

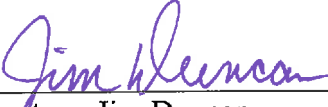
**RECOMMENDATION OF THE**  
**URBAN COUNTY PLANNING COMMISSION**  
**OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY**

IN RE: **PLN-MAR-19-00013: APTITUDE DEVELOPMENT** – a petition for a zone map amendment from a High Density Apartment (R-4) zone to a Downtown Frame Business (B-2A) zone, for 1.810 net (2.274 gross) acres, for properties located at 201, 207, 209, 211, 215, 221, 225, 227, & 231 E. Maxwell Street, and 245, 247, & 251 Stone Avenue. (Council District 3)

Having considered the above matter on **November 21, 2019**, at a Public Hearing, and having voted **6-3** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **DISAPPROVAL** of this matter for the following reasons:

1. The requested Downtown Frame Business (B-2A) zone is not in agreement with the 2018 Comprehensive Plan's Goals and Objectives, Policies and Development Criteria for the following reasons:
  - a. The proposed rezoning and redevelopment of a ten-story structure along E. Maxwell Street is not compatible with the existing character of the corridor which includes residential structures that front onto the public street with front porches and direct access to the street. Theme A, Goal #2b. states that development should "respect the context & design features of areas surrounding development projects & develop design standards & guidelines to ensure compatibility with existing urban form." The proposed project disregards the existing urban form.
  - b. Theme A, Goal #3a. encourages 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. Although the proposed development would provide new residential dwelling units, it does not provide for mixed-used or mixed-type development, nor does the proposed development preserve the character of the neighborhood in which it would be located.
  - c. Although a business zone is proposed, the proposed rezoning would not contribute to the creation or growth of jobs in the downtown area or creation of jobs where people live, as is recommended by Theme C, Goal #2.
  - d. The proposed demolition and redevelopment does not promote and protect historic preservation of the community's resources, which are part of the cultural landscape that gives Lexington its unique identity and image. Theme D, Goal #3 encourages that protection of historic resources, including the renovation and restoration of structures. The existing residential structures on the subject site were constructed between 1885 and 1915, and are part of a district which was listed on the National Register of Historic Places in 1984.
2. The existing High Density Apartment (R-4) zone is appropriate in that it allows high density residential land use and has for over a century at this location. The current zoning permits renovation and restoration of the existing structures, which can continue to provide necessary housing for the community.
3. The requested Downtown Frame Business (B-2A) zone is not appropriate for the subject site in that the site is not adjacent to the existing core downtown business zone or land use. Although the Zoning Ordinance indicates that the B-2A zone is meant to allow expansion on the downtown, the subject site has not historically been considered part of downtown.
4. There has been no significant unanticipated changes of a physical, social or economic nature since the Comprehensive Plan was adopted in February 2019 which would warrant the requested rezoning.

ATTEST: This 20<sup>th</sup> day of December, 2019.

  
Secretary, Jim Duncan

MIKE OWENS  
CHAIR

**Note:** The corollary development plan, PLN-MJDP-19-00050: THE MARSHALL LEXINGTON (LYNDHURST SUBDIVISION, BLK D, LOTS 2-7) was indefinitely postponed by the Planning Commission on November 21, 2019.

K.R.S. 100.211(7) requires that the Council take action on this request by February 19, 2020.

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

### **OBJECTORS**

1. Ms. Jessica Winters, attorney for Aylesford Place Neighborhood Assoc.
2. Kevin Benzie, 129 Hagerman Court
3. Maureen Peters, 535 Russell Avenue
4. Kathleen Winter, 151 Kentucky Avenue
5. Tom Self, 163 Kentucky Avenue
6. Alice Christ, 430 East Maxwell Street
7. Vida Vitagliano, 240 Stone Avenue
8. Judith Sparks, 513 Park Avenue
9. Walt Gaffield, Fayette County Neighborhood Council
10. Wendy McAllister, 221 Stone Avenue
11. Brittany Sams, Bluegrass Trust for Historic Preservation
12. Claudia Michler, 415 E. Maxwell Street
13. James Dickinson, 368 Transylvania Park
14. Peggy McAllister, 225 Stone Avenue
15. Kathy Reynolds, 138 S. Hanover Avenue
16. Amy Clark, 628 Kastle Road
17. Neal Mize, 339 Transylvania Park
18. Ginny Daley, 136 Burley Ave
19. Mark Streety, 1020 Fincastle Road
20. Carlotta Abbott, 14 Preston Court
21. Sue Mize, 339 Transylvania Park
22. John Michler, 415 E. Maxwell Street
23. Lynn Dunn, former manager for Touchstone Properties
24. Jean Scott, 371 S. Mill Street
25. Lina Jean Armstrong, 121 Kentucky Avenue
26. Janet Cabaniss, 704 Cumberland Road
27. Phil Johnston, 171 Old Georgetown Street
28. Esther Murphy, 211 Clay Ave

### **OBJECTIONS**

- Proposal is not consistent with the Imagine Lexington development criteria.
- Development is not at an appropriate scale to respect the context of the surrounding neighborhood.
- Parking garage at the street level is not pedestrian-oriented and doesn't activate the ground level.

- Demolition of the current structures that are listed on the National Register of Historic Places doesn't constitute adaptive reuse of these properties.
- Destructive to the tree canopy and there will be a loss of greenspace.
- Inappropriate for this "2<sup>nd</sup> Tier Urban" neighborhood.
- Height of the building will block the sunlight.
- Increase of noise.
- Increase of traffic.
- Increase of neighborhood's carbon footprint.
- Lack of parking in the area and applicant not providing adequate parking for proposed number of units.
- Students prefer private houses.
- Loss of historic properties and diversity in the neighborhood.
- Changing of character of existing neighborhood.
- Place-type is not consistent with the Comprehensive Plan.
- Demolition of current structures is damaging to the integrity of the neighborhood; the structures should be rehabilitated/renovated.
- Dissolution of the current neighborhood.
- Currently have vacant apartments in the general vicinity.
- Maxwell Street is not a corridor and shouldn't allow high density.
- This size of a building is not justifiable on a minor arterial roadway.
- Apartments are currently allowed without changing to an urban place-type.
- On-street parking on Stone Avenue makes the road narrow for through traffic.
- Development is not in keeping with the surrounding neighborhood.
- Topography of the site, grade change.
- Will set a negative precedent.
- Need to preserve and protect this neighborhood.
- Narrow street and difficulty moving emergency vehicles through.
- Prefer to expand the Urban Service Area boundary rather than locating density in neighborhoods.
- Developer only wants to make an investment.

VOTES WERE AS FOLLOWS:

AYES: (6) Bell, deMovellan, Penn, Plumlee, Pohl and Wilson

NAYS: (3) Mundy, Nicol and Owens

ABSENT: (2) Brewer and Forester

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for DISAPPROVAL of PLN-MAR-19-00013 carried.

Enclosures: Application  
Plat  
Staff Report  
Applicable excerpts of minutes of above meeting

