

1. **CS ACQUISITION VEHICLE, LLC ZONING MAP AMENDMENT AND LYNDBURST SUBDIVISION, BLOCK C (THE HUB ON EAST MAXWELL) DEVELOPMENT PLAN**

- a. **PLN-MAR-25-00014: CS ACQUISITION VEHICLE, LLC** – a petition for a zone map amendment from a Medium Density Residential (R-4) zone to a Downtown Frame Business (B-2A) zone for 2.003 net (2.716 gross) acres for properties located at 251-273 Maxwell St (odd #s) 256-271 Kalmia Ave. (even #s).

**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 petitioner is proposing an 85-foot tall, residential development totaling 380,947 square feet in size. The building will accommodate 322 dwelling units, with a total of 983 beds, for a density of 158 dwelling units per acre. A total of 485 parking spaces are being provided on-site within internal garages that are accessed from Kalmia Avenue and Stone Avenue. Included within the structure is approximately 20,703 square feet of amenity areas.

**The Zoning Committee Recommended: Postponement.**

**The Staff Recommends: Postponement for the following reasons:**

1. The applicant should provide information on how their proposal addresses the following Objectives of the Imagine Lexington 2045 Comprehensive Plan.
2. The applicant should address the following Policies of the 2045 Comprehensive Plan:
  - a. Design Policy #5: Provide pedestrian-friendly street patterns & walkable blocks to create inviting streetscapes.
  - b. Protection Policy #7: Protect the urban forest and significant tree canopies.
3. The zone change application for the subject properties, as proposed, does not completely address the development criteria for zone change within the Downtown Place Type, and the High Density Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the 2045 Comprehensive Plan:
  - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix
    - 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.
  - b. 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 in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
  - c. A-DS5-2: Developments should incorporate vertical elements, such as street trees and buildings, to create a walkable streetscape.
  - d. B-PR7-1: Developments should be designed to minimize tree removal and to protect and preserve existing significant trees.
  - e. A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
  - f. A-DS5-4: Development should provide a pedestrian-oriented and activated streetscapes.
  - g. B-PR7-3 Developments should improve the tree canopy.
  - h. E-GR5-1: Structures with demonstrated historic significance should be preserved or adapted.

- b. **PLN-MJDP-25-00051: LYNDBURST SUBDIVISION, BLOCK C (THE HUB ON EAST MAXWELL) (11/2/25)\*** – located at 251-273 E. MAXWELL STREET (odd only) & 256-270 KALMIA AVENUE (even only), LEXINGTON, KY.

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

Note: The purpose of this plan is to depict a multi-family residential structure in support of the requested zone change from a Medium Density Residential (R-4) zone to a Downtown Frame Business (B-2A) zone.

Requirements Not Met:

1. Denote plat cabinet and slide of previous plat. (ZO Art. 21-6(a)(2)) (Planning)
2. Include soil type/location on Tree Inventory Map. (ZO Art. 26-4(b)) (Urban Forester)

Waiver(s) Necessary: None at this time.

Design Considerations:

1. Consider creating a larger plaza space on the corner of Rose and Maxwell to accommodate more pedestrians. (Traffic Engineering)
2. Continue Maxwell Street traffic calming bulb outs that were depicted on adjacent project (The Maxwell). (Traffic Engineering)
3. Address sanitary sewer capacity. (ZO Art. 5-2(h)) (Engineering)

Plan Questions or Concerns:

1. Discuss type and location (in proximity to Rose Street) of garage entry system. (Traffic Engineering)
2. Confirm use of on-site compactor. (Waste Management)
3. What is the proposal for stormwater management? (ZO 21-6(a)(9)) (Engineering)
4. Check existing and proposed layer management in CAD and cleanup plan. (DWQ Storm)
5. There is a known stormwater concern on Maxwell Street. Clarify where the final site storm sewer will tie into existing system. (DWQ Storm)
6. How will the existing sanitary sewer system be accessed for the proposed development? (Engineering)
7. A consolidation plat will be required prior to construction, if approved. (Planning)
8. Discuss Placebuilder Criteria. (Planning)

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

1. Provided the Urban County Council approves the zone change to B-2A; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Urban Forester's approval of tree inventory map.
5. Open Space Planner's approval of open space areas.
6. Department of Environmental Quality's approval if environmentally sensitive areas.
7. United States Postal Service Office's approval of kiosk locations or easement.
8. Correct all noted deficiencies listed as "requirements not met" herein.

Staff Presentation – Mr. Jeremy Young presented the staff report and revised recommendation 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 Medium Density Residential (R-4) zone to a Downtown Frame Business (B-2A) zone for 2.003 net (2.716 gross) acres for properties located at 251-273 Maxwell Street and 256-271 Kalmia Avenue. Mr. Young stated that the applicant is seeking to construct a high-density residential structure that will now accommodate 332 dwelling units, with 1,010 bedrooms for a total density 165 dwelling units per acre, and an internal parking structure for 436 parking spaces. Mr. Young noted the location of R-4 and R-3 zoning in the vicinity, as well as the other B-2A zoning, and the existing Aylesford Historic District Overlay (H-1) zone.

Mr. Young gave a brief overview of the report received from the Office of Historic Preservation, which includes photographs of the houses that are proposed for demolition. Additionally, Mr. Young stated that the applicant was using the Downtown Place-Type and High-Density Residential Development Type from the Placebuilder and indicated Staff was in agreement with those selections.

Mr. Young noted that, since the time of the first staff report, there were concerns about public engagement, addressing multi-family design standards, pedestrian activation, the proximity to the H-1 overlay, as well as landscaping and tree preservation. Mr. Young indicated that the applicant intended to remove the trees currently on the site and replace them with street trees. The applicant had also submitted a revised justification that addressed the other concerns. Additionally, Mr. Young stated that the applicant had agreed to the following conditional zoning restrictions:

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.

He concluded by stating that Staff was recommending approval of the subject application and could answer any questions from the Planning Commission.

Commission Questions and Comments – Mr. Nicol asked about the evolution of the neighborhood this would affect and that it looked to him like single family homes that had been converted to multi-family over the years or strictly multi-family homes. He also asked how many dwelling units there are there currently. Mr. Young stated that he was not sure about the amount of dwelling units, but he agreed with Mr. Nicol's assessment of the evolution of the neighborhood. Additionally, Mr. Nicol asked if all the houses that would be demolished were multi-family houses and Mr. Young indicated that to his knowledge that was the case.

Mr. Michler asked what the current tree canopy was on this block of houses. Mr. Young stated that he did not have the exact figures but in discussions with the applicant, they intended to match that. Mr. Michler stated that he was not sure of the feasibility of that given all the setbacks.

Mr. Michler asked to speak with Ms. Bettie Kerr, Director of Historic Preservation, and asked if the "uniqueness" described in report from the Office of Historic Preservation is found in other parts of Lexington. Ms. Kerr stated that the "uniqueness" of the neighborhood and surrounding area was the mix of single-family, multi-family, and commercial uses with different types of architecture and design that made the neighborhood special and showcased the beginnings of planned developments. Ms. Kerr stated that while this block is within a local historic district, it is listed on the National Registry of Historic Places. She further opined that it is an important piece to the nearby H-1 overlay and that any time these types of houses are demolished, you lose the character of the area. Additionally, Ms. Kerr stated that this area was from a different time period than the surrounding historic houses, specifically, the early 1900's to the 1920's.

Ms. Worth asked if it was Historic Preservation's responsibility to give information on a historic neighborhood, but not give a recommendation regarding the development. Ms. Kerr stated that assessment was correct.

Mr. Michler stated that he thought this development would be doing away with important missing middle housing that appeals to a broader set of people than just students and asked Mr. Young to speak to the idea of a missing middle housing. Mr. Young stated that there are bonuses and incentives to build that type of housing, but it's Staff's job to evaluate what is in front of them in the application and do not make the plans presented by the applicant.

Development Plan Presentation – Mr. Chris Chaney oriented the Planning Commission to the location and characteristics of the subject property. Mr. Chaney stated that there were a few clean-up conditions including seeing the soil type and location on the tree inventory map, as well as the location of pedestrian entrances to ensure Staff knows where those entrances are. Mr. Chaney indicated that the applicant has not requested any waivers at this time and went over the following conditions for approval:

1. Provided the Urban County Council approves the zone change to B-2A; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Urban Forester's approval of tree inventory map.
5. Open Space Planner's approval of open space areas.
6. Department of Environmental Quality's approval if environmentally sensitive areas.
7. United States Postal Service Office's approval of kiosk locations or easement.
8. Correct all noted deficiencies listed as "requirements not met" herein.
9. Denote: The final development plan shall incorporate:
  - a. Townhome-style residential units along all four street frontages. These units shall feature direct first level external pedestrian entrances and private patio areas.
  - b. Lightwells along each side of the façade to break up the building massing.
  - c. Landscaping and trees between the structure and curb lines.
  - d. Use of various building materials and articulation.
  - e. A step back in height from eight (8) to six (6) stories for the portions of the structure adjoining Rose Street.
  - f. Mechanical areas shall be located internally, or provided on rooftops.

Mr. Chaney concluded by stating that Staff was recommending approval of the associated development plan and could answer any questions from the Planning Commission.

Traffic Impact Study Presentation – Mr. Mills, gave the presentation for the traffic impact study. Mr. Mills noted that traffic counts on East Maxwell Street, East High Street, Martin Luther King Boulevard, and Rose Street had decreased since the time of their last study. Mr. Mills continued by mentioning the transit service in the area, as well as the bike and pedestrian facilities. Additionally, Mr. Mills stated that the study found that the existing street network included in this development was expected to experience low traffic impacts and that most intersections have an acceptable level of service (LOS). Mr. Mills presented the accident statistics from 2020 to 2025 and stated that there been 94 property damage accidents, 19 injury accidents, and one fatal collision with the most common type of collision being an angle collision.

Mr. Mills presented the findings and recommendations and stated that Staff would recommend the inclusion of traffic calming elements like bulb outs along Maxwell Street at intersections and midblock crossings where possible. Mr. Mills stated that these improvements would facilitate safer bike and pedestrian conditions, and would help reduce the accident rate. Mr. Mills concluded by stating that he could answer any questions from the Planning Commission.

Commission Questions and Comments – Ms. Molly Davis asked if a C, D, or F grade was a good grade for level of service given that in Mr. Mills' presentation it stated that East Maxwell had more accidents than the state average. Mr. Mills stated that those grades apply to the utilization of roadways and peak hours when they are the busiest. Ms. Davis also inquired about a citizen comment about possibly expanding the right-of-way on Rose Street to allow for more multi-modal forms of the transportation. Ms. Wade stated that the public comment Ms. Davis was referring to appeared to use a study that was prepared by a student or other organization, and that the Metropolitan Planning Organization (MPO) had not any adopted plans to expand the right-of-way on Rose Street.

Applicant Presentation – Brenden Gross, attorney for the applicant gave a quick introduction to the project and thanked the Planning Commission as well as the neighbors in attendance for all the feedback that has been given up until this point. Mr. Gross stated that this process has ensured that the development is in compliance with the Comprehensive Plan and it meets the objective standards of the Zoning Ordinance. Mr. Gross stated that the development team has been very responsive to the comments and

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concerns that have arisen from this process and the application is where it is today because of those comments and concerns.

Mr. Gross continued by saying that they have additional street level housing, additional pedestrian facilities along Rose and Maxwell Streets, incorporated bulb outs, and noted they were all recommendations by the Staff. Mr. Gross argued that the applicant has gone above and beyond what was asked of the neighborhood, and it is something to be proud of and is right for the community. Mr. Gross indicated that they have looked at Staff's revised recommendations and conditional zoning restrictions and that they are agreeable to those findings and conditions. Mr. Gross invited Mr. Austin Pegnatta with the development team to give more information on the project.

Mr. Pegnatta stated that this is not their first development and noted the other two Hub locations in Lexington, and mentioned that this development has been in the works for about three years. He stated that there are limited areas in Lexington to develop high-density projects, which is why they were committed to putting in the time and energy to make this development work. Mr. Pegnatta stated that they were committed to community engagement and feedback and did not want to just do the bare minimum.

Mr. Pegnatta stated that currently this area has 12 houses, with 80 beds that average out to \$1,000 a month per bed and that their development would add 1,000 new beds with 200-300 of those priced at \$900 a month. Mr. Pegnatta stated that this will allow for less competition to allow for stabilized rents and opening the doors for lower-income students and families. Additionally, Mr. Pegnatta stated that this will help with much needed housing for an ever-growing student population at the University of Kentucky. Mr. Pegnatta introduced Olivia Prais Papreck who went over the design characteristics of the development.

Ms. Papreck showcased the site with street views of what the site looks like currently as well as renderings of what the site will look like. Ms. Papreck noted that there will be 436 parking spaces in underground parking as well as 200 bike parking spaces after community engagement. Ms. Pegnatta reiterated active dialogue between Staff and the neighborhood and stated the changes that were made. After feedback from Staff, the applicant included lightwells on all four streets, townhomes along all four streets, increased the width of the sidewalk on Rose street, drop-off and loading zones on E. Maxwell Street, as well as increased pedestrian facilities along E. Maxwell Street. The changes following feedback from the neighborhood included relocation of the main entry, relocation of an amenity roof deck, increased bike parking, adjusted glazing at the townhomes, and a step back at floors seven and eight along Rose Street. Additionally, Ms. Papreck stated that they were aware of the significant contextual architecture in the area and that some of that design would be incorporated into the design of the development. Ms. Papreck concluded by stating that she could answer any questions from the Planning Commission.

Commission Questions and Comments – Ms. Davis asked if the applicant had done any shade or shadow studies and what the results of those were. Ms. Papreck stated that they did a study and that there was not much difference from the shadow made from the 80-foot or 65-foot configuration.

Mr. Wilson asked about the amount of people that attended the neighborhood meetings and if they felt there was appropriate representation there. Ms. Papreck stated that there were more residents at the first meeting than at the second, but there was a good turnout, and they had good comments.

Mr. Michler asked about the typical square footage for the more affordable apartments. Mr. Pegnatta stated that it varies from 950 to 1,350 square feet.

Mr. Penn asked if the applicant will own the developments. Mr. Pegnatta stated that as long as CORE was a company, they will own the buildings.

Mr. Penn asked if the townhomes will be just for students or will anyone be able to rent them. Mr. Pegnatta stated that while students are more likely to rent those units, they are trying to figure out ways to diversify so that non-students are able to afford them.

Applicant Presentation – Mr. Gross stated that every few decades new developments are built to help fix the problems that Lexington had with housing, and write a new story for what the solution is. Mr. Gross stated that this development is just a part of the new story to help fix a much needed problem in Lexington. Mr. Gross stated that Lexington needs more housing and needs more development like this. Mr. Gross

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acknowledged that change is difficult, and nobody wants bigger buildings in their neighborhood, but the problem can't be fixed easily, and sacrifices need to be made. Additionally, Mr. Gross stated that the tax revenue to the city, the elimination of backyard surface parking, the increased units and bedroom, with a modern aesthetic, will be a big benefit to Lexington.

Mr. Gross concluded by stating that Staff has determined that this application is in line with the Comprehensive Plan that they have gone above and beyond what is required of them, and that they agree with Staff's recommendations and conditions. He stated that he could answer any questions from the Planning Commission.

Chairman Davis requested that those who had signed up to speak line up two to three persons at a time, and that each person would be granted three minutes to speak.

Public Comment – Brayden Stamper, 258 E High Street, stated that he supported this development and that he has not noticed any disruptions from the other construction projects near him.

Katherine Pence, 344 E High Street, stated she was against this development because it displaces 80 people and that it will only make the traffic worse in this area.

Alana Grace Broderson, stated that they were opposed to this development because it destroyed historic homes that add character to Lexington and offered short-sighted, unsubstantiated economic promises.

Wendy McAllister, 225 Stone Avenue, stated that she was against this development due to the impact to traffic in an already congested area.

Richard Schein, Professor at the University of Kentucky, stated that he was against this development because it would destroy historic houses that fit in the "missing middle" category of housing.

Rhett Constantine, owner of Old School Coffee, stated his support for this development because of his existing relationship with The Hub and stated that they were great partners with their small business.

Dr. Zak Leonard, Historic Preservation Manager at the Bluegrass Trust, stated that he was opposed to this development because other developments in the area are already reshaping the neighborhood and the loss of historic purposeful multi-family homes.

Taylor Smith, graduate student at the University of Kentucky, stated that she was against this development because it would not foster the same sense of community that is there now, would make traffic worse, and make rents more expensive.

Matthew Meyer, 265 Lindhurst Place, stated that they were against this development because of their bad experiences with The Hub properties and the displacement of 80 people in the historic homes.

Kathy Reynolds, Kappa Kappa Gamma sorority house board, stated their opposition because it does not fit in the neighborhood and the traffic would get worse.

David Burton, business owner, supported this project because he thought it was the right project for the right spot and will be a benefit to students at the University of Kentucky.

Max Stocker, 265 Kalmis Drive, stated his support of this development because of Lexington's extreme demand for housing.

April Bisee, 282 Rose Street, stated her opposition to this development because she did not think there was enough community feedback, and it will destroy the history and charm of the neighborhood.

Steven Trask, 360 Transylvania Park, stated that he was opposed to this development because it is an overcorrection and would be displacing families who need the housing.

Maynard Leon, Aylesford Neighborhood Association, stated his opposition because of the scale and sizing of the building that he states is out of character with the neighborhood.

John Michler, 415 E. Maxwell Street, stated he was opposed to this development because he thought that the small economic value did not justify the tearing down of these houses and it would not foster a sense of community.

Amy Clark, 628 Kastle Road, stated her opposition to this development because it goes against the history of the area, as well as the well-being of its residents.

Matt Burton, owner of The Local Taco, stated that he was in support of this project because this area was originally intended to be high density and will be a functional bridge between campus and downtown.

Applicant Rebuttal – Mr. Gross stated that they tried their best to ensure everyone was notified about this development and apologized that the notice did not reach the people in the audience. Mr. Gross stated they did an additional traffic impact study while campus was in session and had the most accurate data available. He stated that most residents will be walking from their apartments to class and work. Mr. Gross mentioned that the existing R-4 zone allows for a 60-foot-tall building, so the additional 25 feet is not that much of a stretch. Finally, Mr. Gross stated that this project area is not located within an H-1 overlay and the current homeowners could at any time put in a 60-foot-tall building and it would be allowed in the R-4 zone.

Commission Questions and Comments – Mr. Michler stated that if they did build a 60-foot-tall building in the R-4 zoning that is currently there they would need to apply for a variance for the greenspace or add more. Mr. Gross agreed with that point.

Mr. Michler asked about the size of the lightwells in a rendering and if Mr. Gross could speak to that. Mr. Gross stated that when they met with the Staff and neighbors, they were trying to break up the scale and massing of the building and lightwells were a way to accomplish that.

Ms. Worth asked Mr. Peggatta how many price sensitive units, not beds, there would be in this development. He stated that there would be around 45-50 units at that price range.

Mr. Michler stated that he was struggling with the fact that as these developments build more and more in these neighborhoods, they are eliminating a lot of greenspace and tree canopy, for the sake of density. He was not sure it was a long-term strategy and that these buildings that are going to be torn down are historic multi-family houses that were meant to be just that. Mr. Michler stated that he thought this was a healthy vibrant block and he would not support this zone change.

Mr. Nicol stated that there is currently a significant gap in the housing that is needed and what is available and he appreciated the applicant working with Staff to get this project where it is and provide housing that is desperately needed.

Mr. Wilson asked if there was some kind of master plan from the University on where they intend to build student housing and other buildings. Mr. Jim Duncan stated that there was not an update on that but that was something Staff could continue to try to get.

Mr. Penn stated that he thought that the University of Kentucky did not want to house students on their land and are relying on the City of Lexington to house their students. Mr. Penn stated his concern about the balance between what the university needs and what Lexington needs. Mr. Penn stated he was going to vote yes on this development because the Comprehensive Plan calls for it but does not like these houses being torn down.

Ms. Davis thanked everyone who spoke and stated that this was a challenging project given that she grew up on Transylvania Park. She stated that she thought that Mr. Gross made good economic points, but was not sure the proposed zone was appropriate for this area.

Chair Davis stated that he was conflicted about this application, but the applicant had worked diligently to get to this point. He stated that he agreed with Mr. Penn's sentiments and that he thought the positives outweighed the negatives.

Ms. Worth stated that she had changed her vote three times but thought that this development would help relieve the pressure from other neighborhoods to fill the need for student housing.

Chair Davis thanked everyone who came to speak and said that their time and comments were invaluable to the Planning Commission.

Action – A motion was made by Mr. Forester, seconded by Mr. Wilson, and carried 8-2 (M. Davis and Michler opposed, Owens absent) to approve **PLN-MAR-25-00014: CS ACQUISITION VEHICLE, LLC** for reasons provided by Staff.

Commission Questions and Comments – Mr. Michler asked Mr. Gross if the applicant would be willing to provide a minimum of 18 townhomes within the development, and include a note to that effect on the plan. Mr. Gross indicated that they would with the caveat that they could come back to the Planning Commission if there are unforeseen circumstances.

Action – A motion was made by Mr. Forester, seconded by Mr. Wilson, and carried 9-1 (M. Davis opposed, Owens absent) to approve **PLN-MJDP-25-00051: LYNDHURST SUBDIVISION, BLOCK C (THE HUB ON EAST MAXWELL)** with the revised conditions provided by Staff adding a condition to denote that the project shall include a minimum of 18 townhomes units on the development plan.