

# SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-23-00016 STAVROFF LAND & DEVELOPMENT, INC



## STAFF REVIEW

In the period following the October 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 information including a revised development plan, supplemental renderings, a supplemental letter of justification, and a revised traffic impact study.

The revisions to the proposed development plan include a step down in the structure's height along Lexington Avenue from 75 feet to 45 feet. Along Stone Avenue, the applicant now proposes seven (7) two-story townhouse units, which will each have their own porch and entrance on to the street, and separate architectural articulation in an effort to create a transition in the building's height and mass. The sidewalk width along E. Maxwell Street is set to be increased from five (5) feet to eight (8) feet, and two new pedestrian crossings across E. Maxwell Street are depicted. The proposal also increases the number of units over the previous iteration, from 250 to 275, while the overall proposed number of beds remains the same (700 beds). The change in residential units results in a residential density of approximately 128 units per acre. The revised development plan also includes changes to the parcel at 245 Stone Avenue, which was originally slated to have its existing structure retained. The applicant is now proposing to demolish the residential structure, and utilize this portion of the development for a trash compactor, as well as underground stormwater retention areas. The applicant is proposing to enclose the compactor with fencing, as well as a row of vegetative screening.

The architectural renderings provided show a significantly increased level of architectural detail over the previous proposal, including a larger variety of materials used, the incorporation of balconies and landscaping, changes in the building massing, and stepbacks in height. The renderings also demonstrate a more complete level of activation for pedestrians, with access ramps, an increase in the number of entrances, and ground level patio spaces. While not all of the detail is reflected on the corresponding development plan, if approved, the developer would be held to substantial compliance with these renderings.

## TRAFFIC IMPACT STUDY

The applicant's revised traffic impact study was evaluated by staff from Lexington's Metropolitan Planning Organization. It uses rates from the 10th edition of the ITE Trip Generation Manual, which indicates that the proposed 700 bedroom development is anticipated to generate 112 new vehicle trips during the AM peak hour and 182 new vehicle trips during the PM peak hour. The most significant increase in delay is anticipated at the intersection of East Maxwell and Lexington Avenue where the PM peak hour delay for the southbound movement from Lexington Avenue is expected to increase from 30 seconds to 39 seconds. Planning MPO staff found that the existing roadway system is capable of handling the traffic generated by the proposed development at an acceptable level of service during the peak hours, without improvements.

## GOALS AND OBJECTIVES, AND POLICIES

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.*

While the applicant indicates that the proposal would set a new context for development for this portion of E. Maxwell Street, they contend that they have taken several steps to attempt to create compatibility with the existing urban form of the area. The applicant is utilizing stepbacks along Lexington Avenue to provide a transition from 45 feet in height to 75 feet, which is consistent with the 50-foot tall height limit along Lexington Avenue recommended by staff in the previous rezoning request at this location (MAR-19-



00013). Along Stone Avenue, the applicant plans to reinforce the streetscape with two stories of townhome units, each with a ground level entrance, in an attempt to replicate the “front porch” feel of the current development in the area. The applicant also notes that the proposed setbacks for the development are compatible with those of other existing development in the area.

## **POLICIES**

Based on the revised and supplementary materials, staff finds that the proposal meets several of the policies of the 2018 Comprehensive Plan. The request now complies with the Multi-Family Design Standards (Theme A, Design Policy #3). The proposal directs increased residential density to one of our major downtown corridors (Theme A, Density Policies #1, 2, and 4). By implementing an underground parking structure, the development is designed so that the parking areas are not the primary visual component of the site (Theme A, Design Policy #7), and creates walkable streetscapes by incorporating street trees, townhouse units, and articulating the building facade (Theme A, Design Policy #5). Finally, limiting the amount of parking provided on-site, the request encourages alternative modes of transportation and promotes walking (Theme B, Sustainability Policy #5).

## **DEVELOPMENT CRITERIA**

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

### 1. Site Design, Building Form and Location

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

Within the revised letter of justification, the applicant provides additional information regarding the Multi-Family Design Standards, and provides architectural renderings of two of the proposed elevations. These elevations show a greater variety of materials being utilized, wall offsets and articulation of the structure, the incorporation of setbacks in height, additional landscaping, and a greater degree of architectural ornamentation on all sides of the structure. The applicant notes that the proposal reinforces the streetscape along all of the adjoining roadways, and provides pedestrian paths along all sides of the structure. The proposal maintains a walkable, pedestrian scale block size, and incorporates street trees to reinforce all four roadways. The three open space areas that are being provided with this request are bound by the residential units, and are highly visible from the residential units. Based on the revised renderings, updated development plan, and justification, staff finds the proposal is in substantial agreement with the Multi-Family Design Standards.

*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.*

While most of the proposed development will be bound by roadways, the northwest portion of the property will directly adjoin existing residential development. The properties at 260, 270, and 276 Lexington Avenue and 129 Hargerman Court currently adjoin the rear parking areas of the subject property, and would be within 10 feet of the proposed multi-family residential structure under the applicant’s proposal. In order to help mitigate the visual impact from Lexington Avenue, the applicant proposes a step down in building height along the roadway from 75 feet to 45 feet. This step down in height is not present in the rear portions of the property; however, the applicant indicates that a six-foot tall solid fence and landscaping will be planted in the 10-foot buffer to provide privacy for those individuals. The applicant acknowledges that there will still be contrasts in the scale despite these mitigation efforts, but states that the proposal is in accordance with the Comprehensive Plan’s calls for intensification and additional residential density in our downtown, and along our corridors.



*A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere; A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.*

The applicant's revised proposal improves upon the pedestrian experience of the initial request by providing varied articulation along the building facade, incorporating a greater number of entrances along the road frontages, and stepping back the massing of the structure from Lexington Avenue, Stone Avenue, and E. Maxwell Street. The request increases the width of the proposed pedestrian path along E. Maxwell from five to eight feet, and provides pedestrian connectivity along all four sides of the development. The proposal also provides for pedestrian crossings across E Maxwell Street, to connect with the University of Kentucky's campus.

*D-PL9-1 Historically significant structures should be preserved.*

A number of the of existing structures proposed to be demolished meet the age criteria to be considered historically significant. While these structures are located within a national historic register district, they were not individually listed, nor deemed necessary to include within the Aylesford Historic District (H-1) Overlay Zone when it was created in 1998. While the subject properties were not included, other properties with development of a similar style and indicative of the same periods were preserved under the creation of the nearby overlay.

As they were not included within any overlay, the non-historic modifications and additions that were made to these structures over time did not require a certificate of appropriateness or design review, and the applicant has the ability to demolish said structures with a demolition permit from the Division of Building Inspection without the Board of Architectural Review's approval. While the Comprehensive Plan calls for consideration for historically significant structures to be preserved, such considerations must be weighed against the Comprehensive Plan's goals of providing housing and intensifying our downtown core.

With these revisions, the proposed rezoning now meets the criteria for Site Design, Building Form and Location, as the proposal intensifies an underutilized property, demonstrates compliance with the requirements of the Multi-Family Design Standards, creates a defined vertical edge along the corridor, mitigates the visual impact of the parking structure, and significantly increases the residential density.

## 2. Transportation and Pedestrian Connectivity

*E-ST3-1 : Development along major corridors should provide for ride sharing pick up and drop off locations along with considerations for any needed or proposed park and ride functions of the area.*

The applicant's revised plan and justification does not explicitly mention a rideshare pick-up or drop off area for the development; however, there are on-street parking spaces along E. Maxwell Street that can be utilized for this structure, as well as within the integrated parking structure.

Overall, staff finds that the revised request meets the criteria for Transportation and Pedestrian Connectivity, as the proposal provides for an improved pedestrian network, provides a defined vertical edge along all four roadways, provides for improved connections to the University of Kentucky and adjoining neighborhoods, widens and reroutes Hagerman Court, and reduces the number of vehicular access points and curb cuts on E. Maxwell Street.

## 3. Greenspace and Environmental Health



*B-PR7-3: Developments should improve the tree canopy.*

Within the revised development plan, the applicant notes that there currently is 31,500 square feet of tree canopy coverage on-site, primarily concentrated towards the interior and rear portions of the properties. Many of the trees present on the interior portions of the site will be removed under the proposed request, with new plantings being provided around the perimeter of the development. The applicant's engineers indicate that there will be approximately 20,000 square feet of canopy coverage under the new proposal.

While the greater utilization of the site does result in the reduction in the total amount of tree canopy that can be accommodated on-site, the proposal exceeds the typical amount of tree canopy coverage found in downtown development, and there is no tree canopy coverage in the B-2A zone. Overall, staff finds the request does meet the remaining provisions of the Greenspace and Environmental Health as the request preserves two significant trees along the Stone Avenue, provides for clearly delineated open space, and incorporates street trees along all four frontages to create a walkable streetscape.

**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, staff recommends the following restrictions be implemented via conditional zoning:

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.*
2. The property shall be developed with a minimum of 93 dwelling units per acre, or 200 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 meeting 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 proposed rezoning encourages the expansion of housing choices by providing for higher density residential development (Theme A, Goal #1.b).
  - b. By varying the building height and massing along each respective roadway, the request maintains compatibility with existing development in the area (Theme A, Objective #2.b).
  - c. The request encourages positive and safe social interactions by improving the existing pedestrian system, providing new crosswalks across E. Maxwell Street, and reducing vehicular conflict points.
  - 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 2018 Comprehensive Plan for the following reasons:
  - a. The request substantially complies with the Multi-Family Design Standards (Theme A, Design Policy #3).
  - b. The proposal directs increased residential density to one of the city's major corridors (Theme A, Density Policies #1, 2, and 4).

- c. The development is designed so that the parking areas are not the primary visual component of the site (Theme A, Design Policy #7).
  - d. The request creates walkable streetscapes by incorporating street trees, townhouse units, and articulating the building facade (Theme A, Design Policy #5).
  - e. By limiting the amount of parking provided on-site, the request encourages alternative modes of transportation and promotes walking (Theme B, Sustainability Policy #5).
3. The justification and corollary development plan are in agreement with the Development Criteria of the 2018 Comprehensive Plan.
- a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as it demonstrates compliance with the requirements of the Multi-Family Design Standards, creates a defined vertical edge along the corridor and adjoining roadways, mitigates the visual impact of the parking structure, and significantly increases residential density.
  - b. The proposed rezoning meets the criteria for Transportation and Pedestrian Connectivity, as the proposal provides for an improved pedestrian network, provides a defined vertical edge along all four roadways, provides for improved connections to the University of Kentucky and adjoining neighborhoods, widens and reroutes Hagerman Court, and reduces the number of vehicular access points and curb cuts on E. Maxwell Street.
  - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as the request preserves two significant trees along the Stone Avenue, provides for clearly delineated open space, and incorporates street trees along all four frontages to create a walkable streetscape.
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.
  2. The property shall be developed with a minimum of 93 dwelling units per acre, or 200 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 meeting 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-23-00062: THE MAXWELL (LYNDHURST SUBDIVISION) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.