

ORDINANCE NO. 083-2024

AN ORDINANCE CHANGING THE ZONE FROM A NEIGHBORHOOD BUSINESS (B-1) ZONE TO A MEDIUM-DENSITY RESIDENTIAL (R-4) ZONE, FOR .31 NET (0.52 GROSS) ACRES, FOR PROPERTY LOCATED AT 226, 228, AND 232 W. MAXWELL STREET (NEW REPUBLIC ARCHITECTURE; COUNCIL DISTRICT 3).

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WHEREAS, at a Public Hearing held on June 27, 2024, a petition for a zoning ordinance map amendment for property located at 226, 228, and 232 W. Maxwell Street from a Neighborhood Business (B-1) zone to a Medium Density Residential (R-4) zone, for .31 net (0.52 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 10-1; 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 226, 228, and 232 W. Maxwell Street from a Neighborhood Business (B-1) zone to a Medium Density Residential (R-4) zone, for .31 net (0.52 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:

August 29, 2024



\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: Sept. 6, 2024- 1t  
0772-24:TWJ:4857-6902-5239, v. 1

Rec'd by \_\_\_\_\_

Date: \_\_\_\_\_

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

**IN RE: PLN-MAR-24-00009: NEW REPUBLIC ARCHITECTURE** – a petition for a zone map amendment from a Neighborhood Business (B-1) zone to Medium Density Residential (R-4) zone, for 0.31 net (0.52 gross) acres for property located at 226, 228, and 232 W Maxwell Street. (Council District 3)

Having considered the above matter on **June 27, 2024**, at a Public Hearing, and having voted **10-1** 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 proposed Medium Density Residential (R-4) zone is in agreement with the Imagine Lexington 2045 Comprehensive Plan's Goals and Objectives for the following reasons:
  - a. The proposal features a mixing of housing types by committing to develop rear accessory dwelling units (Theme A, Goal #1.b).
  - b. The proposed development intensifies underutilized parcels within the Infill and Redevelopment Area (Theme A, Goal #2.a).
  - c. By introducing accessory dwelling units to the original proposal, the proposed development raises the density of the site to a level that is consistent with the Historic South Hill area (Theme A, Goal #2.b).
2. The proposal is in agreement with the Policies of the 2045 Comprehensive Plan for the following reasons:
  - a. The proposal increases the density of the original proposal to a level that is consistent and compatible with existing development within the South Hill Historic Overlay (H-1) zone (Theme A, Density Policies #2, and #4).
  - b. The request proposes incorporating accessory dwelling units into the garages, which will provide additional variety in housing choice (Theme A, Design Policy #8, Theme A Equity Policy #8), that will increase the density of the parcel in a context-sensitive manner (Theme A, Density Policy #2)
3. The justification and corollary Preliminary Subdivision Plan are in agreement with the Development Criteria of the 2045 Comprehensive Plan.
  - a. The proposed rezoning meets the criteria for Land Use, as the request increases density on an underutilized parcel (A-DN2-1), while providing additional flexibility in housing through the utilization of accessory dwelling units (D-SP9-1). (D-PL7-1). Additionally, the applicant engaged in significant public outreach efforts with the Historic South Hill neighborhood in connection with this request.
  - b. The proposed rezoning addresses the Transportation and Pedestrian Connectivity Development Criteria, as the proposed development provides street trees and additional landscaping (A-DS5-2), and includes sidewalk connections to transit (A-DS-1-2).
  - c. The proposed rezoning meets the criteria for Environmental Sustainability and Resiliency, as the development does not impact environmentally sensitive areas (B-PR2-1), preserves a significant tree (B-PR7-1), and reduces the amount of impervious surface on-site (B-SU4-1).
  - d. The request meets the requirements for Site Design, as it utilizes landscaping, increased building articulation, and reduced setbacks to create a pedestrian-friendly streetscape (A-DS5-4).

- e. The request meets the criteria for Building Form, as the development provides connections to the structures from S. Mill, W. Maxwell, and Lawrence Streets (A-DS5-3), remains at a compatible scale with existing development within the South Hill Historic Overlay (A-DN2-2).
4. This recommendation is made subject to approval and certification of PLN-MJSUB 24-00006: Stephens & Winslow Subdivision (Parsons Green Development LLC Property) 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 9<sup>th</sup> day of August, 2024.

  
 \_\_\_\_\_  
 Secretary, Jim Duncan

LARRY FORESTER  
 CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by September 25, 2024

Note: The corollary development plan, PLN-MJSUB-24-00006: STEPHENS & WINSLOW SUBDIVISION (PARSONS GREEN DEVELOPMENT, LLC PROPERTY) was approved by the Planning Commission on June 27<sup>th</sup>, 2024 and certified on July 12<sup>th</sup>, 2024.

Note: A dimensional variance was approved by the Planning Commission on June 27<sup>th</sup>, 2024.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Matt Mattone, applicant's representative.**

**OBJECTORS**

- None.

**OBJECTIONS**

- None.

**VOTES WERE AS FOLLOWS:**

AYES:	(10)	Barksdale, Johnathon Davis, Zach Davis, Forester, Meyer, Michler, Nicol, Owens, Wilson, and Worth
NAYS:	(1)	Pohl
ABSENT:	(0)	
ABSTAINED:	(0)	
DISQUALIFIED:	(0)	

Motion for **APPROVAL** of **PLN-MAR-24-00009** 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.)**

<b>Applicant:</b> Matt Mattone, 1936 Race St, Cincinnati, OH 45202
<b>Owner(s):</b> PARSONS GREEN DEVELOPMENT LLC 786 OLD LUDLOW AVE CINCINNATI OH 45220
<b>Attorney:</b> Jerrard T Howard, 100 W. Main Street, Suite 900, LEXINGTON, KY 45202

**2. ADDRESS OF APPLICANT'S PROPERTY**

232 MAXWELL ST LEXINGTON KY 40508
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**3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY**

Zoning	Existing Use	Zoning	Requested Use	Net Acreage	Gross Acreage

**4. 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

**5. 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



May 6, 2024

Mr. Larry Forester, Chairman  
Lexington – Fayette County Urban Co Planning Commission  
200 E. Main Street  
Lexington, KY 40507

Re: Rezoning for 226, 228, 232 West Maxwell Street

Dear Chairman Forester,

I represent Parsons Green Limited, and we have filed an application for zone change and an associated preliminary subdivision plan for the subject property located at 226 – 232 W. Maxwell Street in Lexington, Kentucky. The site is currently a surface parking lot, comprised of 3 parcels totaling 0.52 acres. The property is bounded by the rights-of-way of S. Mill Street, West Maxwell Street, and Lawrence Street. The site is located within the South Hill Historic District, a neighborhood of early residential homes adjacent to downtown that has been designated as an H-1 Overlay District.

#### **Goals and Objectives**

We are proposing a down-zoning from Business (B-1) to Residential (R-4), enabling the owner to consolidate and sub-divide the site as (3) through-lots for individual residences fronting on S. Mill Street and garages fronting on Lawrence Street.

We believe that the proposed development is in agreement with the 2023 Imagine Lexington 2045 Comprehensive Plan, specifically Theme A, Goal #2 – support infill and redevelopment, as the proposed residences will be constructed on a site that is currently a surface parking lot.

#### **Engagement**

The owner, and we as their representative, have engaged with the Historic South Hill Neighborhood Association, presenting the proposed site plan, building plans and elevations, and the proposed zone change from Business (B-1) to Residential (R-4). As this project site is within the Historic H-1 Overlay, the neighbors present at the Neighborhood Association meeting were very appreciative of the proposed through-lot parcels with single family residences fronting on South Mill Street and garages along Lawrence Street. The neighbors were complimentary that the proposed structures were successful in transitioning the large scale of the historic City School building (Dudley Square) to the smaller historic residences on Mill and Maxwell Streets.

We have also engaged the Lexington Historic Preservation office and presented the project to their Board of Architectural Review on April 17, 2024. Their response was positive, as we showed the history of structures on the proposed site had been oriented to front on South Mill Street, consistent with most of the remaining structures along that street. We are currently working on the

development of the project, modifying the elevations and details in response to the questions, comments, and concerns of the Board. We will return to the Board of Architectural Review in June to share the advancement of the project and request a Certificate of Appropriateness.

### Site Description

The subject site is located within the South Hill neighborhood which was designated a Historic District in 1972. The residential neighborhood was once considered the outskirts of Lexington, but now is in the heart of the city between downtown and the University of Kentucky campus. Originally established in the late 1700's and developed over the next century, South Hill is mainly residential. The recent past has seen some structures and homes converted to businesses and very recently new large-scale development for mixed-use commercial and residential.

### Place-Type, Development Type & Requested Zone

In 2023, Lexington, KY published their comprehensive plan titled "Imagine Lexington: 2045 Comprehensive Plan" with a portion of the plan titled "Placebuilder", which is a compilation of planning best practices that distill the policies of the overall comprehensive plan.

Placebuilder defines seven place-types within the Urban Service Area boundary. This subject site for this proposal is a 2<sup>nd</sup> Tier Urban place-type, which is defined as:

*Where significant infill and redevelopment opportunities exist to complement the urban core. While not expected to be as intensely developed as the downtown core, high-rise opportunities are not precluded provided that they are context-sensitive. The forward trend for development in the 2<sup>nd</sup> Tier urban areas should be towards increased walkability and intensity (p. 268).*

However, due to the subject property being within an H-1 Historic Overlay, the Planning Department has recommended Low Density Residential.

The subject site is currently zoned B-1 Business. The applicant is proposing to down-zone / re-zone to R-4 Medium Density Residential which allows for detached single-family dwellings as proposed. Redevelopment of this site with infill construction of three (3) single-family dwellings with potential for three (3) accessory dwelling units at the garages is adding density in a manner that is supported by the Comprehensive Plan.

The applicant understands the vision of the city as outlined in Imagine Lexington 2023, as well as the immediate community of the South Hill neighborhood. We believe that the proposed development will achieve many of the priorities per *Placebuilder*, including creation of residential, improving walkability and the experience of the pedestrian, minimizing parking, and relating to surrounding historic context.

**Development Criteria**

To further address the *Placebuilder* development criteria, the design team has prepared an annotative graphic of the proposed development plan.

The following design standards are being met by the proposed development:

**Land Use**

A-DN2-1      C-LI7-1  
C-LI6-1      D-PL7-1

**Transportation Connectivity & Walkability**

A-DS5-2

**Environmental Sustainability and Resiliency**

B-PR7-1      B-SU4-1  
B-PR9-1      B-SU11-1  
B-PR10-1

**Site Design**

C-LI8-1

**Building Form**

A-DS5-3

Additionally, the proposed development supports the following Pillars as listed in *Imagine Lexington: 2045 Comprehensive Plan*:

In accordance with Pillar I: Design Policy #4, through engagement with the Historic South Hill Neighborhood Association and Historic Preservation, the proposed development of single-family residential at a scale and rhythm that is appropriate for the neighborhood.

In accordance with Pillar II: Density Policy #2, the proposed development of infill residential is increasing density while enhancing the existing neighborhood through context sensitive design.

Based upon Density Policy #1 (page 70), the subject property is not located along a major corridor; therefore, several of the development criteria are not applicable.

In addition, the following information supports our assertion that the proposed zone change is in agreement with *Imagine Lexington: 2045 Comprehensive Plan*.

Land Use	
E-GR9-1	The proposed development will entail a two-story garage structure for each of the properties along the Lawrence Street frontage. Each of these garages can be an optional Accessory Dwelling Unit or office space creating a Live/Work option for each property owner.

Environmental Sustainability and Resiliency	
B-RE1-1	The applicant intends to improve the tree canopy with plantings in the front yard (South Mill frontage) and rear (Lawrence Street frontage). As the plan of the development progresses, the design team will identify trees and landscaping as well as open space.
D-SP10-1	The applicant intends for new street trees to be planted along Maxwell Street to improve the streetscape and pedestrian experience and will work with the city in order to do so.

Site Design	
C-LI8-1	The proposed development as infill housing in place of a surface parking lot is fitting for the context of the Historic South Hill neighborhood and will enhance the public realm with setbacks that relate to the existing fabric.

**Conclusion**

We ask that you favorably consider the proposed zone change and its relationship to fulfilling the mission, goals, objectives of *Imagine Lexington: 2045 Comprehensive Plan*. The applicant’s proposal to create new residences on the site of an existing surface parking lot and make a significant improvement to the Historic South Hill Neighborhood.

Thank you for your consideration of our proposed zone change and we look forward to presenting our case in full at the public hearing in June. We are happy to answer any questions or to provide additional information about our proposal between now and the public hearing.

Sincerely,



Bob Carbon  
Design Manager  
New Republic Architecture



June 25, 2024

Mr. Larry Forester, Chairman  
Lexington – Fayette County Urban Co Planning Commission  
200 E. Main Street  
Lexington, KY 40507

Re: Rezoning for 226, 228, 232 West Maxwell Street

Dear Chairman Forester and Commissioners,

This is an amended application that addresses matters and discussion points that Staff and Commission Members raised during the June 6<sup>th</sup>, 2024, Planning Commission Sub-Committee Meetings.

As submitted previously, we represent Parsons Green Limited and have filed an application for zone change and an associated preliminary subdivision plan for the subject properties located at 226 – 232 W. Maxwell Street in Lexington, Kentucky. What is proposed is a down-zoning request from Neighborhood Business (B-1) to Medium Density Residential (R-4), thus enabling the owner to consolidate and sub-divide the site as (3) through-lots for individual residences fronting on S. Mill Street and garages accessed from Lawrence Street.

The site is bounded by the rights-of-way of South Mill Street, West Maxwell Street, and Lawrence Street. The property is comprised of 3 parcels, which currently have Maxwell Street addresses, totaling 0.52 acres and has been a surface parking lot for nearly a half-century. This parcel is located within the South Hill Historic District, a distinctive neighborhood noted for its early urban residential homes just “above” downtown Lexington and is a portion of the 1846 Stephens and Winslow properties.

### **Goals and Objectives**

Our clients are former South Hill Neighborhood residents, will be owner/ occupants of one of the proposed infill residences, and have successfully completed preservation-oriented residential projects within the neighborhood. The subject properties were historically single-family residential and originally appear to have residences that were oriented towards S. Mill Street. After considering redevelopment options under the Neighborhood Business designation, it was determined that this direction presented numerous economic and feasibility barriers, as well as potential objections from the Historic South Hill Neighborhood Association (HSHNA) and design challenges with the Board of Architectural Review (BOAR) and the granting of a Certificate of Appropriateness (CoA).

Subsequent deliberations led to discussions with LFUCG Planning & Zoning and Historic Preservation Staff to chart the path for downzoning the parcels with an intent to reorient the lots to front on South Mill St. and re-develop them into three single-family detached residences.

LFUCG Staff advised us that the request to down a B-1 zoned property to an R-4 (Medium Density Residential) zone with the intent to develop three single family detached residences would generally be viewed as not aligned with the Goals, Objectives, Policies, and Development Criteria of the current Comprehensive Plan, most notably the density levels sought along this downtown corridor. Our objective and ensuring conversations have revolved around collaborating with LFUCG Staff to develop a proposal for the Planning Commission and LFUCG Councilmembers to consider that fulfills many of the Comprehensive Plan's objectives while designing a project that restores, revitalizes, and reestablishes a critical gap in the historic residential context within the South Hill neighborhood.

**Place-Type: Second Tier Urban**

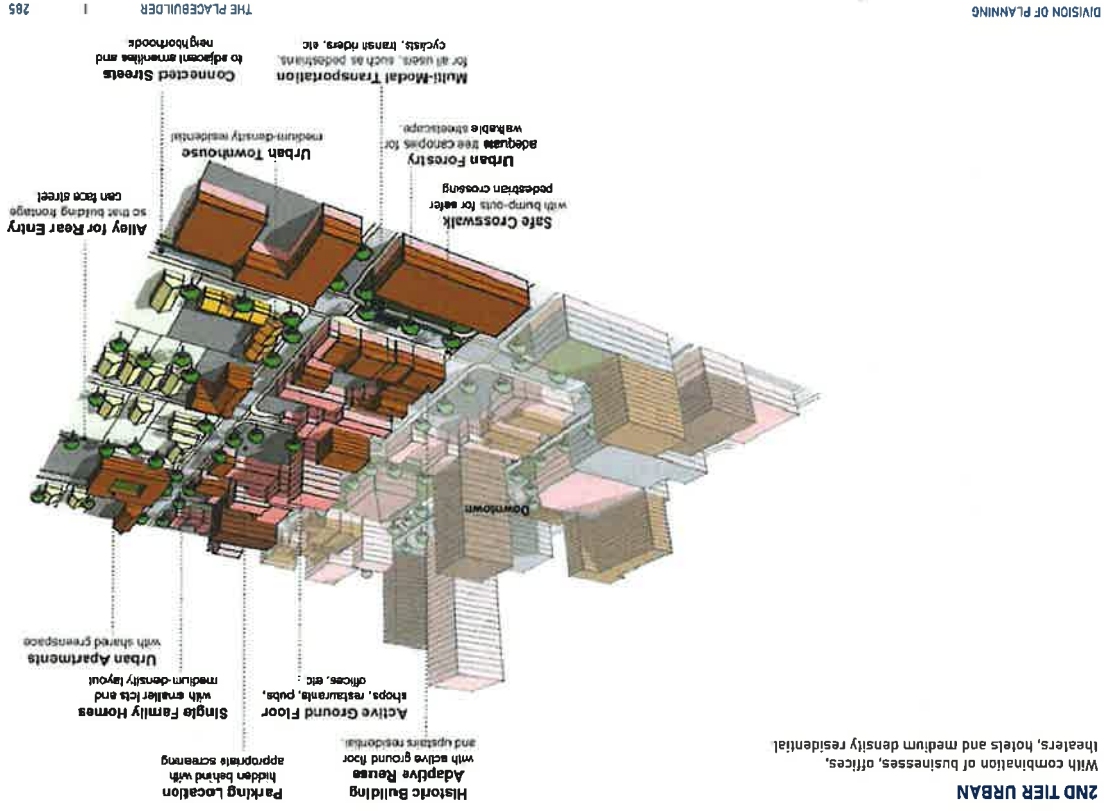


Figure 1. Second-Tier Urban Place-Type.

Imagine Lexington encourages redevelopment of properties to allow for denser developments, particularly along key corridors and where property is underutilized. We suggest that this project is a complex yet significant infill and redevelopment opportunity that will complement the periphery of

the urban core. Further, the historically sensitive design seeks to integrate the homes within the neighborhood in an architecturally conscientious way, capturing and adding needed density but also respecting the context of the principally residential neighborhood.

Staff indicated this proposal best corresponds with the Second Tier Urban Place-Type- as a transitional zone that exists between the dense urban core and adjacent neighborhoods. We recently queried Staff as to whether this H-1 Zoned neighborhood more closely matched the Enhanced Neighborhood Place-Type, but it was Staff’s interpretation that because of the property’s adjacency to a major downtown corridor, it was not an appropriate Place-Type.

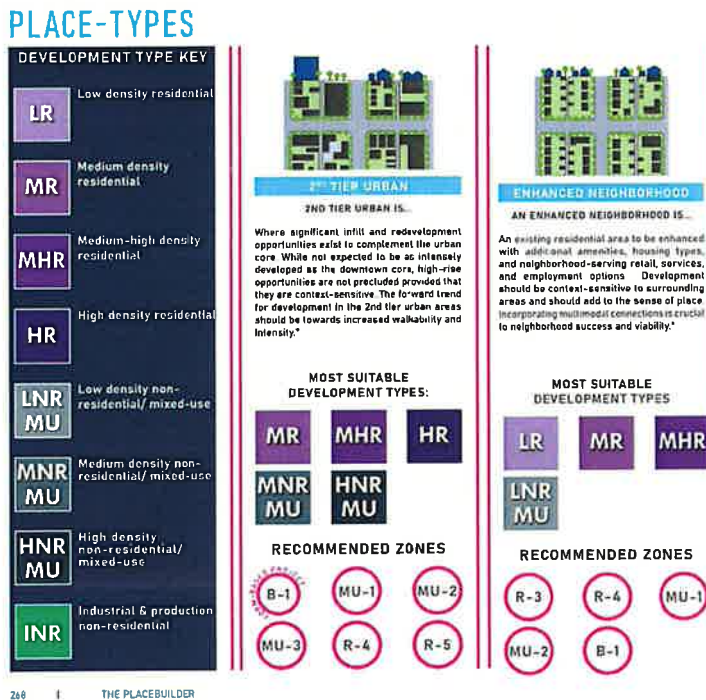
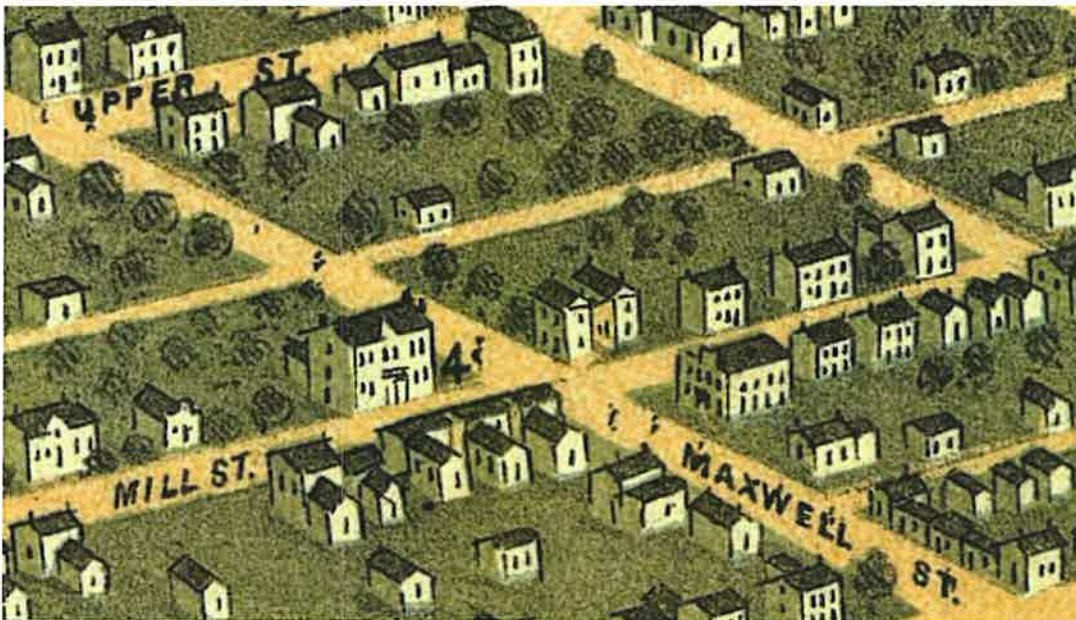


Figure 2. Place-Type and associated Development Type Key

The Second Tier Urban Place-Type is not expected to be as intensely developed as the Downtown Core, but multi-story development opportunities are not precluded within the Place-Type, if they are context-sensitive. We accept the Comprehensive Plan’s vision that a denser mid-rise infill development on this site would be desirable and potentially viable, but it is our position that such a proposal would face staunch opposition from the HSHNA and potentially design oriented limitations from the BOAR.

While perfect is often the enemy of good, we suggest that this proposal is an appropriate solution for this vacant infill site given the property’s location, size, and history. The current proposal for three single-family homes with optional Accessible Dwelling Units (ADUs) above the detached garage would be a net positive to the neighborhood’s density and align closely with the density of other single-family residences across the South Hill Neighborhood. This proposal would yield a minimum of 9.6 units per acre if no ADUs are added at each lot (above the garage) and would yield a maximum of 19.4 units per acre if all owners exercised that ADU option above the detached garages.

Additionally, we suggest that the project’s orientation towards South Mill St. will maintain the Comprehensive Plan’s objective for increased walkability, interest, and intensity. By orienting the residences to face South Mill St. this infill proposal would not only maintain the existing pedestrian corridors but will allow for additional enhancements along the Maxwell Street promenade. Moreover, by “rear-loading” the proposed garages and ADUs along Lawrence St., we suggest this should reduce the potential for pedestrian/ vehicular conflict and traffic flow along the Maxwell St. corridor. If the three lots continue to face Maxwell St. two of the parcels might require ingress/ egress points along Maxwell St. and S. Mill St. to accommodate off street parking.



*Figure 3. Excerpt from the 1871 "birds' eye" view of Lexington illustrating that there is a possible historic context for reorienting the proposed homes towards South Mill St..*

Whereas the Second Tier Urban Place-Type generally seeks density levels higher than a Low-Density Residential Development Type with less “homogeneity” and a mix of housing types, we feel that this parcel warrants special consideration because it exists within an H-1 Overlay District that continues to have its historic residential fabric compromised and eroded along its edges that border collector and arterial roadways. While single family infill development may not be the highest and best option per the Comprehensive Plan, we suggest it might be the most appropriate and sensitive solution for the site.

Figure 1 illustrates the intent of the Comprehensive Plan’s 2<sup>nd</sup> Tier Place-Types, it also graphically acknowledges the potential for Low-Density Residential developments to exist within this Place-Types parameters. We are hopeful that the lower-density residential infill proposal will more appropriately address the size, scale, and nature of South Mill St. as a local street within the historic neighborhood protected by the H-1 Overlay and that other project enhancements and qualities

contained within the design will mitigate some of the Staff's density and orientation concerns along the West Maxwell Street corridor.

### **Engagement**

The owner, and we as their representative, have engaged with the Historic South Hill Neighborhood Association, presenting the proposed zone change from Neighborhood Business (B-1) to Medium Density Residential (R-4) as well as proposed site plan, building plans and elevations. As this project site is within the Historic H-1 Overlay, the neighbors present at the Neighborhood Association meeting were very appreciative of the proposed through-lot parcels with single family residences fronting on South Mill Street and garages along Lawrence Street. The neighbors were complimentary that the proposed structures successfully transition from the large scale of the historic City School building (Dudley Square) to the smaller historic residences on Mill and Maxwell Streets.

We have included a Letter of Support from the acting HSHNA Board President indicating their support of the project's scale, sensitivity and appropriateness for the neighborhood, their support to downzone the property from a B-1 Neighborhood Business to an R-4 Medium Density property, affirmation that the proposal of three single-family residential units with the potential for ADUs above each garage was commensurate with the increased density that the Association supported, and finally, has taken no exceptions to the requested dimensional variances.

We have also engaged with the LFUCGs Historic Preservation office and presented the project to their Board of Architectural Review (BOAR) on April 17, 2024, for conceptual review. Their response was positive, as we showed the history of structures on the proposed site had been oriented to front on South Mill Street, consistent with most of the remaining structures along that street. We are currently working on design revisions for the project, modifying the elevations and details in response to the questions and comments expressed in that meeting as well as to comments raised by Planning & Zoning Staff and Zoning Subcommittee Commissioners on June 6, 2024. We will return to the BOAR once this property is properly entitled to be reviewed for a Certificate of Appropriateness.

### **PROPERTY & ZONING HISTORY**

The subject properties have always been associated with single-family residential uses, but we were unable to determine when they we're zoned as Neighborhood Business (B-1). The Staff report indicates that their records show that these properties have been designated as B-1 since before 1969 and the comprehensive rezoning of the City and County and any residences on the properties were demolished in the early 1980s to establish the current parking lot.

The subject site is located within the South Hill neighborhood which was designated a Historic District in 1972. The residential neighborhood was once considered the outskirts of Lexington, but now is in the heart of the city between downtown and the University of Kentucky campus. Originally established in the late 1700's and developed over the next century, South Hill is mainly residential.

The recent past has seen some structures and homes converted to businesses and very recently new large-scale development for mixed-use commercial and residential.

## COMPREHENSIVE PLAN COMPLIANCE

In 2023, Lexington, KY published their comprehensive plan titled “Imagine Lexington: 2045 Comprehensive Plan” with a portion of the plan titled “Placebuilder”, a compilation of planning best practices that distill the policies of the overall comprehensive plan.

As mentioned previously, “Placebuilder” defines seven Place-Types within the Urban Service Area boundary. Because this subject site is bounded by a major downtown corridor, LFUCG Staff considers the most appropriate Place-Type as a Second Tier Urban Place-Type, which is defined as:

*Where significant infill and redevelopment opportunities exist to complement the urban core. While not expected to be as intensely developed as the downtown core, high-rise opportunities are not precluded provided that they are context-sensitive. The forward trend for development in the Second-Tier urban areas should be towards increased walkability and intensity (p. 268).*

We submit that this proposal comports with the *Goals & Objectives* from the Imagine Lexington: 2045 Comprehensive Plan in the following ways:

**NOTE: Text highlighted in blue represent critical components of the Comprehensive Plan that we feel the proposal fulfills**

### THEME A: *Growing & Sustaining Successful Neighborhoods.*

We submit that this proposal comports with Theme A of the Comprehensive Plan. In reviewing Theme A, we maintain that this development comports with the applicable design policies articulated and is appropriately dense within South Hill Neighborhood and H-1 Overlay protected area. We further submit that it addresses the following goals and objectives articulated in Theme A:

#### **GOAL 1: *Expand Housing Choices***

##### **Objectives:**

- b. *Accommodate the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types.***

*We believe that the proposed increase of density from 0 to potentially 19.4 per acre is consistent with the general intent of Goal 1, and not too inconsistent with the unit density of residential lots throughout this H-1 Overlay District. Site constraints, economic considerations, and ongoing concerns by the HSHNA and local residents about disproportionately oversized developments have driven this towards a “right-sized” residential infill project that respects the centuries old neighborhood context of South Mill St. It is the project’s intent to satisfy as many of the remaining Goals & Objectives articulated in the Imagine Lexington’s Comprehensive Plan to offset the density concerns raised by Planning Staff.*

**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 forms.

We submit that this proposal has appropriately focused on the residential nature and domestic scale of the HSHNA's context and have advanced a design that emphatically defines the corner of South Mill St. and West Maxwell St. This project attempts to navigate between the duplicitous nature of the site as both a diminutive historic neighborhood and 2<sup>nd</sup> Tier Urban Place-Type along an urban corridor. While we accept the Goals & Objectives of the Comprehensive, we maintain that site has existed as an underutilized infill and redevelopment opportunity for nearly a half-century and this proposal presents an opportunity to restore the residential density that the neighborhood once had nearly a century and a half ago (per the 1871 "bird's eye" map; see figure 3 above).

**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. Minimize disruption of natural features when building new communities.
- d. 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.
- e. Improve Lexington's transportation network through ample street and sidewalk connections between new and existing developments.

We believe this proposal will reinvigorate the pedestrian nature of both South Mill St. and West Maxwell St corridors by defining the corner intersection with three appropriately scaled residences, but also will enhance the pedestrian experience with the small courtyard at the front of each home, addition of street trees and planting areas along South Mill and West Maxwell, and the inclusion (restoration) of the site lighting along the brick site wall along pedestrian walkways. These features are consistent with Imagine Lexington's goals and integral to the project's well-designed nature.

**THEME B: Protecting The Environment:**

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

**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.

We suggest that the centrality of this infill development will be an important component of the project's successful achievement of Goal 2's objectives: the proximity to Central Business District and the University of Kentucky's campus should offer both owners and potential tenants the opportunity to walk to local establishments and businesses alike.

**GOAL 3:** *Apply Environmentally Sustainable Practices to Protect, Conserve and Restore Landscapes and Natural Resources.*

f. Promote, maintain, and expand the urban forest throughout Lexington.

As indicated previously, applicant is willing work with City's Urban Forester to develop a strategy that will embrace both native plantings and low impact landscapes and is anticipated that these practices will support the objective of Goal 3.

**THEME D:** Improving A Desirable Community.

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

**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.
- c. Concentrate efforts to enhance mass transit along our corridors in order to facilitate better service for our growing population, as well as efficiencies in our transit system.
- 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.

We suggest that the proposed streetscape amenities and improvements will generally be consistent with the Comprehensive Plan's objectives to support the Complete Streets goals.

**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.



We believe the project will substantially fulfill the objectives of Theme D.

**GOAL 3:** Protect and Enhance the Natural and Cultural Landscapes That Give Lexington-Fayette County Its Unique Identity and Image.

Objectives:

- a. Protect historic resources and archaeological sites.
- b. Develop incentives to retain, restore, preserve and continue use of historic resources such as historic sites, rural settlements and urban and rural neighborhoods.

We believe that the design proposal meets the Goals & Objectives this component of Theme D.

**THEME E:** Maintaining a Balance Between Planning for Urban Uses and Safeguarding Rural Land.

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

**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.
- b. Continue to monitor the absorption of vacant and underutilized land within the Urban Service Area.

We suggest that the infill development proposed for the subject property are consistent with intentions of Theme E.

### Comprehensive Plan Themes & Policies

We submit that this proposal comports with the *Themes & Policies* articles of Imagine Lexington: 2045 Comprehensive Plan in the following ways:

**THEME A:** Building and Sustaining Successful Neighborhoods.

**PILLAR I:** Design.

**Design policy #1:** Utilize a people-first design, ensuring that roadways are moving people efficiently & providing equitable pedestrian infrastructure.

**Design policy #2:** Ensure proper road connections are in place to enhance service times & access to public safety, waste management and delivery services for all residents.

**Design policy #3:** Multi-family residential developments should comply with the Multi-Family Design Standards in Appendix A.

**Design policy #4:** Provide development that is sensitive to the surrounding context.

**Design policy #5:** Provide pedestrian-friendly street patterns & walkable blocks to create inviting streetscapes.

**Design policy #6:** Adhere to the recommendations of the Lexington area MPO bike/ Pedestrian Master Plan, adopted in 2018.

**Design policy #7:** Design car parking lots and vehicular use areas to enhance walkability and bikability.

**Design policy #8:** Provide varied housing choice.

**Design policy #11:** Street layouts should establish clear public access to neighborhood open space and greenspace.

**Design policy #12:** Support neighborhood-level commercial areas.

**Design policy #13:** Development should connect to adjacent stub streets & maximize the street network.

We suggest that the proposed infill development references the historic residential neighborhood as a context and compliments the existing development pattern in the H-1 District. The applicant accepts that the density sought along the downtown corridor is generally higher than what is currently proposed, but we surmise that the proposed density and pedestrian nature of the design is consistent with the average across the entire neighborhood.

**PILLAR II:** Density.

**Density policy #2:** Infill residential can & should aim to increase density while enhancing existing neighborhoods through context sensitive design.

**Density policy #4:** Allow & encourage new compact single family housing types.

We submit that the proposed infill development will increase density while enhancing existing neighborhoods through context sensitive design references. The applicant accepts that the density sought along the downtown corridor is generally higher than what is currently proposed, but we would presume that the proposed density and pedestrian nature of the design is consistent with the average across the entire H-1 District.

**PILLAR III:** Equity.

**Equity policy #3:** Meet the demand for housing across all income levels.

**Equity policy #8:** Improve access to and promote accessory dwelling units as a more affordable housing option in Lexington.

We believe that the proposed ADUs component of the development will present an opportunity for increased density and affordable housing as sought by Pillar III.

**THEME B:** Protecting The Environment.

**PILLAR I:** Protection.

**Protection policy #7:** Protect the urban forest and significant tree canopies.

**PILLAR II:** Sustainability.

**Sustainability policy #1:** Establish a plan to reduce community-wide greenhouse gas emissions to net zero by 2050.

**Sustainability policy #3:** Reduce air pollution and greenhouse gases through compact development and complete streets that encourage multimodal transportation options.

**Sustainability policy #11:** Require low impact landscaping and native plants species.

We believe that proposed ADUs component of the development will present an opportunity for increased density and affordable housing as sought by Theme B as will the proposed addition street and landscape enhancements.

**THEME C: Creating Job and Prosperity.**

**PILLAR I: Livability.**

**Livability policy #4:** Promote economic development through improving the livability of downtown to support more residents and community serving businesses.

**Livability policy #6:** Attract & retain a vibrant workforce by improving affordable housing opportunities, amenities, & entertainment options.

**Livability policy #7:** Create a walkable city with quality transit that is attractive to new businesses and residents.

**PILLAR II: Diversity.**

**Diversity policy #6:** Increase flexibility on types of home occupations allowed.

**PILLAR III: Prosperity.**

**Prosperity policy #10:** Encourage flexible parking & shared parking arrangements.

We suggest that the proposed streetscape amenities and improvements will generally be consistent with the Comprehensive Plan's objectives to support the Complete Streets goals.

**THEME D: Improving a Desirable Community.**

**PILLAR I: Connectivity.**

**Connectivity policy #1:** Street design should reflect & promote the desired place-type.

**Connectivity policy #2:** Create multi-modal streets that satisfy all user needs and provide equitable multi-modal access for those who do not drive due to age, disability, expense, or choice.

**Connectivity policy #3:** Encourage Transit-Oriented Development, increase density along major corridors, and support transit ridership, thus reducing Vehicle Miles Traveled (VMT).

**Connectivity policy #6:** Develop a multi-modal transportation network and infrastructure; seek collaboration with regional transit partners for the commuting public.

PILLAR II: Placemaking.

**Placemaking policy #7:** Cultivate a more collaborative predevelopment process by implementing the recommendations of the Public Engagement Toolkit.

**Placemaking policy #9:** Honor Lexington's history by requiring new development & redevelopments to enhance the cultural, physical, & natural resources that have shaped the community.

PILLAR III: Support.

**Support policy #10:** Incorporate Street trees as essential infrastructure.

THEME E: URBAN AND RURAL BALANCE.

PILLAR I: Accountability.

**Accountability policy #3:** Implement the Placebuilder to ensure development compliance with the goals, objectives, and policies of the Comprehensive Plan.

**Accountability policy #5:** Redesign and retrofit the Lexington roadway network to safely and comfortably accommodate all users so as to encourage walking, bicycling and transit usage.

PILLAR I: Stewardship.

**Stewardship policy #1 :** Uphold and modernize the Urban Service Area concept.

PILLAR II: Growth.

**Growth policy #1:** Modernize regulations that support infill and redevelopment.

**Growth policy #2:** Identify and enhance opportunities for infill and redevelopment in downtown areas.

**Growth policy #5:** Identify and preserve Lexington's historic assets, while minimizing unsubstantiated calls for preservation that can hinder the city's future growth.

**Growth policy #6:** Address new development context along the boundaries of existing historic districts while encouraging infill and redevelopment.

**Growth policy #10:** Establish Transit-Oriented Development (TOD) for new development and infill along major corridors.

**Growth policy # 13:** Establish minimum residential densities and commercial intensities for new growth areas so that development covers the cost of the provision of infrastructure, community services, and facilities.

**Growth policy # 14:** Identify and provide mechanisms that produce affordable housing.

**The PlaceBuilder**

To ensure the greatest contextual (re) development of Lexington's Urban Service Area, we are required to identify a Place-Type based on the location of the subject properties. In consultation with Planning staff, we submit that this proposal should be evaluated through the lens of a 2<sup>nd</sup> Tier Urban Place-Type, and that the proposed development is appropriately classified as Medium Density Residential. We questioned whether the subject property and city block was more aligned with the Enhanced Neighborhood Place-Type, but

Staff's interpretation is that because the subject property abuts a downtown corridor the 2<sup>nd</sup> Tier Urban classification is appropriate given the site's proximity to the urban core.

At the June 6th, 2024, Planning Commission Zoning Subcommittee Meeting, a Commission Member asked Staff what the specific density was sought for the subject property as the current density is zero. Staff did not suggest that there was an absolute value per the Comprehensive Plan, but that given the property's adjacency to a Downtown Corridor, it should ideally be higher than 1 unit per parcel or approximately 9.6 units per acre. The amended submittal still yields a minimum of 9.6 units per acre if no ADUs are added at each lot and could yield a maximum of 19.4 units per acre if all owners exercised that ADU option. Additionally, the proposed 650 Square Foot ADUs shall comply with the ADU Ordinance that was approved by LFUCG's Council on December 7, 2024 as a converted detached structure.

We are hopeful that this proposed increased density more adequately meets the Comprehensive Plan's objectives, particularly for properties governed and restricted additionally by the H-1 Overlay designation and the BOAR's oversight and CoA requirements.

We believe the following standards are applicable to the proposal and incorporated into the design under the 2nd Tier Urban - Medium Density Residential Place-Type. While the maximum density yield may fall slightly below Staff's general goals for infill developments adjacent to a downtown corridor, we submit that with the support of the HSHNA and guidance from the BOAR, this proposal yields the best potential redevelopment opportunity for this site in nearly a half century. It has been our client's objective and our design's responsibility to propose a historically appropriate residential component that addresses the downtown corridor orientation of this highly visible site while fulfilling significant components of the Imagine Lexington Comprehensive Plan while maintaining the character of the detached single-family homes along South Mill St. and contained within the H-1 District:

#### Land Use

- A-DN2-1 Infill residential should aim to increase density.
- C-LI7-1 Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
- D-CO3-1 Development should increase density and intensity adjacent to transit.
- D-PL7-1 Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.

#### TRANSPORTATION, CONNECTIVITY, AND WALKABILITY

- A-DS1-2 Accessible pedestrian linkages to transit should be provided.
- A-DS4-1 A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided.
- A-DS5-2 Developments should incorporate vertical elements, such as street trees and buildings, to create a walkable streetscape.
- D-CO2-2 Development should comply with Lexington's Complete Streets Policy.

#### ENVIRONMENTAL SUSTAINABILITY AND RESILIENCY

- B-PR7-1 Developments should be designed to minimize tree removal and to protect and preserve existing significant trees
- B-RE1-1 Developments should improve the tree canopy.
- D-SP10-1 Prioritize Street trees in the planting strip1.

#### SITE DESIGN

- A-DS5-4 Development should provide a pedestrian-oriented and activated streetscapes.
- A-DS7-1 Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
- C-LI8-1 Development should enhance a well-connected and activated public realm.
- C-PS10-2 Over-parking of new developments should be avoided.

#### BUILDING FORM

- 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.
- A-DS5-3 Building orientation should maximize connections with the street and create a pedestrian-friendly atmosphere.
- A-DN2-2 Development should minimize significant contrasts in scale, massing and design, particularly along the edges of historic areas and neighborhoods.
- A-EQ5-1 Development should create context sensitive transitions between intense corridor development and existing neighborhoods.
- D-PL2-1 Development should provide active first floor uses whenever adjacent to a street, pedestrian facility, or community focused open space.

#### Requested Variances:

The subject site is located within the defined Infill and Redevelopment Area. This designation contains the following provision directing the Planning Commission / Board of Adjustment to provide special consideration for yard variances in these areas:

*Article 15-7.d: Special Considerations for Setbacks in Infill and Redevelopment Areas. The intent of the Infill and Redevelopment regulations is to allow new construction that is compatible with existing development patterns in older, established neighborhoods. Unique circumstances may require appropriate Board of Adjustment action to allow some relief of yard requirements where strict application of the regulations would cause unusual hardship or a development incompatible with the existing pattern of the neighborhood.*

The applicant recognizes and accepts the goals and objectives of the City as outlined in Imagine Lexington 2023. Additionally, the project must also navigate the regulations and guidelines that are required within an H-1 Neighborhood District for any new infill development. Finally, we are obliged to address the appropriateness and density concerns raised by residents and stakeholders alike within the South Hill neighborhood. We suggest that the proposed infill development will achieve most of the priorities recommended within the Placebuilder document including the creation of additional

residential density in the neighborhood, an improved walkability and pedestrian experience along the streetscapes without creating additional neighborhood parking pressures, all while appropriately responding to the surrounding historic context of the South Hill neighborhood.

The applicant suggests that strict adherence to the typical dimensional setbacks as specified within the R-4 Zone would likely limit the developments' ability to meet density goals and objectives Imagine Lexington seeks, as well as enhanced livability and quality of life improvements within the neighborhood. Granting the proposed variances would allow for the construction of three new infill residences (with proposed ADUs on each site) that will be appropriate in scale and rhythm with the existing neighborhood and H-1 Historic Overlay District and is supported by the HSHNA Board.

The applicant requests the following variances:

- A. Front Yard Setback Variance from TWENTY (20) FEET TO FOURTEEN (14) FEET.

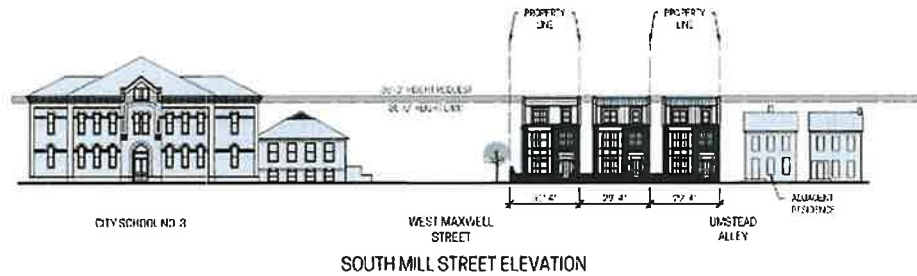
This variance is necessary to position the proposed residences to approximately align with the setbacks of the homes on adjacent properties to the south along South Mill Street.

- B. Side Street Side Yard Setback Variance from TWENTY (20) FEET TO SIX (6) FEET.

This variance will allow for the subject property to be subdivided into three (3) through-lot properties running from South Mill Street to Lawrence Street, while creating a transition between the zero (0'-0") setback for the office building at adjacent property at 300 West Maxwell Street to the west of the subject property and the approximate 8'-0" setback of the properties to the east at 208 - 216 West Maxwell Street (east of Lawrence Street).

- C. Side Yard Variance from THREE (3) FEET TO ZERO (0) FEET.

This variance is requested to allow each of the proposed residences to have a zero-lot line at the southern edge of each subdivided property and at least 5'-0" clear between the north wall of each residence and the neighboring building. This will allow each of the proposed residences to have windows on the north side of the structures, allowing for egress from bedrooms as required by code as well as daylight into the homes.



**D. Height Variance from THIRTY-FIVE (35) FEET TO THIRTY-EIGHT (38) FEET.**

The Historic South Hill Neighborhood Association was in favor of construction of detached, single-family residences that would transition from the scale of the large, historic City School building to smaller scale residences along South Mill Street and were supportive of the mansard roof form to lessen the visual scale of each 3-story structure at the pedestrian level. This height variance is requested to allow the 3-story structures with the mansard roof form. Additionally, as is consistent with residences throughout the neighborhood, the first floors of most historic homes in the neighborhood are elevated 18"-24" above the ground plane and pedestrian corridors. Respecting the historic context of this architectural element is a contributing factor for requesting the additional height

At this time, the applicant will no longer be seeking a height variance. We may seek this variance at a later date if necessary (or desired).

This design proposal was reviewed by the BOAR for a "conceptual" Certificate of Appropriateness on April 17, 2024. Board Members questioned Historic Preservation Staff's findings about the scale, mass, and form of the proposal, and generally concluded that the three (3) single family detached residences with detached garages were of an appropriate transition of scale between the smaller structures that face Maxwell to the larger structures at Dudley's Square. Additionally, the BOAR members and staff members agree that they would not like apartment complexes to be built in this Historic District location.

The applicant will address the appropriateness of the design with Historic Preservation Staff and the BOAR at a future date to review any additional design and/ or building height requests such that these proposed structures meet the scale, mass, and form necessary to construct additional density while rebuilding the historic pattern and context that once existed on the site.



~~E. Maximum Driveway Width Variance from TEN (10) FEET TO SIXTEEN (16) FEET.~~

~~The request for Maximum Driveway Width variance from 10'-0" to 16'-0" will allow for a transition from street to the proposed 2-car garages, allow space for parking on the property rather than on-street, and allow the potential for each garage structure to serve as an Accessory Dwelling Unit or live/work space.~~

At this time, the applicant will no longer be seeking a width variance. We may pursue this variance at a later date if necessary (or desired). If the proposed ADUs are constructed above the detached garages to maximize lot density, the applicant may seek a driveway width variance to accommodate off street parking for the occupant/ resident of the ADU to reduce the street parking pressures in the neighborhood.

**Conclusion**

We ask that you favorably consider the proposed zone change and its relationship to fulfilling the mission, goals, objectives of Imagine Lexington: 2045 Comprehensive Plan. We believe that proposed infill construction of three new residences on the site of an existing surface parking lot will make a significant improvement to the Historic South Hill Neighborhood and restore some of the historic context and fabric that has been missing for several decades.

Thank you for your consideration of our proposed zone change and we look forward to presenting our case in full at the public hearing in June. We are happy to answer any questions or to provide additional information about our proposal between now and the public hearing.

Sincerely,



Bob Carbon  
Design Manager  
New Republic Architecture

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

**Parsons Green Development, LLC  
232, 228 & 226 West Maxwell Street, Lexington, KY  
Zone Change from B-1 to R-4**

A tract of land on the southeast of the West Maxwell Street being bounded on the north by South Mill Street and on the south by Lawrence in Lexington, County of Fayette, Commonwealth of Kentucky and more particularly described as follows:

Commencing at the intersection of the center lines of South Mill Street and West Maxwell Street; thence with the center line of West Maxwell Street and being a new line through the existing B-1 (Neighborhood Business) Zone S37°45'00"E 197.50 feet more or less to the intersection of the center lines of West Maxwell Street and Lawrence Street; thence with the center line of Lawrence Street and being a new line with the existing B-1 (Neighborhood Business ) Zone S52°15'00"W 115.00 feet more or less to a point corner to the existing R-1T (Townhouse Residential) Zone; thence leaving the center line of Lawrence Street and being with the existing R-1T (Townhouse Residential) Zone N37°45'00"W 25.00 feet more or less to the north Right-of-Way of Lawrence Street and being corner to 408 South Mill Street (Carrie Lynn Brogden Property DB 3894, P. 138); thence with the existing R-1T (Townhouse Residential) Zone and being with 408 S. Mill Street (Carrie Lynn Brogden Property DB 3894, P. 138) N37°45'00"W 150.00 feet more or less to the south Right-of-Way of South Mill Street; thence continuing with the existing R-1T (Townhouse Residential) Zone N37°45'00"W 22.50 feet more or less to the center line of South Mill Street; thence with the center line of South Mill Street and being a new line with the existing B-1 (Neighborhood Business) Zone N52°15'00"E 115.00 feet more or less to the beginning and containing 0.52 acres (Gross) and 0.31 acres (Net).



# NEW REPUBLIC ARCHITECTURE (PLN-MAR-24-00009)

226, 228, 232 W MAXWELL STREET

Rezone the property for single-family residential development.

## Applicant

NEW REPUBLIC ARCHITECTURE  
1396 RACE STREET, STE C101  
CINCINNATI, OH 45202  
ATTORNEY: jerrad.howard@dinsmore.com

## Owners

PARSONS GREEN, LTD  
786 OLD LUDLOW AVENUE  
CINCINNATI, OH 45220

## Application Details

### Acreage:

0.31 net (0.52 gross) acres

### Current Zoning:

Neighborhood Business (B-1) zone  
Historic District Overlay (H-1) zone

### Proposed Zoning:

Medium Density Residential (R-4) Zone

### Place-type/Development Type

Second Tier Urban

Low Density Residential

*For more information about the Second Tier Urban Place-type see Imagine Lexington pages 284-297. For more information on the Low Density Residential Development Type see page 271.*

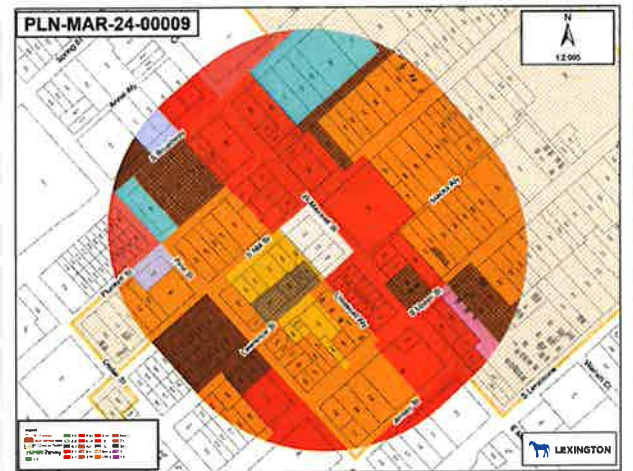
### Description:

The applicant is seeking to rezone the subject property in order to establish three single-family residences. Additionally, the applicant is seeking several variances with this request, including reducing the front yard setback from 20 to 14 feet, reducing the side street side yard setback from 20 to 6 feet, reducing the side yard setback from 3 feet to 0 feet, increasing the maximum height of the building from 35 to 38 feet, and increasing the maximum width of the driveway from 10 feet to 16 feet.

## Public Engagement

- The applicant has meet with the South Hill neighborhood association to discuss the proposal.

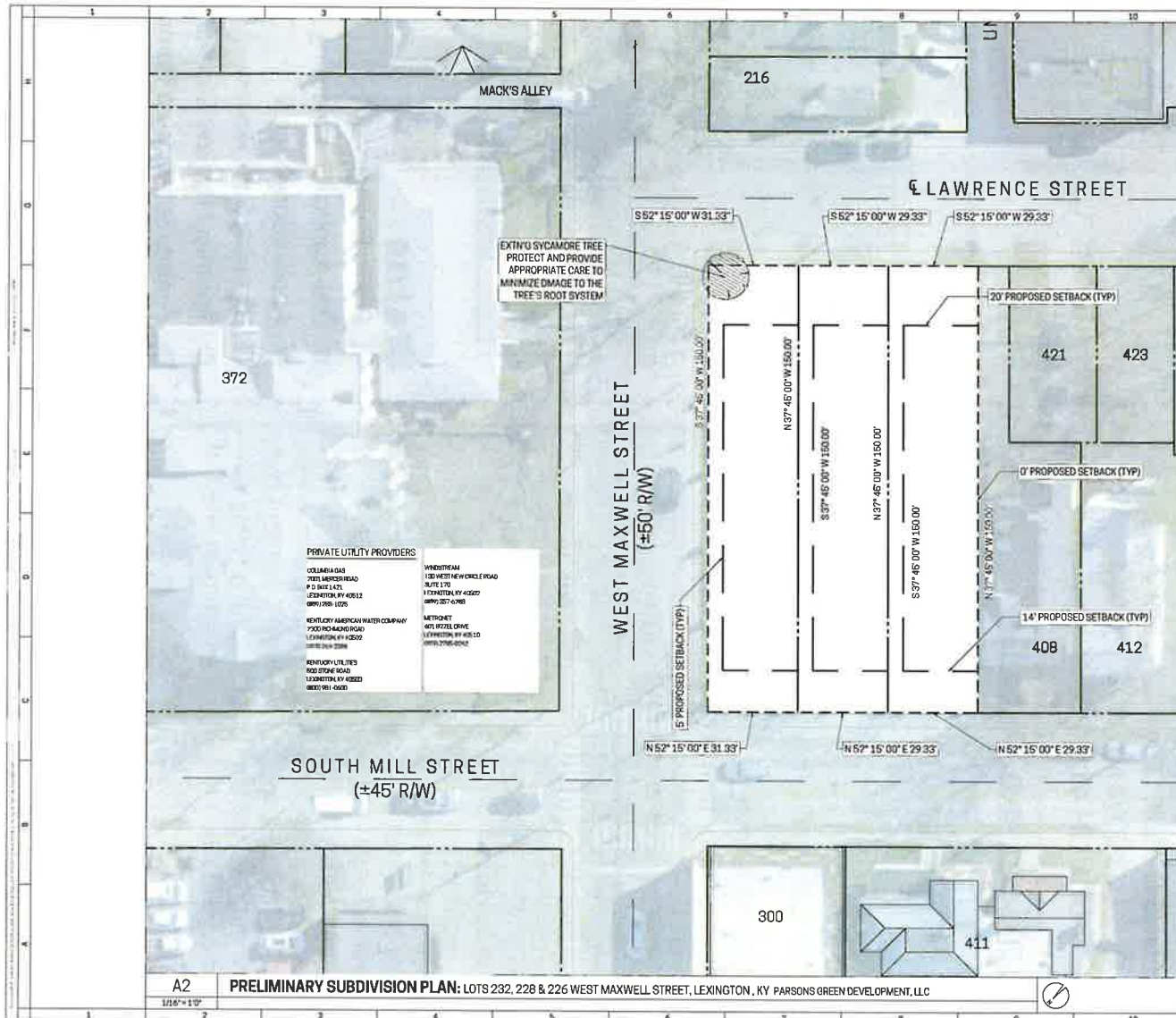
DISCLAIMER: Plans are subject to change. Visit the Accela Citizen Portal ([lexingtonky.gov/plans](http://lexingtonky.gov/plans)) or contact Planning for the latest information.



## 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

# Preliminary Subdivision Plan



**CONDITIONAL RESTRICTIONS: R-4**  
 MEDIUM DENSITY RESIDENTIAL (R-4) ZONE  
 (SEE ARTICLE 67 TOWN ORDINANCES)

**AS PRINCIPAL PERMITTED USES:**  
 THE PRINCIPAL PERMITTED USES IN THE R-4 ZONE ARE:  
 RESIDENTIAL USES  
 USES AND STRUCTURES WHICH ARE CUSTOMARILY ACCESSORY TO THE PRINCIPAL PERMITTED USES IN THE R-4 ZONE

**PROHIBITED USES:**  
 THE PROHIBITED USES IN THE R-4 ZONE INCLUDE:  
 TREE INVENTORY & TREE PROTECTION PLAN  
 THE CULMINATED STATE OF TREE CANOPY INDICATION PLAN HAS BEEN DETERMINED FROM A COMBINATION OF VISUAL SURVEY AND AERIAL PHOTOGRAPHY.

**TREE CANOPY REQUIREMENT:**  
 REQUIRED COVERAGE ALL RESIDENTIAL ZONES INCLUDING R-4 - IS UP THIRTY PERCENT COVER

**SITE STATISTICS:**  
 ZONE: R-4  
 AREA: 0.28 ACRES  
 NO. OF LOTS: 8  
 DENSITY: 31.40 LOTS/ACRES  
 TYPICAL LOT SIZE: 30x150'

**SOIL INVENTORY:**  
 OPENWOOD SILT LOAM, 2 TO 4 PERCENT BLOOM, HAPLOSTENT  
 CONCRETE SILT LOAM, 4 TO 6 PERCENT BLOOM, HAPLOSTENT  
 HARTWOOD SILT LOAM, 0 TO 4 PERCENT BLOOM, OCCASIONALLY FLOODED  
 MBB: MEDIATE SILT LOAM, 2 TO 4 PERCENT BLOOM  
 MBB2: MEDIATE SILT LOAM, 0 TO 2 PERCENT BLOOM  
 MBB3: MEDIATE SILT LOAM, 2 TO 20 PERCENT BLOOM, FREQUENTLY FLOODED  
 MBB4: MEDIATE SILT LOAM, 4 TO 12 PERCENT BLOOM, OCCASIONALLY FLOODED  
 MBB5: MEDIATE SILT LOAM, 4 TO 12 PERCENT BLOOM, OCCASIONALLY FLOODED  
 MBB6: MEDIATE SILT LOAM, 4 TO 12 PERCENT BLOOM, OCCASIONALLY FLOODED  
 MBB7: MEDIATE SILT LOAM, 4 TO 12 PERCENT BLOOM, OCCASIONALLY FLOODED  
 MBB8: MEDIATE SILT LOAM, 4 TO 12 PERCENT BLOOM, OCCASIONALLY FLOODED  
 MBB9: MEDIATE SILT LOAM, 4 TO 12 PERCENT BLOOM, OCCASIONALLY FLOODED  
 MBB10: MEDIATE SILT LOAM, 4 TO 12 PERCENT BLOOM, OCCASIONALLY FLOODED



**PRIVATE UTILITY PROVIDERS:**

<b>COLLIERIA GAS</b> 7001 MARKET ROAD P O BOX 1421 LEXINGTON, KY 40502 859.268.1025	<b>WESTERN</b> 130 WEST NEW ORLEANS ROAD SUITE 170 1 CENTRAL KY 40502 859.257.4768	<b>METRONET</b> 601 8726L DRIVE LEXINGTON, KY 40510 859.2766.0242
<b>WESTLICK AMERICAN WATER COMPANY</b> 7500 RICHMOND ROAD LEXINGTON, KY 40502 859.268.2884		
<b>KENTUCKY UTILITIES</b> 300 STEAK ROAD LEXINGTON, KY 40502 859.981.6600		

**NEW CONSTRUCTION RESIDENCE**

SOUTH MILL + WEST MAXWELL  
 LEXINGTON, KY 40507  
 PROJECT NO 23-006

OWNER: PARSONS GREEN DEVELOPMENT LLC  
 255 EAST FIFTH STREET, SUITE 1900  
 CINCINNATI, OH 45202  
 CONTACT: JERRAD HOWARD  
 PHONE: (502) 540-2305

ARCHITECT: NEW REPUBLIC LIMITED  
 406 NEW REPUBLIC ARCHITECTURE  
 CONTACT: BOB CASBON  
 PHONE: (513) 800-1591x706

STRUCTURAL ENGINEER: SCHREFFER ENGINEERING  
 5577 PETER ROSE WAY, SUITE 400  
 CINCINNATI, OH 45202  
 (513) 842-3300

CIVIL ENGINEER: UNDESIGNATED CONTRACT  
 SHIRBYNG SPANIER SEPARATE COVER

**nr**  
 NEW REPUBLIC  
 architecture

*Not for Construction*

241MP-207606  
 PRELIMINARY  
 SUBDIVISION PLAN

**G002**

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# STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-24-00009: NEW REPUBLIC ARCHITECTURE

## DESCRIPTION OF ZONE CHANGE

Zone Change: From a Neighborhood Business (B-1) zone  
To a Medium Density Residential (R-4)  
zone

Acreage: 0.31 net (0.52 gross) acres

Location: 226, 228, and 232 W. Maxwell Street



## EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Properties	B-1/H-1	Parking Lot
To North	B-1/H-1	Mixed Use
To East	B-1/H-1	Commercial
To South	R-1T/H-1	Residential
To West	B-1/H-1	Commercial

## URBAN SERVICE REPORT

**Roads** - The subject properties are three parcels that comprise the block between S. Mill Street, W. Maxwell Street, and Lawrence Street. S. Mill Street is a three lane local roadway that borders the properties to the west. W. Maxwell Street (KY is a major arterial roadway that provides southeast bound, one-way traffic flow, from Versailles Road (US 60) to East High Street. W. Maxwell has two lanes in this vicinity, and borders the properties to the north. Lawrence Street is a two lane local roadway that borders the properties to the east.

**Curb/Gutter/Sidewalks** - S. Mill Street, W. Maxwell Street, and Lawrence Street have curb, gutters, and sidewalks at this location.

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

**Storm Sewers** - The subject properties are located within the Town Branch watershed and no FEMA Special Flood Hazard Area exists within this immediate area. The existing storm sewer system will continue to be utilized to serve the development.

**Sanitary Sewers** - The subject property is located within the Town Branch sewershed, which is served by the Town Branch Wastewater Treatment Facility, located on Lisle Industrial Avenue, southeast of New Circle Road. Sanitary sewer capacity will need to be verified for the proposed redevelopment.

**Refuse** - The Urban County Government serves this area with refuse collection on Mondays.

**Police** - The nearest police station is the main headquarters, located approximately 0.4 miles to the east on East Main Street.

**Fire/Ambulance** - Fire Station #6 is about 1/2 mile from the subject property, at the corner of Scott Street and South Limestone, near the main entrance to the University of Kentucky campus.

**Transit** - Several LexTran routes serve the immediate area. Routes #13 and #24 have stops at the intersection of W. Maxwell Street and South Broadway, approximately 400 feet northwest of the properties. The #5 route has a stop at the intersection of Pine Street and S. Upper Street, approximately 350 feet southeast of the subject properties.

**Parks** - Carver School Park is located approximately 1/4 mile west of the subject properties. Phoenix Park is located approximately 1/3 mile northeast of the subject properties.

## SUMMARY OF REQUEST

The applicant is seeking a zone change from the Neighborhood Business (B-1) zone to the Medium Density Residential (R-4) zone in order to build three single family residences.

## PLACE-TYPE

SECOND TIER URBAN

Where significant infill and redevelopment opportunities exist to complement the urban core. While not expected to be as intensely developed as the downtown core, high-rise opportunities are not precluded provided that they are context-sensitive. The forward trend for development in the 2nd Tier Urban areas should be towards increased walkability and intensity.

## DEVELOPMENT TYPE

LOW DENSITY RESIDENTIAL

### Primary Land Use, Building Form, & Design

Primarily attached and detached single-family homes of varying formats, including accessory dwelling units. Homogeneous neighborhoods that do not include a mix of housing types should be avoided. Low density residential is only appropriate as a component of “Enhanced Neighborhoods” and “New Complete Neighborhoods”, and should be supplemented by a variety of uses and housing options to create sustainable places.

### Transit Infrastructure & Connectivity

Multi-modal network connections, including connected streets, are required to keep an efficient transportation network that provides viable options for all users.

### Quality of Life Components

These developments should include intentional open space designed to fit the needs of area residents, and be in walking distance of nearby neighborhood-serving commercial/employment uses.

## PROPOSED ZONING



The intent of this zone is to provide for medium to medium-high density multi-family dwellings and supporting uses. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. The medium to medium-high density residential uses should be located along collector and arterial streets. Where lower density development occurs in this zone, it should be located along local streets. Adequate multi-modal connections should be available to all residents. Development should be in areas of the community where necessary services and facilities will be adequate to serve the anticipated population. Medium to medium-high density multi-family dwellings should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

## PROPOSED USE



The applicant is seeking to rezone and subdivide the property to create three single-family residential lots, each approximately 0.10 acres in size. The applicant is also seeking several variances in order to develop the lots, including a reduction in the required front yard on S. Mill Street, side street side yard on W. Maxwell Street, side yard, maximum driveway width, and an increase in the allowable height of the structures.

## APPLICANT & COMMUNITY ENGAGEMENT



The letter of justification submitted by the applicant has indicated that the applicant has shared their proposal to the Historic South Hill Neighborhood Association, who were supportive of the request at that time.

## PROPERTY & ZONING HISTORY



The subject properties have been zoned Neighborhood Business (B-1) since before the comprehensive rezoning of the City and County in 1969. Historically, the subject properties contained single-family residential uses, which were demolished in the early 1980s in order to establish the current parking lot use.

The subject properties are located within the Historic South Hill Neighborhood, which has been a local historic district (complete with an H-1 overlay zone) for over five decades. As a whole, the Historic South Hill Neighborhood area is characterized by a mixture of uses, and has increasingly seen numerous remodeling, adaptive reuse, and new infill and redevelopment, due to its proximity to the downtown core and the University of Kentucky campus. Any construction on site will require a Certificate of Appropriateness and approval by the Board of Architectural Review.

## COMPREHENSIVE PLAN COMPLIANCE



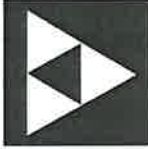
The 2040 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished 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

Within their letter of justification, the applicant describes the Goals and Objectives of the Comprehensive Plan that they believe are being met with this request. The applicants' primary argument is that this request meets Comprehensive Plan Goals relating to redevelopment by utilizing a vacant lot for their proposed single-family residential development (Theme A, Goal #2.a). While this request is an infill project for underutilized parcels, the character of the applicant's proposal fails to meet several other significant Comprehensive Plan Goals, Objectives, and Policies.

The Comprehensive Plan calls for providing a mix of housing, prioritizing higher-density residential development (Theme A, Goal# 1.b), especially along a downtown corridor (Theme A, Design Policy #1). While the subject properties are located within an Historic Overlay District, greater density can be provided at this location while achieving a design that is context sensitive to its location (Theme A Density Policy #3). By re-orienting the lots from W. Maxwell Street to S. Mill Street, the request fails to respect the context and design features of the surrounding area, as nearly all development along this corridor are oriented towards W. Maxwell Street (Theme A Goal #2.b; Theme E, Goal# 2.e; Theme A, Design Policy #4). Finally, by providing no activation of the frontage on W. Maxwell Street, the request does not promote a pedestrian friendly street pattern or walkable streetscape (Theme A, Design Policy #5), specifically along the primary corridor.

Staff cannot find that the proposed rezoning and development are in agreement with the Goals, Objectives, and Policies of the Comprehensive Plan as indicated in the applicant's justification.



## 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 2040 Comprehensive Plan. While these zones are the ideal zoning categories to develop within a specified area, other zones may be considered, provided there is an appropriate justification addressing the unique situation and provided the development is able to adequately meet the associated Development Criteria.

The applicant has indicated that the site is located within the Second Tier Urban Place-Type and is seeking to redevelop the property as a Low Density Residential Development Type. As the Second-tier Urban Place-types border the downtown core, there is generally some areas of overlap where an argument could be made for the appropriateness of either type. While staff has historically evaluated properties on Maxwell Street under the lens of a Downtown Place-Type, a Second-Tier Urban place type could be appropriate at this location. Regardless, both the Downtown and Second-Tier Urban place-types emphasize increasing density with redevelopment, and do not recommend the applicant's chosen Low-density Residential Development Type. The applicant states in their letter of justification that staff has recommended a low density residential development at this location; however, this is inaccurate. Staff has provided feedback that the proposed development would be characterized as low-density residential development, not that such a development would be appropriate at this location. The applicant opines that lower density residential development is more appropriate at this location due to its location within in the South Hill Historic District. However, the district features a large variety in uses and densities, ranging from single-family, to duplexes and triplexes along S. Mill Street, to condominiums and multiplexes along S. Upper Street.

The applicant's proposed Medium Density Residential (R-4) zone is a recommended zone within the Second-Tier Urban Place-Type due to its ability to provide for medium to high density residential development. However, like all residential zones, there are provisions in the R-4 zone that allow for the construction of single-family residential development. Such development would not be appropriate for a significant downtown corridor. Staff finds that the Medium Density Residential (R-4) zone could be appropriate for this location, provided the applicant is able to demonstrate agreement with the Imagine Lexington Comprehensive Plan, that the proposed development is reflective of its location along a significant downtown corridor. The staff disagrees that the proposed development is in agreement with the adopted Comprehensive Plan.

## DEVELOPMENT CRITERIA

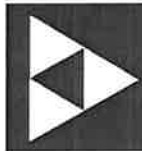
The development criteria for a zone change are the distillation of the adopted Goals and Objectives, as well as the policies put forth in the 2040 Comprehensive Plan. The development criteria for development represent the needs and desires of the Lexington-Fayette Urban County community in hopes of developing a better built environment. The applicable criteria are defined based on the proposed Place-Type and Development Type. The applicant's chosen Development Type was not a recommended type for either of the Downtown or Second-Tier Urban Place-Types, and so the request was evaluated using the criteria for Medium Density Residential Development Type. The applicant has identified several land use criteria as being applicable to their request, but did not provide a justification or explanation as to how they are being met. Staff has reviewed these criteria, and noted other significant criteria not addressed by the applicant.

### 1. Land Use

#### *A-DN2-1. Infill Residential should aim to increase density*

While the applicant's request is an increase in density relative to the existing parking lot, the proposed density is below the density of much of the South Hill neighborhood, and is far below the density that would be in character for residential development along a significant downtown corridor. At 9.6 units per acre, the density of the proposed development would be below that of most development in the area. The adjoining single-family residential use at 408 S. Mill Street has a density of 12.5 dwelling units per acre, while the triplex at 412 S. Mill Street has a density of over 42 units per acre. The development should be looking to expand density in the area, not reducing it further.





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

By shifting away from the current neighborhood business zoning, the requested downzoning at this site removes the possibility of creating a mixed-use development, or being a location for employment, shopping or entertainment.

*D-PL7-1 Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.*

The applicant met with the South Hill Neighborhood Association for feedback prior to submission of an application. Based on the applicant's conversation with staff, the neighborhood voiced support for the proposed single-family residential uses, and voiced concerns regarding higher density residential development.

*E-ST8-2 Development should provide community oriented places and services.*

The applicant states that the request will provide a community oriented place, but does not expand upon how providing three single family homes along a primarily commercial corridor is meeting this criteria.

#### 2. Transportation, Connectivity, and Walkability

*A-DS5-2 Developments should incorporate vertical elements such as street trees and buildings to create a walkable streetscape.*

Based on the requested setback, the request will most likely provide a walkable, pedestrian friendly streetscape along S. Mill Street, as this is where the front of the structures will be located. The other two frontages of the lot will appear to provide views to the sides of the homes as well as the rear detached garage. The applicant has not shown how these elements will contribute to an activated, pedestrian friendly streetscape.

#### 3. Environmental Sustainability and Resiliency

*B-RE1-1 Developments should increase the tree canopy.*

The applicant states that the request will improve the overall tree canopy cover; however, the proposed canopy and planting information has not been provided. The applicant indicates that a significant tree at the corner of Lawrence Street and W. Maxwell Street is being retained, but there are several smaller trees internal to the site that would need to be removed in order to develop as proposed. The applicant has not provided any materials to demonstrate what the canopy will be post-construction.

#### 4. Site Design

*A-DS5-4: Development should provide pedestrian oriented and activated streetscapes; C-LI8-1: Development should enhance a well-connected and activated public realm.*

The proposed rezoning represents a shift from the context of this portion of W. Maxwell Street, where the roadway is fronted on both sides by neighborhood serving commercial and office uses, which activate the street frontage. Under the applicant's proposal, the 150-foot stretch of W. Maxwell Street frontage would be fenced in, and would display the side of one of the proposed residences and detached garages. This does not match the character or orientation of other development in this area, which prioritizes W. Maxwell Street, and locates the unarticulated facades and parking areas to the subordinate side streets.

#### 5. Building Form.

*A-DS5-3: Building orientation should maximize connections with the street and create a pedestrian-friendly atmosphere.*

Due to the change in lotting pattern, the proposed structures do not face their most significant frontage. As proposed, the 150 feet of frontage on W. Maxwell will be enclosed with fencing, with no entrances to the structure from the site's most prominent and visible frontage.

*A-DN202: Development should minimize significant contrasts in scale, massing, and design, particularly along the edges of historic areas and neighborhoods; AEQ5-1: Development should create context sensitive transitions between intense corridor development and existing neighborhoods.*

The proposal does not show any meaningful transition from the character of the interior residential lots on S. Mill Street to the commercial oriented lots adjoining W. Maxwell Street. This results in significant clashes in orientation and design with nearly all commercial development along this portion of W. Maxwell St. While the age, style, and size of development may vary along this corridor, nearly all are oriented towards Maxwell Street.

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



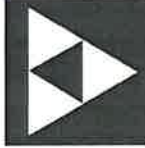
1. The requested rezoning to the Medium Density Residential (R-4) zone is not in agreement with the 2040 Comprehensive Plan for the following reasons:
  - a. The requested rezoning is not in agreement with the Goals, Objectives, and Policies of the 2040 Comprehensive Plan.
    1. The proposed single-family residential development does not seek to construct at a density or intensity that might be reflective of a major downtown corridor in Lexington (Theme A, Goal #2.b; Theme A, Density Policies #1 and #2).
    2. By orienting the structures towards S Mill Street, the proposed development does compliment the character for development along this portion of the W. Maxwell Street corridor (Theme A Goal #2.b; Theme E, Goal# 2.e).
    3. Single-family residential development along a major downtown corridor is not sensitive to the surrounding context (Theme A Design Policy #4).
    4. By not activating the Maxwell Street frontage, the request does not create an inviting streetscape or a pedestrian friendly street pattern (Theme A , Design Policy #5).
  - b. The proposed Low Density Residential Development Type is not recommended for the applicant's chosen Place-Type, and is not appropriate along a major downtown corridor (Placebuilder, Page #268).
  - c. The requested rezoning is not in agreement with the Development Criteria of the 2040 Comprehensive Plan. The following Development Criteria are not being meet with the proposed rezoning.
    1. *A-DN2-1: Infill Residential should aim to increase density*
    2. *C-LI7-1: Developments should create mixed use neighborhoods with safe access to community facilities, greenspace, employment, shopping, and entertainment.*
    3. *E-ST8-2: Development should provide community oriented places and services.*
    4. *A-DS5-2: Developments should incorporate vertical elements such as street trees and buildings to create a walkable streetscape.*
    5. *A-DS5-4 : Development should provide pedestrian oriented and activated streetscapes;*
    6. *C-LI8-1: Development should enhance a well-connected and activated public realm*
    7. *A-DS5-3: Building orientation should maximize connections with the street and create a pedestrian-friendly atmosphere.*
    8. *A-DN202: Development should minimize significant contrasts in scale, massing, and design, particularly along the edges of historic areas and neighborhoods;*
    9. *AEQ5-1: Development should create context sensitive transitions between intense corridor development and existing neighborhoods.*

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



2. There have been no major unanticipated changes of an economic, social or physical nature in the area of the subject property since the adoption of the 2040 Comprehensive Plan.
3. The applicant has not provided sufficient evidence as to why the current zoning is inappropriate, addressing the historical establishment of the zone, and why the proposed zoning is appropriate for this location.

## STAFF REPORT ON VARIANCE REQUEST



As part of their application, the petitioner is also seeking the following dimensional variances:

1. FRONT YARD SETBACK VARIANCE FROM TWENTY (20) FEET TO FOURTEEN (14) FEET.
2. SIDE STREET SIDE YARD SETBACK VARIANCE FROM TWENTY (20) FEET TO SIX (6) FEET.
3. SIDE YARD VARIANCE FROM THREE (3) FEET TO ZERO (0) FEET.
4. HEIGHT VARIANCE FROM THIRTY-FIVE (35) FEET TO THIRTY-EIGHT (38) FEET.
5. MAXIMUM DRIVEWAY WIDTH VARIANCE FROM TEN (10) FEET TO SIXTEEN (16) FEET

Before any variance is granted, the Planning Commission must find the following:

- a. The granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Planning Commission shall consider whether:
  1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.
  2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
  3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- b. The Planning Commission shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

### ZONING ORDINANCE

Article 6-4(c) states that the Planning Commission may hear and act upon requested variances associated with a zone change. In such cases, they may assume all of the powers and responsibilities of the Board of Adjustment, as defined in Article 7-6(b) of the Zoning Ordinance.

Article 8-13(o) by reference to Article 8-12(o).5 states for detached single-family residential development within the Infill and Redevelopment Area, that the required front yard setback is 20 feet, the side street side yard setback is 20 feet, the side yard setback is 3 feet, and the maximum height is 35 feet.

Article 16-5(a)4.b states that the maximum width of a driveway for single-family residential development within the Infill and Redevelopment Area is 10 feet.

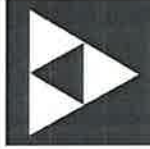
### CASE REVIEW

The applicant's proposal calls for a reconfiguration of the subject properties into three lots, fronting on S. Mill Street, that are intended to be utilized for three-story single family residences. In order to achieve their preferred orientation and style of development, the applicant is requesting several setback variances, a driveway width variance, as well as a height variance.

The first requested setback variance is a reduction in the front setback on S. Mill Street from twenty (20) feet to fourteen (14) feet. The subject property is a triple frontage lot, requiring a twenty foot setback from S. Mill Street, W Maxwell Street, and Lawrence Street. The applicant is seeking the front setback variance in order to bring the structure closer in line with existing residences along S. Mill Street. The applicant opines that the closer setback will better match the character of downtown Lexington, where setbacks are generally smaller.

The second variance request is for a reduction in the side street side yard setback along W. Maxwell Street from 20 feet to 6 feet. The applicant opines that this reduction in W. Maxwell setback is necessary in order to allow for the construction of the three homes at their preferred structure width. Due to the commercial nature of this section of W Maxwell Street, many of the existing structures on the corridor were built with less than a 10-foot setback.

## STAFF REPORT ON VARIANCE REQUEST



Similarly, the third variance request is to reduce the required side yard from three feet to zero feet. The applicant states this variance is needed in order to accommodate the three structures at the proposed width, while allowing for sufficient space in between the structures.

The fourth requested variance is a request to increase the allowable height from 35 feet to 38 feet. The applicant states that the decision to request a taller roof height came from their meeting with the neighborhood, which expressed a preference to a mansard roof design. The applicant has not provided any information as to why other roof styles that could meet the height limitation would be inappropriate here.

Finally, the applicant is requesting an increase in the allowable width of the three proposed driveways, from 10 feet to 16 feet. The applicant states that the variance is necessary in order to provide for a two-car garage on each of the respective properties. While existing two car garages with driveways that exceed the 10-foot width are present in certain parts of the South Hill area, these garages generally are located along alleys or located in the rear of the property. Here, the applicant is proposing these expanded driveways along a local street. Staff has concerns with the impact that increasing the width of curb cuts along Lawrence Street.

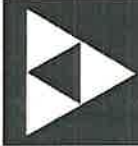
Overall, staff has concerns with the necessity of the variances. The requested R-4 rezoning is resulting in an increase in setbacks relative the B-1 zoning that has occupied the site since before 1969. The Ordinance does provide extra consideration for lots which are located within the Infill and Redevelopment Area. Development within these areas typically predates the adoption of the Zoning Ordinance, and consequently often do not meet current development standards. This provision was added to provide flexibility to the Board of Adjustment and Planning Commission to allow for increased utilization of these sites within constrained environments. Unlike many variance requests in the Infill and Redevelopment area, the applicant's requested variances are not based on existing physical constraints, but rather the constraints being placed by the design choices for the site, and the desire to change the zone. As such, it appears that the requested variances could be avoided by simply reducing the size of the proposed structure, changing the building design, or retaining the existing lot pattern. The applicant should provide further information regarding circumstances of the site that justify the need for variances, and detailing the necessity of these specific design choices that are driving the variance requests.

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



1. The applicant should provide further information regarding special circumstances that are unique to the site that justify the requested variances.
2. The applicant should provide information regarding the necessity of the requested design choices, and how meeting the ordinance requirements would constitute a hardship.

# SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-24-00009 NEW REPUBLIC ARCHITECTURE



## STAFF REVIEW

In the period following the June Zoning and Subdivision Committee meetings, the applicant submitted supplemental plans, architectural renderings, historical information, as well as a supplemental letter of justification for their rezoning request. These items speak to a number of staff's initial concerns regarding the density, context, and pedestrian experience of the project. Included in the applicant's revisions is a commitment to developing the rear accessory structures as accessory dwelling units, providing greater activation of W. Maxwell Street through added landscaping, building articulation, and a modification to the proposed rear driveways. Additionally, the applicant has reduced the number of variances associated with the request, opting to remove their request for increased driveway width and structure height at this time.

## GOALS, OBJECTIVES, AND POLICIES

In the initial staff report, staff had identified several Goals, Objectives, and Policies of the 2045 Imagine Lexington Comprehensive Plan that the applicant should address. Staff initially noted that the comprehensive plan calls for providing a mix of housing, prioritizing higher-density residential development (Theme A, Goal# 1.b; Theme A, Design Policy #1 and 3). At the time, the applicant's proposal of three single family detached dwellings was well below the average density of the area. The applicant has responded by proposing to develop the rear detached garages as accessory dwelling units, increasing the potential density of the site, and bringing it into character with existing development within the South Hill portion of the W. Maxwell corridor.

Additionally, staff had concerns with the re-orientation of the lots from W. Maxwell Street to S. Mill Street, as it related to Goals, Objectives, and Policies relating to respecting the context and design features of the surrounding area (Theme A Goal #2.b; Theme E, Goal# 2.e; Theme A, Design Policy #4). In response to staff's concerns, the applicant provided historical documents that demonstrate the subject properties were historically oriented towards Mill Street, and they were reconfigured later to face W. Maxwell Street. The applicant acknowledges that the treatment of the corridor and the pedestrian experience along W. Maxwell Street warranted further consideration, and sought to improve upon the experience by providing increased building articulation, additional landscaping, and providing direct entranceway for the accessory dwelling unit located closest to W. Maxwell Street.

As a result of the applicant's revisions, staff now finds that the proposal is in agreement with the Goals, Objectives, and Policies and Objectives of the 2045 Comprehensive Plan.

## DEVELOPMENT CRITERIA

During the initial review staff found that the applicant had not provided sufficient information to demonstrate how many of the development criteria outlined in the Placebuilder element of the 2045 Comprehensive Plan were being met. In response to Staff's concerns, the applicant submitted supplementary site plan information, building renderings, historical documents, and a revised letter of justification. As a result, Staff can now more appropriately evaluate the applicant's proposed request. Below, Staff identifies the responses to concerns outlined in the initial report.

### 1. Land Use

#### *A-DN2-1. Infill Residential should aim to increase density*

The applicant's original proposal of three single-family residential homes fell significantly below the density of the surrounding area. By incorporating accessory dwelling units into the proposal, the density of the site potentially doubles, from 9.67 dwelling units per acre to 19.35 units per acre. This increase makes the proposal consistent with much of the development in the South Hill Area.

Staff finds that the request meets the requirements for Land Use, as the request increases density on an underutilized parcel (A-DN2-1), while providing additional flexibility in housing through the utilization of accessory dwelling units (D-SP9-1). Additionally, the applicant engaged in significant public outreach efforts with the Historic South Hill neighborhood in connection with this request (D-PL7-1).

#### 2. Transportation, Connectivity, and Walkability

*A-DS5-2 Developments should incorporate vertical elements such as street trees and buildings to create a walkable streetscape.*

The initial request did not appropriately address the W. Maxwell Street corridor. Based upon the feedback, the applicant has improved the walkability of this area of the site by depicting additional building articulation, providing doors and access along the W. Maxwell frontage, and incorporating a greater amount of landscaping and street trees.

Staff finds that this request meets the requirements for Transportation, Connectivity, and Walkability, as the proposed development provides street trees and additional landscaping (A-DS5-2), and includes sidewalk connections to transit (A-DS-1-2).

#### 3. Environmental Sustainability and Resiliency

*B-RE1-1 Developments should increase the tree canopy.*

The supplemental plan depicts the preservation of a significant tree at the intersection of W. Maxwell Street and Lawrence Street. While several smaller trees within the site are proposed to be removed, the loss of canopy is being mitigated with the inclusion of street trees along all three frontages.

Staff finds the request meets the criteria for Environmental Sustainability and Resiliency, as the development does not impact environmentally sensitive areas (B-PR2-1), preserves a significant tree (B-PR7-1), and reduces the amount of impervious surface on-site (B-SU4-1).

#### 4. Site Design

*A-DS5-4: Development should provide pedestrian oriented and activated streetscapes; C-LI8-1: Development should enhance a well-connected and activated public realm.*

The applicant's supplementary information details how the applicant will front the structures onto S. Mill Street to match the site's historic orientation, and will improve the pedestrian experience along W. Maxwell Street through improved landscaping, improving articulation along the sides of the accessory dwelling units.

Staff now finds the request meets the requirements for Site Design, as it utilizes landscaping, increased building articulation, and reduced setbacks to create a pedestrian-friendly streetscape (A-DS5-4; C-LI8-1).

#### 5. Building Form

*A-DS5-3: Building orientation should maximize connections with the street and create a pedestrian-friendly atmosphere.*

In the initial staff report, Staff noted that the initial proposal did not feature any connectivity to the W. Maxwell Street corridor. In response, the applicant has oriented the entrance to the corner accessory dwelling unit to W. Maxwell Street, and provided a gate opening for the single-family residence.

The request meets the requirements for Building Form, as the development provides connections to the structures from S. Mill, W. Maxwell, and Lawrence Streets (A-DS5-3), and remains at a compatible scale with existing development within the South Hill Historic Overlay (H-1) zone (A-DN2-2).

## CONDITIONAL ZONING RESTRICTIONS

In order to ensure the development meets the applicant's stated goal of developing the site at a compatible density, staff recommends the following Conditional Zoning Restrictions:

*Under the provision of Article 6-7 of the Zoning Ordinance, the following conditions are proposed for the property via conditional zoning:*

1. *The development shall contain a minimum of six dwelling units, for a density of at least 19 dwelling units per net acre.*

*This condition is appropriate and necessary in order to ensure the development is compatible with the context and pattern of development of the W. Maxwell Street Corridor and the South Hill Historic neighborhood.*

## STAFF RECOMMENDS: **APPROVAL**, FOR THE FOLLOWING REASONS:



1. The proposed Medium Density Residential (R-4) zone is in agreement with the Imagine Lexington 2045 Comprehensive Plan's Goals and Objectives for the following reasons:
  - a. The proposal features a mixing of housing types by committing to develop rear accessory dwelling units (Theme A, Goal #1.b).
  - b. The proposed development intensifies underutilized parcels within the Infill and Redevelopment Area (Theme A, Goal #2.a).
  - c. By introducing accessory dwelling units to the original proposal, the proposed development raises the density of the site to a level that is consistent with the Historic South Hill area (Theme A, Goal #2.b).
2. The proposal is in agreement with the Policies of the 2045 Comprehensive Plan for the following reasons:
  - a. The proposal increases the density of the original proposal to a level that is consistent and compatible with existing development within the South Hill Historic Overlay (H-1) zone (Theme A, Density Policies #2, and #4).
  - b. The request proposes incorporating accessory dwelling units into the garages, which will provide additional variety in housing choice (Theme A, Design Policy #8, Theme A Equity Policy #8), that will increase the density of the parcel in a context-sensitive manner (Theme A, Density Policy #2)
3. The justification and corollary Preliminary Subdivision Plan are in agreement with the Development Criteria of the 2045 Comprehensive Plan.
  - a. The proposed rezoning meets the criteria for Land Use, as the request increases density on an underutilized parcel (A-DN2-1), while providing additional flexibility in housing through the utilization of accessory dwelling units (D-SP9-1). (D-PL7-1). Additionally, the applicant engaged in significant public outreach efforts with the Historic South Hill neighborhood in connection with this request.
  - b. The proposed rezoning addresses the Transportation and Pedestrian Connectivity Development Criteria, as the proposed development provides street trees and additional landscaping (A-DS5-2), and includes sidewalk connections to transit (A-DS-1-2).
  - c. The proposed rezoning meets the criteria for Environmental Sustainability and Resiliency, as the development does not impact environmentally sensitive areas (B-PR2-1), preserves a significant tree (B-PR7-1), and reduces the amount of impervious surface on-site (B-SU4-1).
  - d. The request meets the requirements for Site Design, as it utilizes landscaping, increased building articulation, and reduced setbacks to create a pedestrian-friendly streetscape (A-DS5-4).
  - e. The request meets the criteria for Building Form, as the development provides connections to the structures from S. Mill, W. Maxwell, and Lawrence Streets (A-DS5-3), remains at a compatible scale with existing development within the South Hill Historic Overlay (A-DN2-2).



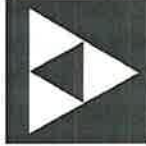
4. Under the provision of Article 6-7 of the Zoning Ordinance, the following condition is proposed for the property via conditional zoning:

1. The development shall contain a minimum of six dwelling units, for a density of at least 19 dwelling units per net acre.

This condition is appropriate and necessary in order to ensure the development is compatible with the context and pattern of development of the W. Maxwell Street Corridor and the South Hill Historic neighborhood.

5. This recommendation is made subject to approval and certification of PLN-MJSUB 24-00006: Stephens & Winslow Subdivision (Parsons Green Development LLC Property) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

## SUPPLEMENTAL STAFF REPORT ON VARIANCE REQUEST



Along with the revisions to their zone change justification, the petitioner has also chosen to modify their initial variance request. The applicant has decided to withdraw their variance requests to increase the maximum driveway width from 10 feet to 18 feet, and to increase the maximum height of the structure from 35 feet to 38 feet.

As a result, the following are the only variances being sought with this request:

1. FRONT YARD SETBACK VARIANCE FROM TWENTY (20) FEET TO FOURTEEN (14) FEET.
2. SIDE STREET SIDE YARD SETBACK VARIANCE FROM TWENTY (20) FEET TO SIX (6) FEET.
3. SIDE YARD SETBACK VARIANCE FROM THREE (3) FEET TO ZERO (0) FEET.

Before any variance is granted, the Planning Commission must find the following:

- a. The granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Planning Commission shall consider whether:
  1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.
  2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
  3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- b. The Planning Commission shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

### ZONING ORDINANCE

Article 6-4(c) states that the Planning Commission may hear and act upon requested variances associated with a zone change. In such cases, they may assume all of the powers and responsibilities of the Board of Adjustment, as defined in Article 7-6(b) of the Zoning Ordinance.

Article 8-13(o) by reference to Article 8-12(o).5 states for detached single-family residential development within the Infill and Redevelopment Area, that the required front yard setback is 20 feet, the side street side yard setback is 20 feet, the side yard setback is 3 feet, and the maximum height is 35 feet.

Article 15-7(d) states that the intent of the Infill and Redevelopment regulations is to allow new construction that is compatible with existing development patterns in older, established neighborhoods. Unique circumstances may require appropriate Board of Adjustment action to allow some relief of yard requirements where strict application of the regulations would cause unusual hardship or a development incompatible with the existing pattern of the neighborhood

Article 16-5(a)4.b states that the maximum width of a driveway for single-family residential development within the Infill and Redevelopment Area is 10 feet.

### CASE REVIEW

Within the initial staff report, Staff noted that the re-orientation of the lots from W. Maxwell Street to S. Mill Street was resulting in an increase in the scale and scope of variances that would be necessary in order to develop the site. In response, the applicant provided information detailing the historical orientation of the site, which originally fronted on S. Mill Street. The applicant stated a desire to return the property to development that was more reflective of its historic context. After review of the applicant's justification, staff finds that in this instance, orienting the development towards S. Mill Street is appropriate due to the property's location within a Historic District Overlay (H-1) zone.

As a result of the desire to match the historic lot orientation, the properties are now required to meet a 20-foot setback from S. Mill Street, W. Maxwell Street, and Lawrence Street. The applicant notes that such a large

setback is out of context for the area. The applicant notes that the adjoining residences at 408-432 S. Mill Street are set back at approximately 14-16 feet, which is consistent with the requested 14 foot variance. With regard to W. Maxwell Street, the applicant notes that the adjoining parcel at 300 W. Maxwell Street appears to have been developed at a zero foot setback, and the single story commercial uses at 208-216 W. Maxwell were built with an 8-foot setback. The applicant's 6-foot requested side street side yard setback is also consistent with much of the development along the South Hill portion of W. Maxwell Street.

With regards to the applicant's requested side yard setback, the applicant opines that the reduction from three (3) feet to zero (0) feet is needed in order to accommodate homes on the narrow lots. The applicant notes that the setback reduction is only being requested on one side of the lots, while providing a 5-foot setback on the other to provide adequate light and circulation, and satisfy building code requirements. As a result, the applicant opines that the reduction will not result in a threat to the health, safety, or welfare of the area. Additionally, the area around the subject property features existing detached single-family residential with similar setbacks, and attached single-family residential development.

Overall, staff is supportive of the requested variances. The applicant has demonstrated that the proposed setbacks are consistent with the surrounding area. The reduced setbacks are appropriate for downtown and second-tier urban contexts, where buildings are expected to be located closer to the roadway to reinforce the streetscape.

### STAFF RECOMMENDS: **APPROVAL**, FOR THE FOLLOWING REASONS:



1. Approval of the requested setbacks should not adversely affect the public health, safety, or welfare, nor should it create a hazard or nuisance to the public. The setbacks are consistent with the historical development along W. Maxwell Street and S. Mill Street, and will improve the pedestrian experience in the area by using the structures to reinforce the roadways.
2. The properties are constrained on three sides by public roadways, and requiring a full setback would significantly limit the applicant's ability to redevelop the parcels.
3. The property is located within the defined Infill and Redevelopment Area, where the Zoning Ordinance directs the Planning Commission to afford the applicant additional flexibility in consideration of their variances.
4. The circumstances of this variance are not a result of actions taken by the applicant subsequent to the adoption of the Zoning Ordinance.

This recommendation of Approval is made subject to the following conditions:

- a. Provided the Planning Commission and Urban County Council approve the requested zone change to the R-4 zone, otherwise the requested variances shall be null and void.
- b. The development shall be constructed in accordance with the approved subdivision plan and supplemental documents, or as amended by the Planning Commission.
- c. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
- d. Action of the Planning Commission shall be noted on the Preliminary Subdivision Plan and future plats for the subject property.

## **2. NEW REPUBLIC ARCHITECTURE ZONING MAP AMENDMENT AND PARSONS GREEN DEVELOPMENT LLC PROPERTY DEVELOPMENT PLAN**

- a. **PLN-MAR-24-00009: NEW REPUBLIC ARCHITECTURE** – a petition for a zone map amendment from a Neighborhood Business (B-1) zone to Medium Density Residential (R-4) zone, for 0.31 net (0.52 gross) acres for property located at 226, 228, and 232 W Maxwell Street. The applicant is also seeking variances to (1) reduce the front yard setback from 20 ft to 14 ft, (2) reduce the side street side yard setback from 20 ft to 6 ft, (3) reduce the side yard setback from 3 ft to 0 ft, (4) increase the maximum driveway width from 10 ft to 16 ft, (5) and increase the maximum structure height from 35 ft to 38 ft.

### **COMPREHENSIVE PLAN AND PROPOSED USE**

The 2045 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The applicant is seeking to rezone and subdivide the property to create three single-family residential lots, each approximately 0.10 acres in size. The applicant is also seeking several variances in order to develop the lots, including a reduction in the required front yard on S. Mill Street, side street side yard on W. Maxwell Street, side yard, maximum driveway width, and an increase in the allowable height of the structures.

**The Zoning Committee Recommended: Postponement.**

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

1. The requested rezoning to the Medium Density Residential (R-4) zone is not in agreement with the 2045 Comprehensive Plan for the following reasons:
  - a. The requested rezoning is not in agreement with the Goals, Objectives, and Policies of the 2045 Comprehensive Plan.
    1. The proposed single-family residential development does not seek to construct at a density or intensity that might be reflective of a major downtown corridor in Lexington (Theme A, Goal #2.b; Theme A, Density Policies #1 and #2).
    2. By orienting the structures towards S Mill Street, the proposed development does compliment the character for development along this portion of the W. Maxwell Street corridor (Theme A Goal #2.b; Theme E, Goal# 2.e).
    3. Single-family residential development along a major downtown corridor is not sensitive to the surrounding context (Theme A Design Policy #4).
    4. By not activating the Maxwell Street frontage, the request does not create an inviting streetscape or a pedestrian friendly street pattern (Theme A , Design Policy #5).
  - b. The proposed Low Density Residential Development Type is not recommended for the applicant's chosen Place-Type, and is not appropriate along a major downtown corridor (Placebuilder, Page #268).
  - c. The requested rezoning is not in agreement with the Development Criteria of the 2045 Comprehensive Plan. The following Development Criteria are not being meet with the proposed rezoning.
    1. *A-DN2-1: Infill Residential should aim to increase density*
    2. *C-LI7-1: Developments should create mixed use neighborhoods with safe access to community facilities, greenspace, employment, shopping, and entertainment.*
    3. *E-ST8-2: Development should provide community oriented places and services.*
    4. *A-DS5-2: Developments should incorporate vertical elements such as street trees and buildings to create a walkable streetscape.*
    5. *A-DS5-4 : Development should provide pedestrian oriented and activated streetscapes;*
    6. *C-LI8-1: Development should enhance a well-connected and activated public realm*
    7. *A-DS5-3: Building orientation should maximize connections with the street and create a pedestrian-friendly atmosphere.*
    8. *A-DN202: Development should minimize significant contrasts in scale, massing, and design, particularly along the edges of historic areas and neighborhoods;*
    9. *AEQ5-1: Development should create context sensitive transitions between intense corridor development and existing neighborhoods.*
2. There have been no major unanticipated changes of an economic, social or physical nature in the area

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

of the subject property since the adoption of the 2045 Comprehensive Plan.

3. The applicant has not provided sufficient evidence as to why the current zoning is inappropriate addressing the historical establishment of the zone, and why the proposed zoning is appropriate for this location.

**b. PLN-MJSUB-24-00006: STEPHENS & WINSLOW SUBDIVISION (PARSONS GREEN DEVELOPMENT, LLC PROPERTY) (8/3/24)\* – located at 226-232 W. MAXWELL STREET, LEXINGTON, KY**

Council District: 3

Project Contact: New Republic Architecture

**Note:** The purpose of this plan is to depict subdivision of the property into 3 lots, in support of the requested zone change from a Neighborhood Business (B-1) zone to a Medium Density Residential (R-4) zone.

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

1. Provided the Urban County Council approves the zone change to R-4; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Landscape Examiner's approval of landscaping.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree protection area(s) and required street tree information.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Delete Notes 6 & 10.
11. Provided the Planning Commission grants the requested variances.
12. Denote structures will comply with Infill and Redevelopment Area requirements of Article 15 of the Zoning Ordinance.
13. Discuss Placebuilder criteria.

Staff Presentation – Mr. Daniel Crum presented the supplementary staff report and updated 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 to Medium Density Residential (R-4) zone, for 0.31 net (0.52 gross) acres for property located at 226, 228, and 232 W Maxwell Street. Mr. Crum continued, stating that the applicant was seeking variances to (1) reduce the front yard setback from 20 ft to 14 ft, (2) reduce the side street side yard setback from 20 ft to 6 ft, and (3) reduce the side yard setback from 3 ft to 0 ft. Additionally, Mr. Crum stated that the applicant is seeking a Second-Tier Urban Place-Type, and a Low Density Residential Development Type to establish three single-family residential homes.

Mr. Crum stated that the initial staff report presented a recommendation of disapproval due to concerns with the density proposed and the orientation of the site, and the proposed Place-Type and Development-Type not typically fitting in the downtown area. Mr. Crum indicated that changes to the density of the site through the incorporation of proposed ADU's, is how Staff reached an updated recommendation of approval.

Mr. Crum highlighted the zoning map and noted the mixing of uses between neighborhood businesses and various residential uses in this area, all within an H-1 Overlay zone. Mr. Crum stated that because of the H-1 Overlay zone, this application would require input from the Board of Architectural Review. To that point, Mr. Crum indicated that preliminary discussions with Historic Preservation, as well as the neighborhood, indicate support of this application.

Mr. Crum stated that the current property has been a parking lot that has faced West Maxwell Street for a number of years and that before that, it was an accessory structure to what is now Dudley Square that was oriented towards South Mill Street. Mr. Crum displayed the preliminary subdivision plan and noted that there was not a lot of detail, but the applicant has shown what the proposed residences would look like and how they would be oriented. Additionally, Mr. Crum indicated that the applicant had given more information, including Sanborn maps from as far back as 1890, which justified the applicant's orientation argument, and indicated that Staff was in agreement with their point.

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Mr. Crum showcased some additional elevations of what the proposed development would look like, including the addition of an ADU, and stated that the applicant had taken the criticisms from Staff and had applied them to their development.

Mr. Crum concluded by stating Staff was recommending approval of the application, with a minimum density condition to ensure 19 dwelling units per net acre. Mr. Crum stated that he could answer any questions from the Planning Commission.

Commission Questions and Comments – Mr. Michler took issue with Mr. Crum's assertion that the initial Staff recommendation stated that the lots were not in keeping with the neighborhood and asked what the normal lot size was. Mr. Crum stated that Staff was focusing on the densities and not the size of the parcels. Mr. Michler pressed Mr. Crum for the average lot size of a single family house in this historic neighborhood. Mr. Crum stated that Staff did not have that answer, but reiterated that Staff was focusing on the densities and orientation and not the specific lot sizes.

Mr. Michler stated that he was upset with the assertion he thought Mr. Crum was making, and the conditional zoning restriction, because he lives in this neighborhood, and it seems like it is mandating apartments. Mr. Crum stated that Staff was trying to balance the goals and objectives for building along a corridor and dealing with the concerns of a historic overlay zone. Mr. Crum stated that Staff found the ADU's were an elegant solution to the density issue and mentioned that the neighborhood stated they were ok with the residence and the ADU.

Mr. Michler asked for a Staff opinion about the current lots that are a tenth of an acre in the 2<sup>nd</sup> Tier Urban Place-Type are no longer recommended. Mr. Crum stated that the historic houses in these 2<sup>nd</sup> Tier Urban Place-Types go back hundreds of years, and with the current standards, we are looking at encouraging density redevelopment with a redevelopment and that we cannot continue to only build single family houses. Mr. Crum clarified that Placeholder does not have a prohibition on single family houses, but that the property's location on a corridor resulted in an increased focus on density.

Mr. Michler stated that we have huge developments going on Maxwell and that when he hears the Comprehensive Plan call for not only single-family residences, you could also interpret that as including them. Mr. Michler stated we should know when to not ask for more.

Subdivision Plan Presentation – Mr. Tom Martin oriented the Planning Commission to the location and characteristics of the subject property. Mr. Martin indicated that it was possible to do a subdivision plan like this when it is single-family housing and noted that if this is approved, the Planning Commission would not see any more of this development. Mr. Martin stated that if approved the applicant would file a final record plat to create the three lots, and then begin to pull permits and start building as seen in the subdivision plan. Mr. Martin repeated Mr. Crum's statements on the orientation of the lots, and indicated that the infrastructure that would normally need to be in place already exists.

Mr. Martin indicated that a number of the variances were no longer necessary, and the ones that were are related to setbacks. Mr. Martin concluded by stating that Staff is recommending approval and that he could answer any questions from the Planning Commission.

Commission Questions and Comments – Mr. Wilson asked Mr. Martin if the "Discuss Placebuilder criteria" condition could be deleted and Mr. Martin indicated that it could.

Variance Presentation – Mr. Crum highlighted the three variance requests, and noted that the height and driveway variances initially asked for by the applicant were no longer necessary. Mr. Crum indicated the variances requested were to (1) reduce the front yard setback from 20 ft to 14 ft, (2) reduce the side street side yard setback from 20 ft to 6 ft, and (3) reduce the side yard setback from 3 ft to 0 ft. Mr. Crum displayed a graphic from the applicant that showed the properties with the requested variances and stated that homes in this area had these particular setbacks, and while there is a zero lot line proposed, there is five feet between each structure to allow light and air circulation. Furthermore, Mr. Crum presented photos to show the proximity of houses in this neighborhood.

Mr. Crum concluded by stating that Staff is recommending approval and that he could answer any questions from the Planning Commission.

Applicant Presentation – Matt Mattone, project architect, stated that they received thorough review of the proposal based on comments from the Planning Commission's, and praised Staff for being thorough but fair and have been a pleasure to work with. Mr. Mattone said from the beginning, the applicant envisioned the possibility of having an ADU on this property, and are happy that they were able to use them to get the desired density. Mr. Mattone stated that they had tried to address the Staff's concerns through the process and he is happy with the recommendation of approval.

Public Comment – David Kesheimer, 355 S. Broadway, representative of the South Hill Neighborhood Association, stated that he appreciated their discussions with the applicant and that he did not think they needed to mandate the density. Additionally, he stated his concern for a potential apartment complex on Upper Street but was in favor of this zone change.

Commission Comments – Mr. Owens stated that he appreciated the back and forth between Mr. Crum and Mr. Michler and found himself siding more with Mr. Michler. Stated that we needed more density but said that the Comprehensive Plan calls for a mix of housing. Mr. Owens also questioned the mandate for density and said he did not think it was mandated anywhere else in the City of Lexington. He concluded his comments by stating he is for the development, but not the conditional zoning mandate.

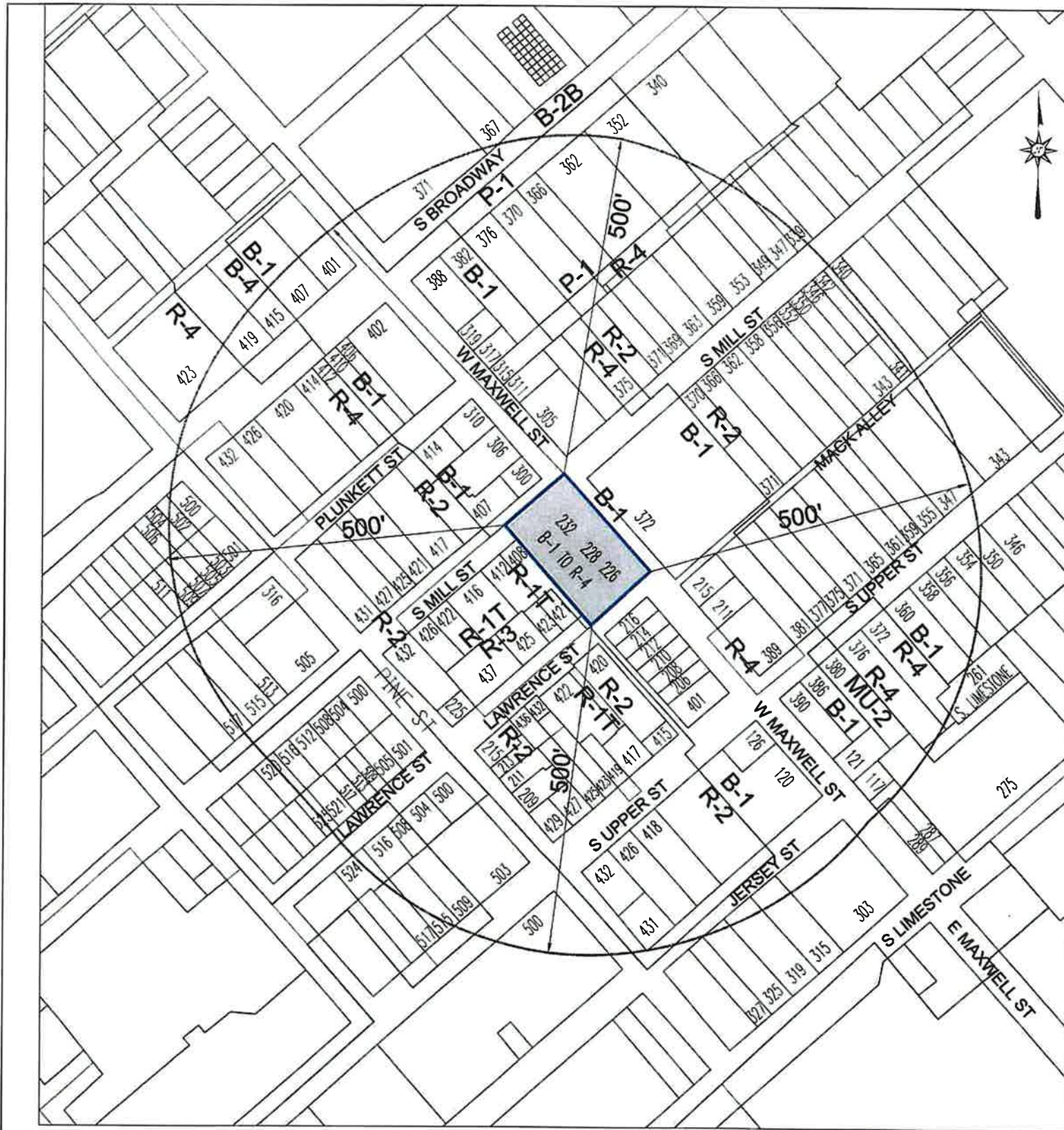
Mr. Pohl stated that he did not agree with the removal of the conditional zoning restrictions and thought that the applicant's move to make a relationship with Maxwell Street with a gate and entrance is important.

Mr. Nicol agreed with Staff's recommendations and he appreciated the applicant's efforts and questioned if the removal of the conditional zoning restriction gave the applicant more flexibility.

Action – A motion was made by Mr. Michler, seconded by Ms. Barksdale and carried 10-1 (Pohl opposed) to approve PLN- MAR-24-00009: NEW REPUBLIC ARCHITECTURE for the reasons provided by Staff in the Supplemental Staff report, but removing the conditional zoning restriction mandating density.

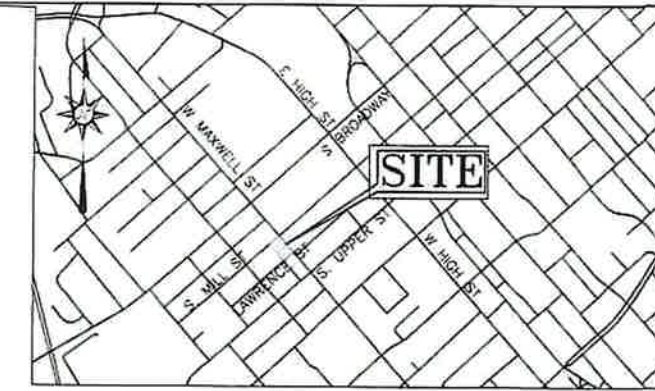
Action – A motion was made by Mr. Michler seconded by Ms. Worth and carried 11-0 to approve PLN- MJSUB-24-00006: STEPHENS & WINSLOW SUBDIVISION (PARSONS GREEN DEVELOPMENT, LLC PROPERTY) with and deleting condition #13.

Action – A motion was made by Mr. Michler seconded by Mr. Wilson and carried 11-0 to approve the three yard variances for reasons provided by Staff.

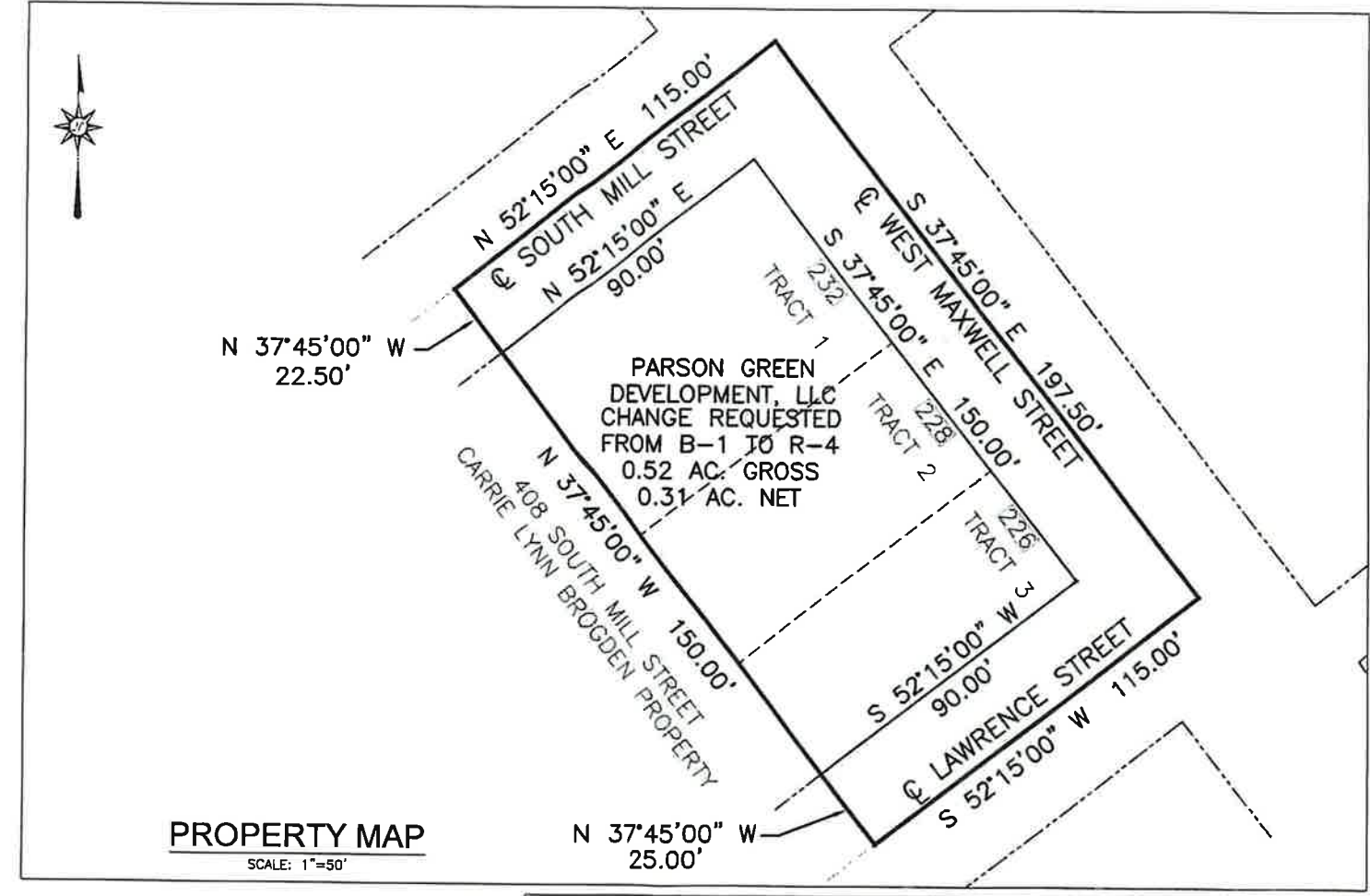


- 347 S MILL ST UNIT 102
- 347 S MILL ST UNIT 103
- 347 S MILL ST UNIT 201
- 347 S MILL ST UNIT 301
- 375 S UPPER ST UNIT 1
- 375 S UPPER ST UNIT 2
- 375 S UPPER ST UNIT 3
- 375 S UPPER ST UNIT 4
- 375 S UPPER ST UNIT 5
- 375 S UPPER ST UNIT 6

- 389 S UPPER ST UNIT 1
- 389 S UPPER ST UNIT 2
- 389 S UPPER ST UNIT 3
- 372 S UPPER ST UNIT 101
- 372 S UPPER ST UNIT 102
- 372 S UPPER ST UNIT 201
- 372 S UPPER ST UNIT 202
- 376 S UPPER ST UNIT 101
- 376 S UPPER ST UNIT 102



VICINITY MAP  
SCALE: 1"=2000'



PROPERTY MAP  
SCALE: 1"=50'

- 380 S UPPER ST UNIT 101
- 380 S UPPER ST UNIT 102
- 380 S UPPER ST UNIT 103
- 380 S UPPER ST UNIT 201
- 380 S UPPER ST UNIT 202



**NOTIFICATION MAP**

SCALE: 1"= 200'

- 275 S LIMESTONE UNIT 110
- 275 S LIMESTONE UNIT 115
- 275 S LIMESTONE UNIT 120
- 275 S LIMESTONE UNIT 125
- 275 S LIMESTONE UNIT 130
- 275 S LIMESTONE UNIT 135
- 275 S LIMESTONE UNIT 140
- 275 S LIMESTONE UNIT 145
- 275 S LIMESTONE UNIT 150

- 275 S LIMESTONE UNIT 200
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- 275 S LIMESTONE UNIT 230
- 275 S LIMESTONE UNIT 235
- 275 S LIMESTONE UNIT 240
- 275 S LIMESTONE UNIT 245
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- 275 S LIMESTONE UNIT 300
- 275 S LIMESTONE UNIT 305
- 275 S LIMESTONE UNIT 310
- 275 S LIMESTONE UNIT 330
- 275 S LIMESTONE UNIT 335
- 275 S LIMESTONE UNIT 350

ZOMAR:		TITLE: RESIDENCES AT SOUTH MILL AND WEST MAXWELL			
PROPERTY ADDRESSES:		FROM	TO	GROSS	NET
226 WEST MAXWELL STREET		B-1	R-4		
228 WEST MAXWELL ST		B-1	R-4		
232 WEST MAXWELL ST		B-1	R-4		
TOTAL				0.52AC	0.31AC
OWNER: PARSONS GREEN DEVELOPMENT, LLC					
786 OLD LUDLOW AVENUE					
CINCINNATI, OH 45220					
PREPARED BY: VISION ENGINEERING, LLC					
DATE FILED OR AMENDED: MAY 6, 2024					