

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

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

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

**IN RE:**     **PLN-MAR-25-00005: SUBTEXT ACQUISITIONS, LLC.** – a petition for a zone map amendment from a Professional Office (P-1) zone and Medium Density Residential (R-4) zone to a Downtown Frame Business (B-2A) zone for 1.93 net (2.34 gross) acres for properties located at 169, 175, 179, 185 E. Maxwell Street and 245, 251, 257, 261, 267, 271, and 275-277 Lexington Ave. (Council District 3)

Having considered the above matter on **April 24, 2025**, at a Public Hearing, and having voted **8-1** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter 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 will provide pedestrian-oriented commercial space on the first floor of the structure (Theme A, Goal #3.a and #3.c).
  - c. 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).
  - d. 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 request provides neighborhood level commercial uses (Theme A, Design Policy #12).
  - d. 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 provides neighborhood level commercial areas (A-DS12-1), and 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 both E. Maxwell Street as well as Lexington Avenue (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 Lexington Avenue (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:

- 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 103 dwelling units per acre, or 200 total dwelling units at this location.

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

- 5. This recommendation is made subject to approval and certification of PLN-MJDP-25-00014: SUBTEXT DEVELOPMENT II 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 15<sup>th</sup> day of April 2025.

  
Secretary, Jim Duncan

LARRY FORESTER  
CHAIR

KRS 100.211(7) requires that the Council take action on this request by July 23, 2025.

Note: The corollary development plan, **PLN-MJDP-25-00014: SUBTEXT DEVELOPMENT II** was approved by the Planning Commission on April 24, 2025, and certified on May 9, 2025.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Nick Nicholson, attorney for the applicant.**

### **OBJECTORS**

- Rev. Matt Falco, pastor of Maxwell Presbyterian Church.
- Dr. Zak Leonard, Bluegrass Trust.
- Amy Clark, 628 Kastle Road.
- Maureen Peters, 276 Lexington Ave.

### **OBJECTIONS**

- Stated that he was very concerned about traffic, parking, and a potential change in character of the neighborhood.
- Stated concerns with demolishing the historic homes and questioned why there was not a bigger effort to try and save and reuse the property.
- Stated she was against this development and that she thought the city should not allow the University of Kentucky to use our land for the housing of their students.
- Stated her opposition because of the loss of historic houses and the shade put on her property.

### **VOTES WERE AS FOLLOWS:**

AYES:	(8)	Barksdale, J. Davis, Forester, Michler, Owens, Penn, Wilson, and Worth
NAYS:	(1)	M. Davis
ABSENT:	(2)	Z. Davis and Nicol
ABSTAINED:	(0)	
DISQUALIFIED:	(0)	

Motion for **APPROVAL** of **PLN-MAR-25-00005** carried.

Enclosures: Application  
Justification  
Legal Description  
Plat  
Development Snapshot  
Staff Report  
Supplemental Staff Report  
Applicable excerpts of minutes of above meeting

