dependence (Theme B, Goal #2.d). They will also support the Complete Streets concept, prioritizing a pedestrian first design that also accommodates the needs of bicycle, mass transit, and other vehicles (Theme D, Goal 1.a).

The staff agrees with these aspects of the applicant's proposal and that these Goals and Objectives of the 2018 Comprehensive can be met with the proposed development.

While the applicant does not directly reference any specific Comprehensive Plan Policies within their letter of justification, staff has identified several policies listed within the 2018 Comprehensive Plan that are being met with this request. In expanding the allowable uses, the request meets Density Policy #3 and Design Policy #12, which advocates for opportunities for additional neighborhood supportive uses and amenities. The proposed Downtown Frame Business (B-2A) zone will give this area additional flexibility in uses, allowing the applicant to create walkable neighborhood amenities that will help supplement the surrounding residential and commercial land uses.

The request also meets Livability Policy #6, which focuses on attracting and retaining young professionals by improving amenities and entertainment options. This proposed rezoning would create an attractive residential environment that could also include amenities and entertainment uses.

Finally, the proposed development meets Design Policy #5 by integrating the proposed development with future trail connections and increasing connections with enhanced multi-modal pathways the proposed development will create a pedestrian friendly street pattern and a walkable block to create inviting streetscapes.



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 2018 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 Downtown Place-Type is the urban epicenter of commerce and entertainment. The core should be anchored by high-rise structures with activated ground-levels. They are surrounded by mid-rise buildings that increasingly offer dense residential uses. A mix of uses and variety of transportation options should be prioritized, and parking should be addressed as a shared urban core asset. The High Density Non-Residential / Mixed-Use Development Type regional-serving commercial uses, services, places of employment, and/or a mix of uses within high-rise structures with a high Floor Area Ratio. These developments are intended to utilize Mixed-use structures, typically to include an abundance of multi-family residential units, places of employment, and entertainment options, and the retail and commercial options generally draw from a regional geographic area. The staff agrees that the subject properties are located within the Downtown area and that the proposed development would provide a higher density residential development with a small commercial component, which is in line with the High Density Non-Residential/Mixed Use Development Type.

The Downtown Frame Business (B-2A) zone is recommended within the Downtown Place-Type and the High Density Non-Residential / Mixed-Use Development Type.

DEVELOPMENT CRITERIA

The development 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 development criteria for development represent the needs and desires of the Lexington-Fayette Urban County community in hopes of developing a better built environment. The applicable criteria are defined based on the proposed Place-Type and Development Type.

1. Site Design, Building Form and Location

Staff finds that this request meets the recommendations for Site Design, Building Form and Location. The applicant's proposal intensifies an underutilized site and creates a mixed-use development that prioritizes higher density residential. The proposed development provides safe pedestrian-scale connections to adjacent community facilities, greenspace, and potential employment, business, shopping, and/or entertainment uses.

2. Transportation and Pedestrian

Staff finds that this request meets the majority of the Development Criteria for Transportation and Pedestrian Connectivity. The proposed development provides increased access to planned trail systems, incorporates direct pedestrian linkages to the nearby transit stop, and provides safe multi-modal connections to the development. There is one area of concern regarding the proposed project.

D-CO2-1. Safe facilities for all users and modes of transportation should be provided.

Within the B-2A zone internal pedestrian walkways are required from building entrances to all adjacent rights-of-way, and must be a minimum of five (5) feet in width. The applicant is not connecting the proposed development to the Owens Street right-of-way.

3. Greenspace and Environmental Health

The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will significantly increase the amount of green open space, tree canopy coverage, and reduce the overall amount of impervious surface on-site. Additionally, the proposed development will add canopy coverage along the Midland Avenue frontage.

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:



1. The requested Downtown Frame Business (B-2A) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed project will encourage expanded housing choices (Theme A, Goal #1), prioritizing higher density housing by adding 182 additional residential dwelling units (Theme A, Goal #1.a).
 - b. The proposed rezoning supports infill and redevelopment by infilling an industrial area that is now more appropriate for residential or mixed-use projects (Theme A, Goal #2.a; Theme E, Goals #1.c, 1.d).
 - c. The proposed project will prioritize multi-modal options to de-emphasize single occupancy vehicle dependence (Theme B, Goal #2.d), and support the Complete Streets concept, prioritizing a pedestrian first design that also accommodates the needs of bicycle, mass transit, and other vehicles (Theme D, Goal 1.a).
2. The requested Downtown Frame Business (B-2A) zone is in agreement with the 2018 Comprehensive Plan's Policies, for the following reasons:
 - a. The proposed rezoning will give this area additional flexibility in uses, allowing the applicant to create walkable neighborhood amenities that will help supplement the surrounding residential and commercial land uses (Density Policy #3 and Design Policy #12).
 - b. The proposed development creates a pedestrian-friendly street pattern and more walkable blocks to create inviting streetscapes (Design Policy #5).
 - c. The request meets Livability Policy #6 by providing the opportunities to accommodate additional residential and amenity opportunities that appeal to young professionals.
3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the recommendations for Site Design, Building Form and Location. The applicant's proposal intensifies an underutilized site and creates a mixed-use development that prioritizes higher density residential. The proposed development provides safe pedestrian-scale connections to adjacent community facilities, greenspace, and potential employment, business, shopping, and/or entertainment uses.
 - b. The proposed rezoning addresses the Transportation and Pedestrian Connectivity Development Criteria. The proposed development provides increased access to planned trail systems, incorporates direct pedestrian linkages to the nearby transit stop, and provides safe multi-modal connections to the development.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase the amount of green open space, tree canopy coverage, and reduce the overall amount of impervious surface on-site. Additionally, the proposed development will add street trees along the Midland Avenue frontage.
4. This recommendation is made subject to approval and certification of PLN-MJDP-23-00015: Arthur E Abshire Property (Lexington Cut Stone & Marble Tile Co.), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

2. UCD MIDLAND, LLC ZONING MAP AMENDMENT & ARTHUR E ABSHIRE PROPERTY (LEXINGTON CUT STONE & MARBLE TILE CO.) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-23-00004: UCD MIDLAND, LLC – a petition for a zone map amendment from a Neighborhood Business (B-1) zone, a Light Industrial (I-1) zone, and a Mixed Use Community (MU-3) zone to a Downtown Frame Business (B-2A) zone, for 2.93 net (3.61 gross) acres, for property located at 262-276 Midland Avenue and 604 Winchester Road.

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 the Downtown Frame Business (B-2A) zone in order to create a mixed-use residential and commercial development. The applicant's proposal includes the construction of two five-story structures that will include a total of 182 dwelling units, and approximately 2,000 square feet of commercial space. The associated parking will be located on the first floor of the structures and along the rear of the property. The applicant is proposing an activated corner that will incorporate future development of the Liberty Trail.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval, for the following reasons:

1. The requested Downtown Frame Business (B-2A) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed project will encourage expanded housing choices (Theme A, Goal #1), prioritizing higher density housing by adding 182 additional residential dwelling units (Theme A, Goal #1.a).
 - b. The proposed rezoning supports infill and redevelopment by infilling an industrial area that is now more appropriate for residential or mixed-use projects (Theme A, Goal #2.a; Theme E, Goals #1.c, 1.d).
 - c. The proposed project will prioritize multi-modal options to de-emphasize single occupancy vehicle dependence (Theme B, Goal #2.d), and support the Complete Streets concept, prioritizing a pedestrian first design that also accommodates the needs of bicycle, mass transit, and other vehicles (Theme D, Goal 1.a).
2. The requested Downtown Frame Business (B-2A) zone is in agreement with the 2018 Comprehensive Plan's Policies, for the following reasons:
 - a. The proposed rezoning will give this area additional flexibility in uses, allowing the applicant to create walkable neighborhood amenities that will help supplement the surrounding residential and commercial land uses (Density Policy #3 and Design Policy #12).
 - b. The proposed development creates a pedestrian-friendly street pattern and more walkable blocks to create inviting streetscapes (Design Policy #5).
 - c. The request meets Livability Policy #6 by providing the opportunities to accommodate additional residential and amenity opportunities that appeal to young professionals.
3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the recommendations for Site Design, Building Form and Location. The applicant's proposal intensifies an underutilized site and creates a mixed-use development that prioritizes higher density residential. The proposed development provides safe pedestrian-scale connections to adjacent community facilities, greenspace, and potential employment, business, shopping, and/or entertainment uses.
 - b. The proposed rezoning addresses the Transportation and Pedestrian Connectivity Development Criteria. The proposed development provides increased access to planned trail systems, incorporates direct pedestrian linkages to the nearby transit stop, and provides safe multi-modal connections to the development.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase the amount of green open space, tree canopy coverage, and reduce the overall amount of impervious surface on-site. Additionally, the proposed development will add street trees along the Midland Avenue

frontage.

4. This recommendation is made subject to approval and certification of PLN-MJDP-23-00015: Arthur E Abshire Property (Lexington Cut Stone & Marble Tile Co.), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

b. PLN-MJDP-23-00015: ARTHUR E. ABSHIRE PROPERTY (LEXINGTON CUT STONE & MARBLE TILE CO.)
(6/4/2023)* - located at 262-276 MIDLAND AVENUE & 604 WINCHESTER ROAD, LEXINGTON, KY

Council District: 3

Project Contact: Gresham Smith

Planning Contact: T. Martin

Note: The purpose of this plan is to depict residential development of the site, in support of the requested zone change from Neighborhood Business (B-1) zone and Light Industrial (I-1) zone, and Mixed Use Community (MU-3) zone to Downtown Frame Business (B-2A) zone.

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

1. Provided the Urban County Council approves the zone change to B-2A; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Urban Forester's approval of tree preservation plan.
5. Greenspace planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval if environmentally sensitive areas.
7. United States Postal Service Office's approval of kiosk locations or easement.
8. Improve Plan legibility by removing concrete paving symbols and grey shading.
9. Denote compliance with Article 15-7 infill and redevelopment requirements shall be determined at time of the Final Development Plan.
10. Denote lot coverage and Floor Area Ratio as required per Article 21 of the Zoning ordinance.
11. Revise parking area to include pedestrian access to Owens Avenue.
12. Delete note #11.
13. Denote sanitary sewer conflict with Building A shall be resolved at time of Final Development Plan.
14. Denote stormwater controls shall be determined at time of the Final Development Plan.
15. Denote status of railroad easement and denote shall be resolved at the time of the Final Development Plan.
16. Discuss timing of Final Record Plat to release and revise building lines and easements.
17. Clarify and denote compliance with required open space.
18. Discuss Placebuilder criteria.
 - a. D-CO2-1. Safe facilities for all users and modes of transportation should be provided.

Staff Presentation – Mr. Hal Baillie presented the staff report and recommendations 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 Neighborhood Business (B-1) zone, a Light Industrial (I-1) zone, and a Mixed Use Community (MU-3) zone to a Downtown Frame Business (B-2A) zone, for 2.93 net (3.61 gross) acres, for property located at 262-276 Midland Avenue and 604 Winchester Road. Mr. Baillie indicated that the applicant is doing this to develop a mixed-use development that would incorporate 182 dwelling units and approximately 2,000 sq. feet of commercial space. Additionally, Mr. Baillie stated that the parking will be located on the first floor of the structures, and proposes to incorporate with the future development of the Liberty Trail.

Mr. Baillie indicated that the applicant is seeking to situate this in the Downtown Place-Type and the High-Density Non-Residential or Mixed-Use Development Type. Mr. Baillie stated that Staff was in agreement with both of these selections and that their selection of the B-2A zone was appropriate.

Mr. Baillie stated that Staff had concerns about the connections to other areas, while also providing a greater amount of tree canopy, but that the applicant said they would have street trees that would provide some buffer from the road and work to create a vertical edge. Mr. Baillie continued his presentation by displaying the

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

applicant's renderings of the subject property and highlighted their desire to add more amenities and activation of the space.

Mr. Baillie stated that the applicant has done significant community outreach, and entered three letters of support and one letter of concern into the record.

Mr. Baillie ended his presentation by stating that Staff was recommending approval for this zone change, and could answer any questions from the Planning Commission.

Commission Questions – Mr. Pohl asked about the status of the Winchester Road Corridor Plan and Mr. Baillie responded by stating that he was not aware of such a plan.

Staff Development Plan Presentation – Mr. Tom Martin oriented the Planning Commission to the location and characteristics of the subject property. Mr. Martin stated that the two proposed buildings on the site would be 75 feet and 5 stories tall, with 208 parking spaces and 182 units. Mr. Martin indicated that many of the conditions have to do with the constraints on the site because of the size, access, and the railroad. Mr. Martin indicated that there was a large sanitary sewer trunk line with a 60 foot easement that is extremely impactful on this site. Additionally, Mr. Martin indicated that the Staff, of the Division of Waste Management, and Water Quality do not usually like for an applicant to build over a sewer line, so that the applicant would potentially need to relocate the trunk line.

Mr. Martin indicated that there were a few clean-up items that needed to be addressed concerning lot coverage and FAR, but the Subdivision Committee recommended approval and he could answer any questions from the Planning Commission.

Commission Questions – Mr. de Movellan asked if there was any discussion about connectivity in the back of the development with some of the adjoining properties. Mr. Martin indicated that was an option, but it would be difficult coordinating with the other private properties adjacent to the property. Mr. Baillie also made the point that the Planning Commission cannot force a connection to a private roadway.

Ms. Worth said that one of the letters, mentioned a concern with management of traffic and pedestrian and bicyclist safety and asked if that was out of bounds for discussion here. Mr. Martin indicated that will come into play because of the crosswalk and that the applicant is proposing 8 foot sidewalks.

Applicant Presentation – Chris Clendenen, attorney for the applicant, stated that the property was designed to be a focal point for the Winchester Road corridor while providing connectivity with the city's trail systems. Additionally, Mr. Clendenen indicated that this property would serve as an infill and redevelopment project, would emphasize multi-modal transportation, and improve the tree canopy.

Mr. Clendenen continued, giving a brief history of the property from 1890 until today and then turned over the presentation to Scott Shapiro.

Mr. Shapiro introduced himself and stated the mission of this property was to bring mixed-use development that will increase residential density in downtown Lexington. Mr. Shapiro said that Lexington has two superpowers, the horse industry and the University of Kentucky, which creates young professionals who want to live downtown. Mr. Shapiro argues that this development is exactly the type of development Lexington needs for these young professionals. Mr. Shapiro indicated that a development like this close to downtown has not been built in Lexington for 40 years.

Mr. Shapiro stated that the property is very difficult to develop, and because of the odd configuration of the site, this development has taken a year and a half to do all the work to make this happen. Mr. Shapiro gave a brief overview of the difficulties, including the removal of underground storage tanks, dealing with the railroad easement, as well as a title issue. However, Mr. Shapiro indicated that they had done a lot of neighborhood outreach and that they now have a product they are proud of. Additionally, Mr. Shapiro stated that the Town Branch Trail helped make this viable, and noted the various accesses to the Liberty Trail and Town Branch Trail from the site.

Mr. Shapiro's business partner, Andrew Ganahl introduced himself and stated that he had done similar mixed-use sites in Kansas City and Milwaukee. Mr. Ganahl stated that this was an area that is clearly changing from its former industrial use and the development would benefit this area.

Noting Mr. de Movellan's question about connectivity, Mr. Ganahl mentioned that after discussions with the neighborhood to the south of the property, that fence on that portion of the property was best for the neighborhood and would provide security and shield from headlights. Mr. Ganahl noted that due to the complexities of the site, there has been considerable cost due to the engineering costs of adjusting the sewer line. Additionally, he noted the importance of the connectivity to Owens Street.

Mr. Shapiro and Mr. Ganahl highlighted their neighborhood engagement, showcased renderings of the project, and finally asked for the Planning Commission to approve the development.

Public Comment – Bruce Simpson, attorney for Midland Townhomes Neighborhood Association, stated that the neighborhood association was against the zone change and development. Mr. Simpson indicated that the neighborhood association had concerns with the safety of pedestrian connectivity and the property's connection to the sanitary sewers. Additionally, Mr. Simpson noted their concerns about the amount of tractor-trailers on Owen Avenue, and how it would affect the pedestrians.

Tyler Wilson, 628 Winchester Road, stated he was excited for the development, but had concerns about vehicular safety at the connection with Owen Avenue due to potential conflicts with tractor-trailers.

Kristan Curry, 3608 Hartland Parkway, opposed stated she was this zone change due to safety concerns from tractor-trailers, as well as the amount of traffic this site will bring, and the sidewalk connection at rear of the site.

Jonas Bastien, attorney for the Midland Homeowners Association, is not against the development, but has concerns with the traffic, the lack of commercial space, and asked that the buffer fence to the south have brick columns.

Chad Walker, 250 Walton Ave, stated that he supported the development, and hopes that it will calm speeds on Midland Avenue, provide pedestrian friendly services to the community, and it will make a massively underutilized area look very nice.

Applicant Rebuttal – Chris Clendenen, attorney for the applicant, stated it was his understanding that if Mr. Simpson wanted more time, he had to request it on Tuesday and objected that he was given that time. Mr. Clendenen also entered into the record an email from the Division of Water Quality that the applicant's condition about sanitary sewer access was sufficient for the department at this stage of the proposed development.

In regard to pedestrian safety, Mr. Clendenen stated that Owens Avenue is a public street and it seems like the businesses are using it as their personal parking lot, and that there will be a five-foot pedestrian walkway at the site. Additionally, Mr. Clendenen stated that they would not be generating any tractor-trailers, they are already there. Mr. Clenden emphasized that the implication that the applicant does not care about pedestrian safety is disingenuous.

Mr. Shapiro came back up and stated that there was an issue on Owens Street, but it is an issue of enforcement, not one that the applicant is creating. Additionally, Mr. Shapiro indicated they had pledged to the Wyland family on Owens Street to help with this problem.

Public Rebuttal – According to Mr. Simpson, the Director of Water Quality stated that under no circumstances would the sanitary sewer line be approved for a sleeve. He opined that it would be a mistake for the Planning Commission to approve this zone change.

Staff Rebuttal – Mr. Baillie began his rebuttal by pointing to note # 16 on the plan that states that the sanitary sewer has to be relocated or protected and the applicant has multiple options until the final development plan. Mr. Baillie referred to the zone map which showcased that there is current mixed-use in the area. Mr. Baillie confirmed that Owens Street is a public street and the applicant would need to provide a pedestrian connection on their development to all public streets.

Mr. Baillie indicated that the applicant was making positive changes for pedestrian safety on Winchester Road and where they are required to make them. Additionally, Mr. Baillie indicated that this development does not reach the level of a required traffic impact study, and could only be requested by the subdivision committee.

Mr. Baillie concluded stating that Staff vehemently disagrees with Mr. Simpson's portrayal of the pedestrian safety and a sanitary sewer line and could answer any questions from the Planning Commission.

Commission Questions – Ms. Meyer asked to hear from Mr. Greg Lubeck, Deputy Director of the Division of Water Quality, about Mr. Simpson's portrayal and the communications with the applicant. Mr. Lubeck indicated that there were a few options by modifying the building around the southern portion or go between the buildings where the other lines are. Additionally, Mr. Lubeck indicated this was done at the expense of the developer.

Ms. Worth asked if this was illegal to approve because of the sanitary sewer issue and if they had what they needed legally to approve this development. Ms. Brittany Smith indicated that the Planning Commission had what they needed.

Mr. Michler asked the applicant for a comment about the lack of retail space. Mr. Ganahl indicated that it's always a balancing act for parking with the residential units. Mr. Ganahl indicated that there was not a lot of street parking so they focused the first floor of their property for parking so that everyone with a residential unit can park there so the retail component took a backseat. Additionally, Mr. Ganahl indicated that the retail side was intentionally kept small to make it feel more like a neighborhood business.

Mr. Pohl asked if there was interior parking for bicycles and if the applicant was intending to get LEED Certification programs and Mr. Ganahl indicated there was interior parking in Building B and that they had not looked into it as of yet.

Action – A motion was made by Mr. Nicol, seconded by Mr. de Movellan and carried 9-0 (Barksdale and Penn absent) to approve PLN-MAR-23-00004: UCD MIDLAND, LLC for reasons provided by Staff.

Action – A motion was made by Mr. Nicol, seconded by Ms. Worth and carried 9-0 (Barksdale and Penn absent) to approve PLN-MJDP-23-00015: ARTHUR E. ABSHIRE PROPERTY (LEXINGTON CUT STONE & MARBLE TILE CO.) with the 18 Staff conditions and changing #16 from "discuss" to "resolve."