

# STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-19-00013: APTITUDE DEVELOPMENT

## DESCRIPTION OF ZONE CHANGE

Zone Change: From a High Density Apartment (R-4) zone  
To a Downtown Frame Business (B-2A) zone

Acreage: 1.810 net (2.274 gross) acres

Location: 201, 207, 209, 211, 215, 221, 225, 227, and  
231 E. Maxwell Street, 245, 247, and 251  
Stone Avenue



## EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	R-4	Multi-Family
To North	R-4	Multi-Family
To East	R-4	Multi-Family
To South	R-4/R-5	Multi-Family / UK
To West	R-4	Multi-Family

## URBAN SERVICE REPORT

**Roads** - Maxwell Street is a minor arterial roadway that provides southeast bound, one-way traffic flow, extending from Versailles Road (US 60) to East High Street. The roadway experiences approximately 11,000 ADT. There are three local roads that boarder or intersect with the subject properties: Lexington Avenue, Hagerman Court, and Stone Avenue. Both Stone Avenue and Hagerman Court are short roadways extending between High Street and East Maxwell Street. While designated as a local roadway, the cross-section for Hagerman Court is substandard and has restricted parking on the west side of the street.

**Curb/Gutter/Sidewalks** - East Maxwell Street, Lexington Avenue, and Stone Avenue has been improved with curb, gutter and sidewalks. Hagerman Court has curb and sidewalks for much of the street; however these facilities terminate as the road bends towards its intersection with East Maxwell Street. The sidewalks along Hagerman Court do not meet the minimum standards for ADA accessibility.

**Utilities** - All utilities, including natural gas, electric, water, phone, and cable television are available in the area, and are available to serve the proposed development.

**Storm Sewers** - The subject property is located within the Town Branch watershed. Stormwater improvements may be required to address both water quantity and water quality. Any such improvements shall be designed and constructed in accordance with the LFUCG Engineering Manuals. There are no FEMA Special Flood Hazard Areas or known flooding issues within the immediate area.

**Sanitary Sewers** - The subject property is located within the Town Branch sewershed and will be serviced by the Town Branch Wastewater Treatment Facility, located on Lisle Industrial Avenue inside New Circle Road, between Leestown Road and Old Frankfort Pike. Sanitary sewer capacity will need to be verified by the Capacity Assurance Program (CAP) prior to certification of the final development plan, as an increase in sanitary sewer flows are anticipated for the multi-family residential land use.

**Refuse** - The Urban County Government serves residences in this portion of the Urban Service Area with collection on Mondays.

**Police** - The nearest police station is the main headquarters, located about ½ mile north of the subject properties at East Main Street and Martin Luther King, Jr. Boulevard.

**Fire/Ambulance** - The nearest fire station (#3) is located approximately ½ mile northwest of the subject properties at the intersection of West Maxwell Street and Merino Street.

## SUMMARY OF REQUEST

The petitioner has requested a zone change from a High Density Apartment (R-4) zone to a Downtown Frame Business (B-2A) zone for 1.810 net (2.274 gross) acres for the properties located at 201, 207, 209, 211, 215, 221, 225, 227, and 231 E. Maxwell Street, as well as 245, 247, and 251 Stone Avenue. The proposed development is a 10-story multi-family structure, with the first two stories dedicated to parking. The proposed development anticipates 575 bedrooms. The applicant has not provided a dwelling unit count for the calculation of density of dwelling unit per acre.

## PLACE-TYPE

**DOWNTOWN** Downtown is the urban epicenter of commerce and entertainment. The core should be anchored by high-rise structures with ground-level pedestrian engagement opportunities surrounded by mid-rise buildings increasingly offering dense residential uses. Lexington’s Downtown should continue to be notable for its mix of uses and variety of transportation options. Parking should be addressed as a shared urban core asset, eliminating dedicated surface parking lots in favor of structures.

## DEVELOPMENT TYPE

**HIGH DENSITY RESIDENTIAL**

Primary Land Use, Building Form, & Design  
Primarily high-rise multi-family units. This type of development is generally reserved for the most intensely developed areas in Lexington, with the infrastructure to support it. Where these developments abut existing or historic neighborhoods, appropriate step-downs or context-sensitive elements should be used to minimize intrusion.

Transit Infrastructure & Connectivity  
Mass transit infrastructure should be provided along transit routes through collaboration with Lextran, and bicycle and pedestrian facilities should be plentiful to provide multi-modal options. Parking should be minimized in favor of multi-modal options, and where necessary, should be predominantly accommodated within garages.

Quality of Life Components  
Open space and greenspace opportunities should be adequate within the area to support the residents, or should be provided creatively on-site utilizing plazas, rooftop space, or other means that accomplish the goal, but still allow for high Floor Area Ratios.

## PROPOSED ZONING



This zone is intended to accommodate existing and proposed development in the transitional “frame,” which surrounds the downtown core area, by providing for comparable and compatible uses while anticipating the future expansion of the downtown core area.

## PROPOSED USE



The petitioner is proposing a 10-story high-rise structure that would contain two floors of parking, 575 bedrooms, and associated residential amenities (gym, meeting space, etc.). The petitioner proposes a total of 232 parking spaces for the development, which is above the required parking for the proposed residential use. The petitioner has indicated that this development will be geared to providing student housing for those attending the University of Kentucky, but will not be limited to that population.

## APPLICANT & COMMUNITY ENGAGEMENT



Prior to the submission of the zone change application, the petitioner reached out to the Aylesford Place Neighborhood Association to gain neighborhood feedback regarding the proposed rezoning and the associated development plan. The applicant organized an “open house” style meeting located at the Central Library (140 East Main Street) on July 31 from 6-7:30 PM. Attendance at the meeting included members of Aptitude Development (applicant), Gresham Smith (engineering and architecture firm), and McBrayer, McGinnis and Leslie Law Firm (legal representative). Each was present to answer questions and gain insight from the neighborhood regarding the proposed development. Planning staff from Planning Services and Long Range Planning were also present to answer questions regarding the zone change process,



Comprehensive Plan, and other general planning questions. No neighborhood attendees were present during this meeting.

Due to the lack of attendance during the July 31st open house, a second meeting was organized by the Aylesford Place Neighborhood Association. The meeting was held on September 3rd at 7:00 PM at the Woodland Christian Church (530 East High Street). During the meeting, Mr. Jacob Walbourn (McBrayer, McGinnis and Leslie Law Firm) and Ms. Erin Hathaway (Gresham Smith) presented the proposed zone change and took comments from the neighborhood attendees. There were a total of 68 attendees, which included both members of the Aylesford Place Neighborhood Association and non-members who live in the area or had an interest in the zone change. The neighborhood comments made during this meeting were in opposition to the proposed zone change and associated development plan. Concerns included the height of the proposed structure, the need for greater amounts of parking for the potential residents, the demolition of the current structures, the perceived unattractiveness of the proposed structure, the potential conflicts with making Lexington a walkable city, the precedent that would be set with the rezoning of the subject property, pedestrian safety, traffic issues along East Maxwell Street, questioning the need for increased student housing, impacts of shade on surrounding properties, water quality and quantity, and the categorization of the subject property as a Downtown Place Type rather than a 2nd Tier Urban Place Type. The applicant's representatives answered questions when able to and indicated that they would take their concerns to the applicant following the meeting.

In attendance at this meeting was a member of the planning staff from Planning Services. During the presentation Mr. Walbourn gave a brief overview of the zone change process, but referred the attendees to the staff member for more specific questions regarding the process. Staff did provide additional information regarding the zone change process and The Placebuilder.

## PROPERTY & ZONING HISTORY



The subject properties are located within an area that is primarily comprised of multi-family residential zoning (R-4, R-5). The subject properties have been zoned High Density Apartment (R-4) since before to the 1969 comprehensive rezoning of the Urban County. The residential nature of this portion of East Maxwell Street is primarily focused on student housing, with a smaller population of longer term residents. There is a small portion of Professional Office (P-1) zoning located across Lexington Avenue that is utilized for parking for the surrounding uses and the office for An/Dor Reporting and Video Technologies, Inc. The majority of the properties located along the southwest side of East Maxwell Street are owned and operated by the University of Kentucky (206, 212, 252, 258, 268, 272, and 278 East Maxwell Street). As such, these properties are not subject to the zoning restrictions of the LFUCG and are currently being operated as office, classroom, and research space. The two remaining properties are multi-family dwelling units. The property located at 200 East Maxwell Street is a 10-unit apartment complex, and the property located at 238 East Maxwell Street is a sorority house owned and operated by the Kappa Kappa Gamma Sorority.

While the subject properties are older structures and some have been listed as contributing to the Southeastern Lexington Residential and Commercial District (listed on the National Register of Historic Places), they have not been individually listed nor are they within a Historic District Overlay (H-1) zone. The nearest H-1 overlay zone is the Aylesford Historic District and is located one block to the southeast of the subject properties. The Aylesford Historic District was established in 1998 and contains the majority of the Southeastern Lexington Residential and Commercial District. Those properties located within the Aylesford Historic District, but not within the Southeastern Lexington Residential and Commercial District are representative of the same architecture style and are of the same construction period described in the 1984 NPS Nomination Form. Additionally, the South Hill Historic District is located nearby to the northwest of the proposed rezoning and is also protected by a H-1 overlay zone. The historical attributes of the South Hill Historic Neighborhood differ in both form and context from those properties located within Aylesford and the Southeastern Lexington Residential and Commercial District.

There are three structures, located at 258 East Maxwell Street, that are both contributing to the Southeastern Lexington Residential and Commercial District and individually listed in the National Register of Historic Places. These properties are owned and operated by the University of Kentucky and are currently utilized



for office space. They are representative of the historical character that is preserved within the Aylesford H-1 Overlay zone.

## COMPREHENSIVE PLAN COMPLIANCE



### GOALS & OBJECTIVES

The 2018 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 applicant opines that they are in compliance with the adopted Goals and Objectives of the 2018 Comprehensive Plan. They state that the proposed rezoning encourages the expansion of housing choices by prioritizing a higher density residential development (Theme A, Goal #1.b), while also supporting infill and redevelopment that replaces an aging housing stock with modern, safe, and dense housing types (Theme A, Goal #2.a, b and c). The applicant also indicates that they are seeking to provide a well-designed neighborhood (Theme A, Goal #3.b) by varying the mobility patterns of potential residents, and promoting alternative modes of transportation including pedestrian, cycling, and mass transit. The proposed site is located near the LexTran transit center and is also nearby a major transit corridor. The applicant has also indicated that they are working with LexTran (Theme D, Goal #1.a and c) to review a possible stop at this location. Finally, the petitioner opines that by locating their development in a downtown area, situated between the University of Kentucky's campus and the core of the city and by increasing opportunities for various mobility patterns, they are able to reduce Lexington-Fayette County's carbon footprint (Theme B, Goal #2).

Staff agrees with these aspects of the applicant's proposal and that these goals and objectives can be met.



### CRITERIA

The criteria for a zone change are the distillation of the adopted Goals and Objectives, as well as the policies put forth in the 2018 Comprehensive Plan. The criteria for development represent the needs and desires of the members of the Lexington-Fayette Urban County community in hopes of developing a better built environment. The criteria are refined by the applicant based on the proposed place-type and development type. The applicant has indicated that the site is located within the Downtown place-type and is seeking to create a high density residential development. Staff concurs with the applicant's assessment of the place-type and agrees that high density residential can be appropriate for the subject property within a Downtown Frame Business (B-2A) zone.

While staff agrees with much of the justification provided by the applicant, there are several areas of concern as to how the applicant has applied, not applied, or not addressed the criteria. The following reviews the various Placebuilder criteria as provided to staff in the Letter of Justification, the associated plan, and the supplementary review of the Multi-Family Design Standards.

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

While staff agrees with much of the justification provided by the applicant, there are several areas of concern as to how the applicant has applied or not applied the criteria. One area of concern for staff is the compliance with the multi-family design standards (A-DS3-1). The staff does not require architectural plans prior to the Final Development Plan, however there are several site design issues that do not adequately address the standards. Much of staff's concern is focused on the structure and its articulation to the pedestrian environment. The applicant should indicate the number and location of entries, and how they will be incorporated into the pedestrian system (SP.2 and 3). Furthermore, the applicant should indicate the techniques that will be utilized to reinforce a pedestrian environment and improve walkability. The creation



of a pedestrian-friendly environment is also important when addressing the activation of the first story of a multi-family structure. The applicant should describe how the on-site parking will be incorporated and activated (SP.8). The applicant should also describe what historic characteristics of the neighborhood they are seeking to incorporate (SP.17), while also indicating what forms of green infrastructure will be provided on the site (OS.8). Finally, the applicant should describe how facade articulation will be presented on the rear of the property facing Hagerman Court and how the building will address the rear street and properties (AD.3).

Additionally, the applicant states that they are seeking to establish a new framework for the redevelopment of the this area (A-DS4-2). While establishing the new framework, the applicant also indicates that they are attempting to incorporate features that acknowledge the neighborhood's context and history, which is reinforced in Multi-family Design Standard SP.17. Staff would like the applicant to indicate how they will incorporate the aspects attributed to the Aylesford Historic District, or the Southeastern Lexington Residential and Commercial District.

Any proposed development that discusses the increase in pedestrian focused mobility patterns should provide an activated ground level that reduces the impact of cars on the users (A-DS5-4 and A-DS7-3). The applicant is planning to provide structured parking on the first two levels of the proposed structure. The inclusion of an auto-centric use along the road frontage necessitates the activation of those portions of the structure, so as to maintain walkable areas that are usable and safe for pedestrians. Staff would like the applicant to describe the activation of the first floor and how it will lend to the pedestrian friendly atmosphere described in other portions of the petitioners application. The applicant also plans to use public art as part of their activation of the structured parking (A-DS5-3); however, they have not depicted a location within their development, nor how it would relate to the sidewalk and roadway.

### 2. Transportation and Pedestrian

The applicant indicates that they will be utilize shared parking arrangements inasmuch as student residents may utilize the University's parking options (C-PS10-1). In this case the applicant's need for parking is reduced due to its location downtown and that there are other options for individuals who choose to own a vehicle; however they are not enacting a shared use agreement with the University of Kentucky. This criteria is not applicable to this development.

In coordination with the activation of the ground level (A-DS5-4 and A-DS7-4), safe facilities should be depicted showing the separation from vehicular uses, and access to bicycle infrastructure (D-CO2-2). With the reduction of parking on East Maxwell Street and Lexington Avenue, the applicant should consider a safe pull off for food delivery and ride sharing. It is also important that the applicant show an potential location for a bus stop or pull-off spot, should LexTran seek to include a new stop along the subject properties (E-ST3-1).

### 3. Greenspace and Environmental Health

Within their corollary exhibit, the applicant should delineate the different private and public open space (A-EQ7-3). Specifically, the applicant should show the use of the "pocket park" located on Stone Avenue, and their private space, located on the third story of the proposed structure. These areas are important elements of both a public and private amenity that are promoted in the Comprehensive Plan. The applicant should explore areas of public open space (i.e. public right of way) that may offset the amount of reduced open space being requested with their variance.

Finally, the applicant should describe how they are enhancing the tree canopy in this area (B-PR7-3). This is specifically important as the applicant is asking for the variance to the landscape buffer area required for zone-to-zone screening. The landscaping is important not only to the buffering of more intense development next to less intense development, and can act to counterbalance the effects of the urban setting.

**STAFF RECOMMENDS: POSTPONEMENT, FOR THE FOLLOWING REASON:**



1. The zone change application for the subject properties, as proposed, does not completely address the development criteria for a 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 Comprehensive Plan:
  - a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
    - i. SP.2: Provide as many private, ground level entries to individual units as possible.
    - ii. SP.3: Ensure that all building entries are prominent, visible, and accessible from the street.
    - iii. SP.8: Consider breaking parking lots into multiple, smaller lots to enhance safety, enhance accessibility, and minimize the aesthetic impact of large, unbroken rows of cars.
    - iv. SP.12: Implement traffic calming measures such as limit lane widths, tighter turn radii, narrow street crossing, on-street parking, bulbouts, textured materials and crosswalks, and compatible lighting to reinforce a pedestrian environment and improve walkability.
    - v. SP.17: Create streets that are balanced on both sides in massing and building character.
    - vi. OS.8: Provide stormwater detention areas and link to other open spaces and recreational amenities.
    - vii. AD.3: Break up building mass with facade articulation on all side s 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-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
  - d. A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
  - e. A-DS7-3: Parking structures should activate the ground level.
  - f. E-GR4-1: Developments should incorporate reuse of viable existing structures.
  - g. D-CO2-2: Development should create and/or expand a safe, connected multi-modal transportation network that satisfies all users' needs, including those with disabilities.
  - h. 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. (E-GR10, E-GR7)
  - i. A-EQ7-3: Community open spaces should be easily accessible and clearly delineated from private open spaces.