

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 6th, 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.

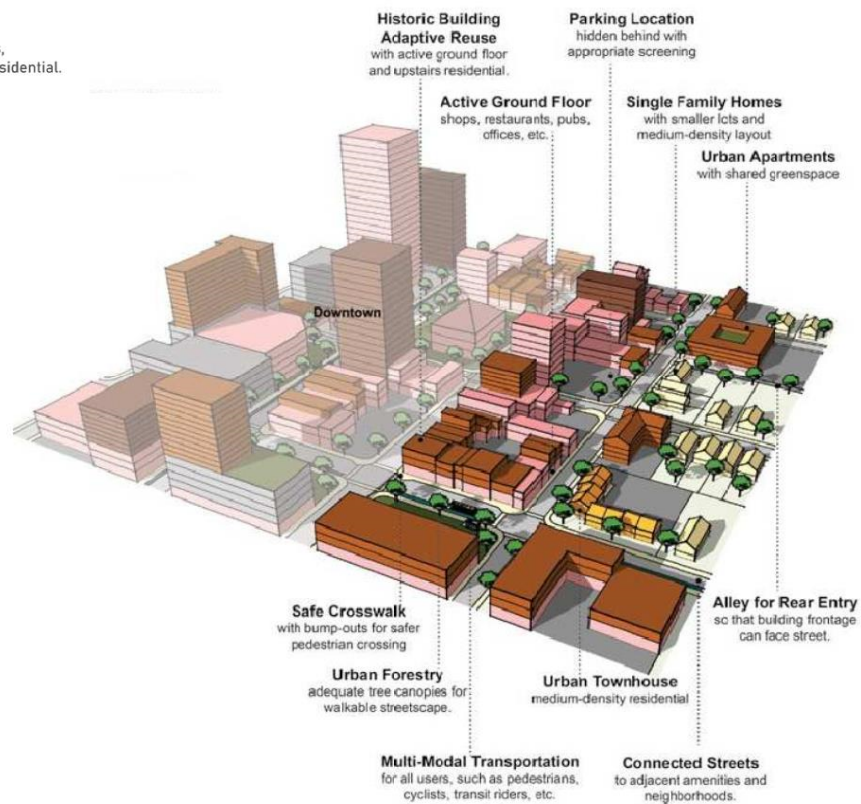
LFUCG Staff advised us that the request to down a B-1 zoned property to an R-4 (Medium Density Residential) zone with the intent to develop three single family detached residences would generally be viewed as not aligned with the Goals, Objectives, Policies, and Development Criteria of the current Comprehensive Plan, most notably the density levels sought along this downtown corridor.

Our objective and ensuing 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

2ND TIER URBAN

With combination of businesses, offices, theaters, hotels and medium density residential.



DIVISION OF PLANNING

THE PLACEBUILDER

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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.

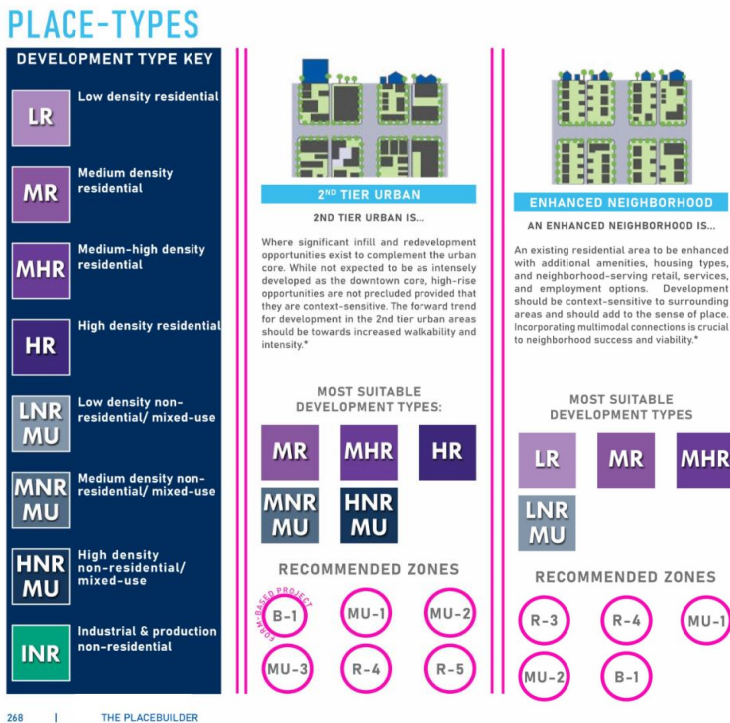


Figure 2. Place-Type and associated Development Type Key

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.

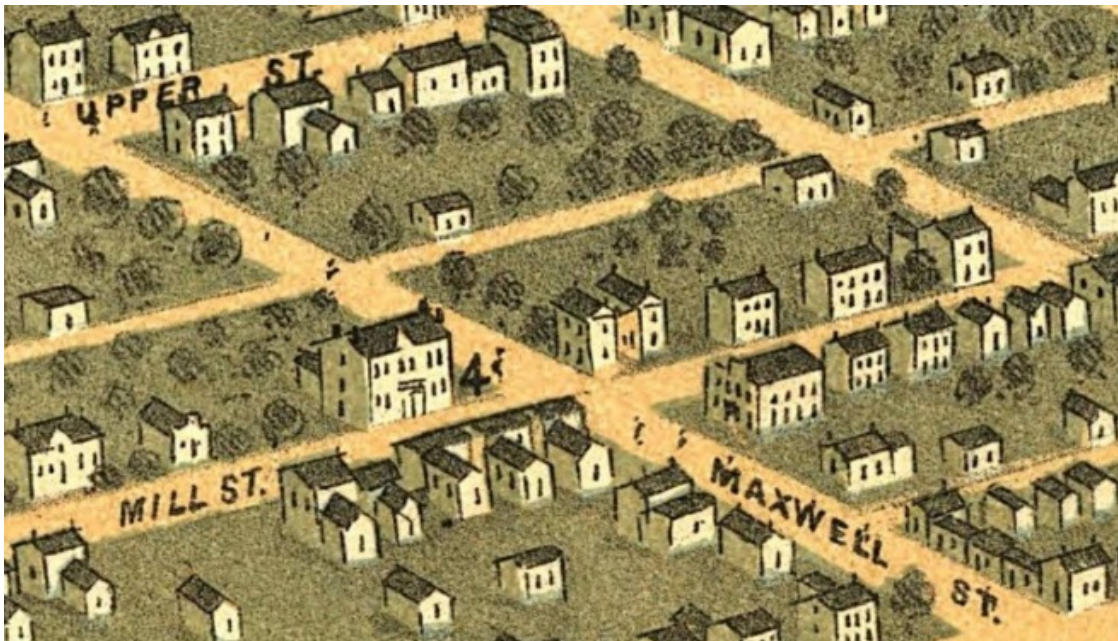


Figure 3. Excerpt from the 1871 "birds' eye" view of Lexington illustrating that there is a possible historic context for reorienting the proposed homes towards South Mill St..

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 boarder 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 2nd 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 were 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 2nd 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 Forrester 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 2nd 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 2nd 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