

SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-25-00014: CS ACQUISITION VEHICLE, LLC



STAFF REVIEW

In the period following the September Subdivision and Zoning Committee meetings, the applicant met with staff to discuss the concerns described within the initial staff report and the comments received during the committee meetings. Since that time, the applicant has submitted updated application materials, including a revised development plan, revised supplemental renderings, and a supplemental letter of justification.

The revisions to the proposed development plan include adding a number of lightwells to the facade which are intended to allow light to reach interior units and neighboring properties. These lightwells also add depth and articulation which can help make the structure less massive or imposing. The updated plan also adds townhome units along Kalmia Avenue and Stone Avenue which will help to activate the streetscape and promote pedestrian activity.

In subsequent meetings, the applicant stated their intention to reuse as much of the brick and stone from the existing structures as possible while incorporating many of the architectural elements or cues found in the area. Updated renderings of the proposed streetscape to demonstrate the pedestrian experience and highlight the proposed materials and lightwells were provided. Additionally, the applicant's latest redesign includes stepping the height from eight (8) stories to six (6) stories along Rose Street in response to neighborhood concerns. The plan also makes changes to the main entrance, shifting the focus more toward Maxwell St., away from the residences along Rose St. The rooftop pool was also relocated closer to the center of the structure to further shift activity away from the Aylesford Neighborhood.

The changes resulted in an increase in the total unit count, and a slight reduction in the amount of vehicle parking provided on-site. The revisions have increased the total number of beds from 983 to 1,010, increased the total number of units to 332, and decreased the overall amount of parking spaces to 432 spaces. Interior bike lockers are provided to accommodate up to 200 bikes.

COMPREHENSIVE PLAN GOALS AND OBJECTIVES

In the initial staff report, staff requested that the applicant demonstrate how they were in agreement with the following Goals, Objectives, and Policies of the Comprehensive Plan:

Theme A, Objective #2.b- Respect the context and design features of areas surrounding development projects and develop design standards and guidelines to ensure compatibility with the existing urban form.

Theme D, Objective #2.a-Ensure built and natural environments are safe and accessible through activated and engaging site design.

Under the initial proposal, staff voiced concerns regarding the lack of street activation in some areas, particularly along Kalmia Avenue. The incorporation of townhome units on all four frontages will promote consistent, organic activity that will encourage social interaction and safety through passive surveillance.

Based on the revised justification and development plan, staff finds that the request is in agreement with the Goals and Objectives of the Comprehensive Plan as the request will help meet an increase in the demand for housing, particularly for University of Kentucky students (Theme A, Goal #1.b and #1.d; Theme A, Goal #2.a), reduces dependence on single-occupancy vehicles by limiting parking on-site and providing for direct multi-modal connections to the University of Kentucky and the greater downtown area (Theme B, Goal #2.d), and incorporates changes in the massing and height of the building in order to transition to the scale of development currently present in the area (Theme A, Goal #2.b).



COMPREHENSIVE PLAN POLICIES

In addition, staff requested that the applicant respond to several Comprehensive Plan Policies.

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

The initial staff report directed the applicant to explore opportunities to more significantly activate or orient frontage along all four roadways to pedestrians. In response, the applicant added ground-level townhomes to all four sides of the proposed development which will provide direct access to these units from the sidewalk. These street-level townhomes will also feature outdoor patios which will provide additional streetscape activation.

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

The previous staff report expressed concern over the loss of tree canopy associated with this project. The tree inventory contains a number of significant trees, some of which are quite large. Staff has recently learned that one of the trees, Tree #1 on the inventory list, was removed earlier this year after receiving a permit from the Department of Environmental Services. Staff has requested additional details on the mitigation efforts of the tree canopy. Although street trees are being proposed, the request does not appear to increase the canopy relative to the current condition, but does meet the ordinance requirement.

Overall, staff finds that the request is in agreement with the majority of the Policies of the Comprehensive Plan, as the request meets the Multi-Family Design Standards (Theme A, Design Policy #3), creates a structure that is sensitive to the surrounding context (Theme A, Design Policy #4), provides for additional residential density along a downtown corridor (Theme A, Density Policy #1 and #2).

DEVELOPMENT CRITERIA

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

3. Environmental Sustainability and Resiliency

B-PR7-1: Developments should be designed to minimize tree removal and to protect and preserve existing significant trees.

In the initial staff report, Planning Staff noted that the justification statement indicated that the applicant will explore retaining existing trees around the perimeter of the site. No further information on these efforts has been provided.

B-RE1-1: Developments should improve the tree canopy.

The applicant has stated that they intent to plant street trees and trees in the inner courtyards. The B-2A zone does not have canopy requirements, but anticipated post-construction tree canopy would be helpful. Otherwise, the request meets other applicable Environmental Sustainability and Resiliency, as the request does not impact any environmentally sensitive areas (B-PR-2-1), and incorporates an integrated parking structure to reduce surface parking and impervious surface present within the development (B-SU4-1).

4. Site Design

A-DS5-4 Development should provide a pedestrian-oriented and activated streetscapes.

Within the revised development plan, the applicant details several improvements that are designed to improve the pedestrian experience relative to the first iteration of the plan. The first version of the plan lacked active pedestrian spaces along much of the Stone Avenue and Kalmia Avenue frontages. Now, units with direct sidewalk access are interspersed along the Stone Avenue, Kalmia Avenue, and Rose Street frontages, and the Maxwell Street side will be activated primarily by the entrance and amenity



areas. Additionally, the applicant has indicated that they will provide widened sidewalks, street trees, and outdoor patio area adjacent to the townhomes to help activate these areas.

With the proposed changes, the request now meets the criteria for Site Design, as the request activates the streetscapes along all four frontages (A-DS5-4), improves pedestrian connectivity in the area (C-LI8-1), limits on-site parking (C-PS10-2), and provides for programmed open space (D-PL4-1).

5. Building form

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

- i. SP.2: Provide as many private, ground level entries to individual units as possible.
- ii. AD.2: Relate the overall height, size, and character of the development to that of adjacent structures and those of the immediate neighborhood. Sensitively scaled development reinforces pedestrian-oriented character and neighborhood appeal.
- iii. AD.3: Break up building mass with facade articulation on all sides by using varying roof shapes, exterior wall setback, material, color, building height, and landscaping.

In response to staff's comments regarding the Multi-Family Design Standards, the applicant made several changes and provided a more in-depth explanation of the building design. Additionally, the applicant addressed specific concerns relating to pedestrian activation by adding townhomes along all frontages and providing direct access to those units. The applicant also added lightwells to all four sides, with the largest to be located adjacent to the H-1 overlay across Rose Street, to break up the facade. The request drops the height of the structure along Rose Street, and retains a larger height along the other portions of the structure that more closely adjoin the other upcoming high-density residential developments on Maxwell Street.

E-GR5-1: Structures with demonstrated historic significance should be preserved or adapted.

Since the initial staff report, the Historic Preservation office has provided information relating to the structures present on the subject properties. Generally, these structures date to around the 1920s, and feature purpose-built, multi-family structures that feature various design influences. Within the Imagine Lexington 2045 Comprehensive Plan, the following framework is provided to evaluate requests involving significant properties:

The significance of the property can generally be broken down into four primary criteria of influence: an area of important events, association with significant persons, a unique or distinctive type, or the potential to yield important information. Furthermore, the property must possess high levels of integrity regarding location, design, setting, materials, workmanship, feeling, and association (pg. 244).

The Comprehensive Plan does call for efforts to preserve structures that contribute to the historical record, as well as representative samples of architectural stylings. The Comprehensive Plan does caveat these preservation efforts, noting that preservation interests must be balanced with the needs for infill and redevelopment. The applicant contends in their letter of justification that the styles of structures proposed to being removed are represented within the surrounding area, including within the adjoining Aylesford Neighborhood H-1 Overlay District. In staff's review, the structures included within the request appear to be in good external condition, but are not associated with any important events, are not associated with any significant persons, and generally feature styles, periods of development, and design characteristics that are represented elsewhere in the surrounding area. Staff also notes that as the structures are not included within an H-1 overlay zone, the structures included within this request could be demolished by the respective owners without requiring any discretionary review or approval.



CONDITIONAL ZONING

Given the subject property's location to residential development and the applicant's stated goals of utilizing this property for higher density residential development, the applicant has suggested several use restrictions that mirror the use restrictions adopted for several recent rezonings within the area. Staff agrees with the applicant's proposed conditions, with an additional condition relating to minimum density, as follows:

Conditional Zoning

1. *Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be prohibited:*
 - i. *Establishments for the display, rental, or sale of automobiles, motorcycles, trucks and boats.*
 - ii. *Hotels and motels.*
 - iii. *Wholesale establishments.*
 - iv. *Minor automobile and truck repair.*
 - v. *Establishments primarily engaged in the sale of supplies and parts for vehicles and farm equipment.*
 - vi. *Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.*
 - vii. *Automobile and vehicle refueling stations and service stations*
 - viii. *Adult entertainment establishments*
 - ix. *Stadium and exhibition halls*
2. *The property shall be developed with a minimum of 100 dwelling units per acre.*

These restrictions are necessary and appropriate in order to maintain the character of the E. Maxwell Street corridor, protect the adjoining residential uses, as well as meet the Comprehensive Plan's goal of increasing the density of residential development in and near downtown, and along arterial corridors.

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



1. The proposed Downtown Business Frame (B-2A) zone is in agreement with the Imagine Lexington 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The request will help meet an increase in the demand for housing, particularly for University of Kentucky students (Theme A, Goal #1.b and #1.d; Theme A, Goal #2.a).
 - b. The request incorporates changes in the massing and height of the structure in order to transition into the scale of development currently present in the area (Theme A, Goal #2.b).
 - c. The request de-emphasizes single-occupancy vehicles by limiting parking on-site and providing for direct multi-modal connections to the University of Kentucky and the greater downtown area (Theme B, Goal #2.d).
2. The proposal is in agreement with the Policies of the 2045 Comprehensive Plan for the following reasons:
 - a. The request meets the Multi-Family Design Standards (Theme A, Design Policy #3).
 - b. By creating a step down in height, the proposed structure is sensitive to the surrounding context (Theme A, Design Policy #4).
 - c. The proposal provides for additional residential density along a downtown corridor (Theme A, Density Policy #1 and #2).
3. The justification and corollary development 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 significantly increases residential density along a downtown corridor (A-DN2-1; E-TS8-2).
 - b. The proposed rezoning meets the criteria for Transportation, Connectivity, and Walkability, as the request provides accessible links to transit (A-DS1-1), widens the sidewalks present on the site (ADS4-1 and ADS5-1), creates a walkable streetscape (A-DS5-2).
 - c. The request meets the criteria for Environmental Sustainability and Resiliency, as the request does not impact any environmentally sensitive areas (B-PR-2-1), and incorporates an integrated parking structure to reduce surface parking and impervious surface present with the development (B-SU4-1).
 - d. The proposal meets the criteria for Site Design, as the development activates the streetscapes along all four sides (A-DS5-4), improves pedestrian connectivity in the area (C-LI8-1), limits on-site parking (C-PS10-2), and provides for programmed open space (D-PL4-1).
 - e. The plan meets the majority of the criteria for Building Form, as the request meets the Multi-Family Design Standards (A-DS3-1), incorporates height transitions to better relate to the existing context of development further along Rose Street (A-DS4-2), and provides for active first-floor uses that improve the pedestrian experience on the site (A-DS5-3; D-PL2-1).
4. This recommendation of approval is subject to the following conditional zoning restrictions:
- a. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be prohibited:
 - i. Establishments for the display, rental, or sale of automobiles, motorcycles, trucks and boats.
 - ii. Hotels and motels.
 - iii. Wholesale establishments.
 - iv. Minor automobile and truck repair.
 - v. Establishments primarily engaged in the sale of supplies and parts for vehicles and farm equipment.
 - vi. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
 - vii. Automobile and vehicle refueling stations and service stations
 - viii. Adult entertainment establishments
 - ix. Stadium and exhibition halls
 - b. The property shall be developed with a minimum of 100 dwelling units per acre.
5. This recommendation is made subject to approval and certification of PLN-MJDP-25-00051: SUBDIVISION OF LYNTHURST (THE HUB ON EAST MAXWELL) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.