

ORDINANCE NO. 023 - 2023

AN ORDINANCE CHANGING THE ZONE FROM A NEIGHBORHOOD BUSINESS (B-1) ZONE TO A HIGH RISE APARTMENT (R-5) ZONE, FOR 2.29 NET (2.52 GROSS) ACRES, FOR PROPERTY LOCATED AT 340 LEGION DRIVE. (COWGILL DEVELOPMENT, LLC; COUNCIL DISTRICT 10).

WHEREAS, at a Public Hearing held on January 26, 2023, a petition for a zoning ordinance map amendment for property located at 340 Legion Drive from a Neighborhood Business (B-1) zone to a High Rise Apartment (R-5) zone, for 2.29 net (2.52 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 8-0; and

WHEREAS, the Urban County Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 340 Legion Drive from a Neighborhood Business (B-1) zone to a High Rise Apartment (R-5) zone, for 2.29 net (2.52 gross) acres, being more fully described in Exhibit “A” which is attached hereto and incorporated herein by reference.

Section 2 – That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 3 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: March 23, 2023



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: March 30, 2023-1t

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Rec'd by _____

Date: _____

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

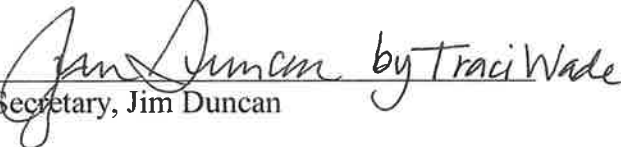
IN RE: **PLN-MAR-22-00025: COWGILL DEVELOPMENT, LLC** - a petition for a zone map amendment from a Neighborhood Business (B-1) zone, to a High Rise Apartment (R-5) zone, for 2.29 net (2.52 gross) acres, for property located at 340 Legion Drive. (Council District 10)

Having considered the above matter on **January 26, 2023**, at a Public Hearing, and having voted **8-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of this matter for the following reasons:

1. The requested High Rise Apartment (R-5) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives and Policies, for the following reasons:
 - a. The proposed development will accommodate the growing demand for housing in Lexington by seeking a high density residential building in a way that is respectful of the existing neighborhood's character and intensity (Theme A, Goal #1.b; Theme A, Goal #2.b).
 - b. The proposed development will provide a well-designed neighborhood (Theme A, Goal #3) by designing the property to fit in the existing neighborhood and including activated entrances that improve pedestrian accessibility and neighborhood interaction in a safe and attractive manner (Theme A, Goal #3.a & b).
 - c. The proposed development will work to achieve an effective and comprehensive transportation system (Theme D, Goal #1) by making the property accessible to pedestrians, public transit, and commuters (Theme D, Goal 1.a & b).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location. The site has been designed to emphasize connections to the existing development, minimize the visual impact of the provided parking areas, and reinforce the streetscape at along Legion Drive. This request is also in agreement with the Multi-family Design Standards, as it provides a pedestrian-oriented design and complements the established residential development, while increasing intensity as Legion Drive extends towards the South Broadway corridor.
 - b. The proposed rezoning includes safe facilities for the potential users, through the integration of the site with the established pedestrian facilities along the property's frontages. The applicant also proposes providing parking behind and to the side of the church and multi-family dwelling units and limits the amount of vehicular access points. The parking provided across Kentucky Avenue will be enhanced to limit the impact of the lot on the adjacent right-of-way. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase tree canopy coverage and reduce the impact of the built environment and impervious surfaces by providing green infrastructure and integrating new stormwater facilities.
3. This recommendation is made subject to approval and certification of **PLN-MJDP-22-00077: Candia Corp (Legion Drive Apartments)**, 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 24th day of February, 2023.


Secretary, Jim Duncan

LARRY FORESTER
CHAIR

Note: The corollary development plan, PLN-MJDP-22-00077: CANDIA CORPORATION (LEGION DRIVE APARTMENTS) was approved by the Planning Commission on January 26, 2023 and certified on February 9, 2023.

K.R.S. 100.211(7) requires that the Council take action on this request by May 26, 2023.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Zach Cato, attorney.**

OBJECTORS

- None

OBJECTIONS

None

VOTES WERE AS FOLLOWS:

AYES: (8) Barksdale, Davis, de Movellan, Forester, Meyer, Michler, Penn, and Worth
NAYS: (0)
ABSENT: (3) Bell, Nicol, and Pohl
ABSTAINED: (0)
DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-22-00025** carried.

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

MAP AMENDMENT REQUEST (MAR) APPLICATION

1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

Applicant: COWGILL DEVELOPMENT, LLC, 1999 RICHMOND ROAD, SUITE 2A, LEXINGTON, KY 40502
Owner(s): COWGILL PARTNERS LP, 1999 RICHMOND ROAD STE. 2A, LEXINGTON, KY 40502
Attorney: ZACH CATO, 145 CONSTITUTION STREET, LEXINGTON, KY 40507

2. ADDRESS OF APPLICANT'S PROPERTY

340 LEGION DRIVE, LEXINGTON, KY 40504

3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
B-1	OFFICE	R-5	RESIDENTIAL	2.2859	2.5163

4. COMPREHENSIVE PLAN

a. Utilizing Placebuilder, what Place-Type is proposed for the subject site?	ENHANCED NEIGHBORHOOD
b. Utilizing Placebuilder, what Development Type is proposed for the subject site? If residential, provide the proposed density	MEDIUM DENSITY RESIDENTIAL

5. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40% of the median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing.	<input type="checkbox"/> YES <input type="checkbox"/> NO

6. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided)

Roads:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
Utilities:	<input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable



BILLINGS LAW FIRM ^{PLLC}
COUNSELORS-AT-LAW

ZACHARY G. CATO, ESQ.
zach.cato@blfky.com

145 Constitution Street
Lexington, Kentucky 40507
(o) (859) 225-5240
(f) (859) 225-5241

November 28, 2022

LFUCG Planning Commission
200 E. Main Street
Lexington, KY 40507

Re: Zone Change Application at 340 Legion Drive

Dear Planning Commission:

My firm is pleased to represent Cowgill Development, LLC (the “Applicant”)¹ in its application for a zone map amendment at 340 Legion Drive, Lexington, Kentucky (the “Property”) from its current Neighborhood Business (B-1) zone to a High Rise Apartment (R-5) zone. The Property is 2.29 acres on Legion Drive, just off South Broadway. The Property is bounded to the north and west by the B-1 zone, and on the east and south by the R-4 zone. The Property is located just outside the Infill and Redevelopment Zone, which stops at Legion Drive.

GOALS AND OBJECTIVES

The application agrees with the 2018 Comprehensive Plan. Specifically, the Goals that:

- encourage expanded housing choices (Theme A, Goal 1), by offering additional housing options in the South Broadway corridor that are convenient to downtown, UK, and other key activity centers;
- support infill and redevelopment throughout the Urban Service Area (Theme A, Goal 2) by redeveloping the Property to provide for a greater and higher use benefiting more stakeholders than it currently does;
- provide well-designed neighborhoods (Theme A, Goal 3) by designing the Property to fit in the existing neighborhood; and
- work to achieve an effective and comprehensive transportation system (Theme D, Goal 1) by making the Property accessible to pedestrians, public transit, and commuters.

¹ The Property is owned by Cowgill Partners, L.P.

Further, the Applicant seeks to accommodate the growing demand for housing in Lexington by constructing a high-density residential building that is respectful of the existing neighborhood's character and intensity (Theme A, Goal 1, Objective b; Theme A, Goal 2, Objective b). The proposed development includes activated entrances that improve pedestrian accessibility and neighborhood interaction in a safe and attractive manner (Theme A, Goal 3, Objectives a-b). Lastly, due to its proximity to the South Broadway corridor and existing public transit routes, the proposed development supports a variety of transportation options for pedestrians, cyclists, public transit riders, and commuters by connecting to existing facilities and encouraging additional interconnectivity (Theme D, Goal 1, Objectives a-b).

ENGAGEMENT

The Property is not located within or near a neighborhood association. The nearest single-family homes to the Property are located across Legion Drive behind the apartment building at 333 Legion Drive. In addition to the general notification requirements, the Applicant has posted flyers in its nearby apartment buildings (333 Legion Dr. and 1229 Man O War Pl.) regarding this development, and contacted an area stakeholder and Fayette County Neighborhood Council board member regarding the project. The Applicant also set up a website with project information.² This website contains information about the project, including application materials, and a form for visitors to leave questions and comments for the Applicant. To date, the Applicant has not received any objection to this project.

SITE DESCRIPTION

The Property is located near the South Broadway corridor. See Comprehensive Plan p. 41. The vicinity is roughly half commercial and half residential, of which residential areas the majority are studio or one-bedroom apartments. The commercial uses include hospitals and medical offices, professional offices, restaurants, a car wash, and other retail and service businesses. The existing structure was built in 1976; it is currently used for professional offices and is approximately half vacant. The Property is not part of a historic district, H-1 overlay, or other place of historic significance.

PLACE-TYPE, DEVELOPMENT TYPE, & REQUESTED ZONE

The most appropriate place-type is **Enhanced Neighborhood**, which the Comprehensive Plan defines as:

An existing residential area to be enhanced with additional amenities, housing types, and neighborhood-serving retail, services, and employment options. Development should be

² <https://cowgill.com/legion>

context-sensitive to surrounding areas and should add to the sense of place. Incorporating multimodal connections is crucial to neighborhood success and viability.³

2018 Comprehensive Plan p. 265.

The Applicant believes this Property is best suited to a **medium density residential (MR)** development type. The expansion of housing options in this area will add much needed choice and availability to this area of Lexington without a drastic change in the Property or to the existing neighborhood. The Applicant seeks a zone change to the R-5 zone. R-5 is appropriate for this Property because of its proximity to the South Broadway corridor and the existing multifamily nature of Legion Drive. The R-5 zone permits the Applicant to put the Property to its highest and best use as much needed residential housing.

DEVELOPMENT CRITERIA

The Applicant prepared an annotated proposed development plan. The design standards being met are denoted on the annotated plan are as follows:

<u>Site Design, Building Form & Location</u>	<u>Transportation & Pedestrian Connectivity</u>	<u>Greenspace & Environmental Health</u>
A-DS3-1	A-DS1-2	A-EQ7-3
A-DS5-4	A-DS5-1	B-RE1-1
A-DS7-1	A-DS5-2	
A-DS7-2	B-SU4-1	
B-SU11-1	D-CO1-1	
C-PS10-3	D-CO2-1	
	D-CO2-2	

Other development criteria require further explanation to demonstrate this application’s compliance with the Comprehensive Plan, and that the current B-1 zoning is inappropriate for an Enhanced Neighborhood place-type but the proposed R-5 zone would be appropriate. A summary is attached as **Exhibit A**.

MULTI-FAMILY DESIGN STANDARDS

The Applicant has reviewed the guidelines known as Multi-Family Design Standards (MFDS) and incorporated them to the greatest degree practicable on the Property. The MFDS, like the rest of the Comprehensive Plan, are “policies that guide how development should occur throughout the city, and all of them are important.” Comprehensive Plan at p. 212. In other

³ 2018 Comprehensive Plan p. 265.

words, the Comprehensive Plan, as distilled into Placebuilder and the MFDS, is not a “checklist”: “every site is different, each with their own opportunities, constraints, and challenges” and the criteria “is not a mandatory list to be met on all developments.” Comprehensive Plan at p. 261-62.

This Property presents several unique constraints. First, there is a significant grade change along Legion Drive, with the northwest side of the Property (nearest South Broadway) being at least ten (10) feet lower elevation than the southeast side (furthest from South Broadway). That grade change presents difficulties in both construction techniques and visual appearance. For example, the existing structure on the Property appears off-balance because the northwest side of the building is “built-up” to match the elevation on the southeast side. Second, the lot is a small site with limited configurations available. Third, the lot is L-shaped, wrapping around a carwash adjacent to the Property. The Applicant desires to locate the apartment building as far away from the carwash (and attendant noise from compressors and vacuums) as possible for the peaceful enjoyment of residents.

Notwithstanding these constraints, the Applicant took extensive steps to implement the Goals and Objectives of the Comprehensive Plan (including the stated desire for increased infill residential density to meet a growing population), Placebuilder, and the MFDS. The resulting application meets numerous stated objectives and design standards while adding needed residential units to the neighborhood. Some of the critical MFDS-compliant features of the application are:

- Improved and enhanced pedestrian access on Legion Drive (SP.5; SP.11; OS.9);
- Activated Legion Drive frontage with pedestrian connectivity, open space, placemaking design features including a small courtyard, seating, and greenspace (SP.3; SP.5; OS.1; OS.3);
- Greenspace and outdoor amenity spaces accessible by residents which connect to centrally-located ground floor indoor amenities and communal spaces (SP.6; SP.9; SP.16; OS.1; OS.4);
- Split parking lots and flow improvements to enhance safety and aesthetics (SP.8; OS.5);
- Increased landscaping and tree planting which helps delineate public versus private areas (OS.4; OS.5; OS.11);
- Parking lot crosswalks and pedestrian access (SP.8);
- Enhanced building materials and design to create an attractive focal point on Legion Drive that still fits the size and scale of the existing neighborhood (AD.2; AD.3; AD.5; AD.7);
- Building setback and scale matches other buildings on Legion Drive and reinforces street frontages (SP.1; SP.4; AD.2); and
- L-shaped building enhances “eyes and windows” on green space and open spaces for communal feel and added safety (SP.9; OS.1; AD.4).

LFUCG Planning Commission
November 28, 2022
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CONCLUSION

The Applicant respectfully requests that the Commission recommend approval of the proposed zone change as it satisfies the Goals and Objectives of the Comprehensive Plan and the Placebuilder criteria. Thank you for your time and consideration.

Sincerely,



ZACHARY G. CATO

ENCL.

**Exhibit A
Design Criteria**

Site Design, Building Form, & Location	
A-DS3-1	The Multi-Family Design Standards (MFDS) are addressed in the justification letter.
A-DS4-2	The proposed structure is contextually appropriate for the existing multifamily residential structures on Legion Drive and the vicinity.
A-DS5-3	The building is oriented to the sightlines of Legion Drive, so that it is a visible “place” from the South Broadway corridor from which most vehicular and pedestrian traffic will approach the Property. The plan activates the street and incorporates design features and open space at the street.
A-DS5-4	The plan shows improved pedestrian connectivity with existing streets and newly proposed interior accessible connectivity, including in the parking areas. The ground level is activated with resident amenities, including laundry, mailroom, conference room, club, kitchen, fitness room, and open space/patio, all in centrally located and accessible areas.
A-DS7-1 A-DS7-2	Due to grade changes on the lot, the small size of the lot, the L-shape of the lot, and the noise attendant to the adjacent carwash, the Applicant has limited options for interior or rear parking. However, the proposed side parking is consistent with other apartments on Legion Drive, and the Applicant proposes a combination of trees, landscaping, and screening to help soften the visual impact of the proposed parking.
A-DS10-1	The proposed residential units are within reasonable walking distance to Picadome Golf Course, Burley Park, and the South Broadway corridor (including transit routes).
A-DN2-1	The proposal will increase density on property that is currently underutilized.
A-DN2-2	The proposed structure is contextually appropriate for the existing multifamily residential structures on Legion Drive and the vicinity.
A-DN3-2	The proposed structure is contextually appropriate for the existing multifamily residential structures on Legion Drive and the vicinity and is located within walking distance to commercial uses in the South Broadway corridor.
A-DN6-1	The proposal seeks to add new compact multifamily housing.
B-PR9-1	The Applicant seeks to work with the existing topography as much as is feasible.
B-SU11-1	The Applicant proposes significant additional trees, landscaping, and greenspace compared to the current state of the Property. Additionally, the Applicant intends to implement the use of some permeable pavement and planter boxes in open spaces.
C-LI6-1	The proposal will add multifamily housing which is within walking distance to commercial and recreational centers in the South Broadway corridor.
C-LI7-1	The Applicant will create much needed multifamily housing in an existing activity center.
C-PS10-3	An appropriate level of parking is provided pursuant to the recent ZOTA.
D-PL7-1	The Applicant is in the process of communicating with area stakeholders to discuss site opportunities and concerns.
D-SP3-1	The development allows for adequate right-of-way with existing streets and sidewalks.
E-GR9-1	The proposed units are intended to support nearby school and employment sites.

**Exhibit A
Design Criteria**

E-GR9-4	The Property is currently underutilized as office space. The proposed development will add infill intensity and density to meeting Lexington's housing needs in an area of town with existing commercial and employment opportunities.
Transportation & Pedestrian Connectivity	
A-DS1-2 A-DS4-1 A-DS5-1	The development is designed with access to the nearby transit stop, pedestrian networks, and a controlled private parking area to serve the development on-site.
A-DS5-2	The area along Legion Drive will be defined by greenspace, trees, and a street-oriented primary building.
A-DS10-2	The entrance to the Property is designed to channel pedestrian, rideshare, and vehicular traffic.
B-SU4-1	Although there are nearby parks and recreational centers, the Applicant is creating additional greenspace and open spaces on site.
D-CO1-1	The plan is intended to support and preserve the existing residential aspects of Legion Drive.
D-CO2-1 D-CO2-2	Clearly delineated pedestrian and vehicular areas are provided.
D-CO4-1	No dead-end streets or cul-de-sacs are proposed.
D-CO4-3	The proposed plan seeks to preserve the existing topography where feasible.
Greenspace & Environmental Health	
A-DS4-3	The defining physical feature of the site is its sloped grade change. By orienting the building in an L-shape to Legion Drive, the Applicant is preserving the existing lay of the land. Orienting the building entirely parallel to Legion Drive would require moving significant amounts of earth, not only changing the existing landscape but increasing the project's carbon footprint significantly.
A-EQ7-3	Private open spaces will be clearly delineated.
B-PR7-2 B-PR7-3 B-RE1-1	The plan proposes an increase in street trees and tree canopy from existing conditions.

There are a number of Placebuilder development criteria which are not applicable to the Applicant's proposed zone change. The inapplicable criteria are listed below, with a brief explanation of why they are inapplicable to this application.

Site Design, Building Form & Location	
A-DS7-3	No parking structures are proposed.
A-DS8-1	No single-family detached units are proposed, and none currently exist in the vicinity on Legion Drive.
A-DS11-1	This development does not propose any new or altered common public uses or neighborhood focal points.
A-EQ7-1	No school site is proposed or nearby.
C-LI6-2	No single-family detached units are proposed, and none currently exist in the vicinity on Legion Drive.
C-PS10-2	There are no underutilized parking lots in the vicinity. No shared parking is necessary.

**Exhibit A
Design Criteria**

D-PL9-1	There are no historically significant structures on the Property.
D-PL10-1	There are no public art easements proposed at this time.
D-SP3-2	No cellular tower is proposed in the development.
D-SP9-1	The Applicant is not proposing a single-family detached development nor a planned senior living community.
E-GR4-1	There are no viable existing structures on the Property for residential use.
E-GR5-1	There are no historically significant structures on the Property.
E-GR9-3	The proposed structures are appropriate for and consistent with the existing residential uses on Legion Drive.
Transportation & Pedestrian Connectivity	
A-DS1-1	Legion Drive is not a transit route, and the Property has no direct access to South Broadway.
A-DS13-1	No stub streets are proposed or adjacent to the Property.
D-CO4-2	No new roads or streets are proposed.
D-CO5-1	No new streets are proposed.
D-SP1-3	No new schools or access to schools are proposed.
D-SP6-1	No new social services or community facilities are proposed; however, the proposed housing is accessible via mass transit, bicycle, and pedestrian-connected modes.
Greenspace & Environmental Health	
B-PR2-1	There are no known environmentally sensitive areas within or adjacent to the Property.
B-PR2-2 B-PR2-3	There are no floodplains on or near the Property.
B-PR7-1	There are no nearby greenways, tree stands, or stream corridors for the Property to connect to.
B-RE2-1	There is no greenspace network adjacent to the Property.
D-SP2-1 D-SP2-2	No school site is proposed.
E-GR3-1	There is no greenway network adjacent to the Property.
E-GR3-2	No new focal points are proposed.

A color-coded copy of the development criteria is enclosed herewith for your convenience and review.

MEDIUM DENSITY RESIDENTIAL

SITE DESIGN, BUILDING FORM, & LOCATION

- A-DS3-1** Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
- 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.
- 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.
- A-DS7-1** Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
- A-DS7-2** Any non-residential or multi-family parking not buffered by a building should be screened from the streetscape view and adjacent properties.
- A-DS7-3** Parking structures should activate the ground level.
- A-DS8-1** At the individual street level, medium density housing types should be interspersed with single-family detached units and should be context sensitive.
- A-DS10-1** Residential units should be within reasonable walking distance to a focal point.
- A-DS11-1** Common public uses that serve as neighborhood focal points, such as parks and schools, should be on single loaded streets.
- A-DN2-1** Infill residential should aim to increase density.
- A-DN2-2** Development should minimize significant contrasts in scale, massing and design, particularly along the edges of historic areas and neighborhoods. (D-PL9, E-GR6)
- A-DN3-2** Development should incorporate residential units in commercial centers with context sensitive design.
- A-DN6-1** Allow and encourage new compact single-family housing types.
- A-EQ7-1** School sites should be appropriately sized.
- B-PR9-1** Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.
- B-SU11-1** Green infrastructure should be implemented in new development. (E-GR3)
- C-LI6-1** Developments should incorporate multi-family housing and walkable commercial uses into development along arterials/corridors.
- C-LI6-2** ADUs and/or affordable housing options should be incorporated into existing and new single-family residential development. (A-DN5)

ENHANCED NEIGHBORHOOD

- C-LI7-1** Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
- C-PS10-2** Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots.
- C-PS10-3** Over-parking of new developments should be avoided. (B-SU5)
- D-PL7-1** Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
- D-PL9-1** Historically significant structures should be preserved.
- D-PL10-1** Activate the streetscape by designating public art easements in prominent locations.
- D-SP3-1** Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington.
- D-SP3-2** Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping should be used to improve the visual impact from the roadway and residential areas.
- D-SP9-1** Encourage co-housing, shared housing environments, planned communities and accessory dwelling units for flexibility and affordability for senior adults and people with disabilities.
- E-GR4-1** Developments should incorporate reuse of viable existing structures.
- E-GR5-1** Structures with demonstrated historic significance should be preserved or adapted.
- E-GR9-1** Live/work units should be incorporated into residential developments.
- E-GR9-3** Less intense multi-family residence types (duplexes, four-plexes, courtyard apartments, etc.) should be incorporated into primarily single-family areas.
- E-GR9-4** Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods. (E-GR6)

TRANSPORTATION & PEDESTRIAN CONNECTIVITY

- A-DS1-1** Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7)
- A-DS1-2** Direct pedestrian linkages to transit should be provided.
- A-DS4-1** A plan for a connected multimodal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. (A-DS2, A-DN1, B-SU1, B-SU2, C-LI7, E-AC5)
- A-DS5-1** Adequate multimodal infrastructure should be provided to ensure vehicular separation from other modes of transport.

Theme Letter - Pillar Abbreviation & Policy Number – Criteria Number
 Ex: from Theme A - Design Pillar & Policy #1 - Criteria #1 = A-DS1-1. Full decoder on page ##

Criteria that include additional policy items in parentheses refer to companion policies that will provide additional context to the related criteria.

MEDIUM DENSITY RESIDENTIAL

TRANSPORTATION & PEDESTRIAN CONNECTIVITY (CONT.)

- A-DS5-2** Roadways should provide a vertical edge, such as trees and buildings.
- A-DS10-2** New focal points should be designed with multimodal connections to the neighborhood.
- A-DS13-1** Stub streets should be connected. (D-CO4)
- B-SU4-1** Where greenspace/community centers are not located within walking distance of a new development, applicants should attempt to incorporate those amenities. (A-DS9)
- D-CO1-1** Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.
- D-CO2-1** Safe facilities for all users and modes of transportation should be provided.
- D-CO2-2** Development should create and/or expand a safe, connected multimodal transportation network that satisfies all users' needs, including those with disabilities.
- D-CO4-1** Dead-end streets and Cul-de-sacs should be discouraged except where connections are not topographically or environmentally feasible.
- D-CO4-2** Roadway capacity should be increased by providing multiple parallel streets, which alleviate traffic and provide multiple route options, in lieu of additional lanes.
- D-CO4-3** Street pattern and design should consider site topography and minimize grading where possible.
- D-CO5-1** Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.
- D-SP1-3** Developments should provide multimodal transportation infrastructure to school sites, including sidewalks, shared-use paths, and roadways that can accommodate the bus and vehicle traffic associated with the site.
- D-SP6-1** Social services and community facilities should be accessible via mass transit, bicycle and pedestrian transportation modes. (A-EQ7)

GREENSPACE & ENVIRONMENTAL HEALTH

- A-DS4-3** Development should work with the existing landscape to the greatest extent possible, preserving key natural features.
- A-EQ7-3** Community open spaces should be easily accessible and clearly delineated from private open spaces.
- B-PR2-1** Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.

- B-PR2-2** Dividing floodplains into privately owned parcels with flood insurance should be avoided.
- B-PR2-3** Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.
- B-PR7-1** Connections to greenways, tree stands, and stream corridors should be provided.
- B-PR7-2** Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability.
- B-PR7-3** Developments should improve the tree canopy.
- B-RE1-1** Developments should incorporate street trees to create a walkable streetscape.
- B-RE2-1** Green infrastructure should be used to connect the greenspace network.
- D-SP2-1** Visible, usable greenspace and other natural components should be incorporated into school sites.
- D-SP2-2** Active and passive recreation opportunities should be provided on school sites.
- E-GR3-1** Physical and visual connections should be provided to existing greenway networks.
- E-GR3-2** New focal points should emphasize geographic features unique to the site.

*Theme Letter - Pillar Abbreviation & Policy Number – Criteria Number
Ex: from Theme A, Design Pillar, Policy #1, Criteria #1: A-DS1-1. Full decoder on page ##

**Criteria that include additional policy items in parentheses refer to companion policies that will provide additional context to the related criteria.

ZONING LEGAL DESCRIPTION
for
340 Legion Drive
Lexington, Fayette County, Kentucky

Cowgill Partners LP property
(Deed Book 3915, Page 472)

Zone Change from B-1 to R-5

Being a parcel of land in the city of Lexington, Fayette County, Kentucky lying approximately 530 feet southeast of South Broadway, on the south side of Legion Drive, said property being all of Lot 2, Block B of R T Jordan subdivision (Plat recorded in Plat Cabinet A, Slide 593) and being more particularly described as:

BEGINNING at a point in the centerline of Legion Drive, said point being approximately 354 feet east of the intersection of the centerline of Legion Drive and Man O War Place, and said point having Kentucky State Plane Coordinates of $N(Y) = 194,526.44'$, $E(X) = 1,562,840.96'$ [KY North Zone, NAD '83 (2011), US Survey Feet]; thence leaving the centerline of Legion Drive and with a line through the right-of-way of the same,

South $52^{\circ}00'01''$ West a distance of 25.00 feet to a point in the southwesterly right-of-way line of said Legion Drive, said point being witnessed by a MAG nail found in the base of a 15" maple tree and being North $46^{\circ}45'03''$ West a distance of 0.18 feet from the corner; said point being the northeast corner of Belmont Run, LLC (Deed Book 3113, Page 157; Lot 1-Block B of Plat Cabinet A, Slide 593), thence leaving the southwesterly right-of-way line of said Legion Drive and with the northwesterly line of said Belmont Run, LLC,

South $52^{\circ}00'01''$ West a distance of 323.66 feet to a 5/8" diameter rebar with plastic surveyor's cap (found; PLS 4021), said point being in the northeasterly line of Imperial Studio Apartments, LLC (Deed Book 2089, Page 678; Lot 2 of Plat Cabinet B, Slide 100); thence with the

northeasterly line of said Imperial Studio Apartments, LLC,

North $41^{\circ}07'59''$ West a distance of 214.13 feet to a point, said point being witnessed by a 5/8" diameter rebar with plastic surveyor's cap (PLS 3870) found at South $58^{\circ}07'22''$ West a distance of 0.23 feet from the corner, said point being the southwest corner of T&M Investments, LLC (Deed Book 3584, Page 391); thence leaving said Imperial Studio Apartments, LLC and with the line of said T&M Investments, LLC, for two (2) calls:

North $52^{\circ}48'30''$ East a distance of 126.74 feet to a 5/8" diameter rebar with plastic surveyor's cap (found, PLS 3870); thence

North $41^{\circ}06'30''$ West a distance of 176.09 feet to a MAG nail with stainless steel I.D. washer (found, PLS 3870), said point being the southwest corner of T&M Investments, LLC (Deed Book 3584, Page 386); thence with the southeasterly line of said T&M Investments, LLC

North $51^{\circ}43'30''$ East a distance of 141.33 feet to a point in the southwesterly right-of-way line of the aforementioned Legion Drive, said point being witnessed by a MAG nail with stainless steel I.D. washer (PLS 3870) found at South $51^{\circ}42'39''$ West a distance of 1.32 feet from the corner; thence with a line through the Legion Drive right-of-way,

North $51^{\circ}43'30''$ East a distance of 25.88 feet to a point in the centerline of said Legion Drive; thence with the centerline of said Legion Drive, for four (4) calls:

with a curve turning to the left with an arc length of 56.00 feet, with a radius of 358.10 feet, with a chord bearing of South 58°17'24" East, with a chord length of 55.94 feet to a point; thence

South 62°46'11" East a distance of 45.55 feet to a point; thence

with a curve turning to the right with an arc length of 150.11 feet, with a radius of 358.10 feet, with a chord bearing of South 51°45'56" East, with a chord length of 149.02 feet to a point; thence

South 38°46'39" East a distance of 150.11 feet to a point, which is the Point of Beginning, having a Gross Area of 109,612.3 square feet or 2.5163 acres and a Net Area of 99,574.1 square feet or 2.2859 acres.

The bearings and coordinates hereon are based on Kentucky State Plane North Zone, North American Datum of 1983 (NAD '83(2011), US Feet). Particularly, the bearings and coordinates are based on a GNSS Survey Utilizing a Trimble R6 GNSS Receiver and the KYTC VRS System.

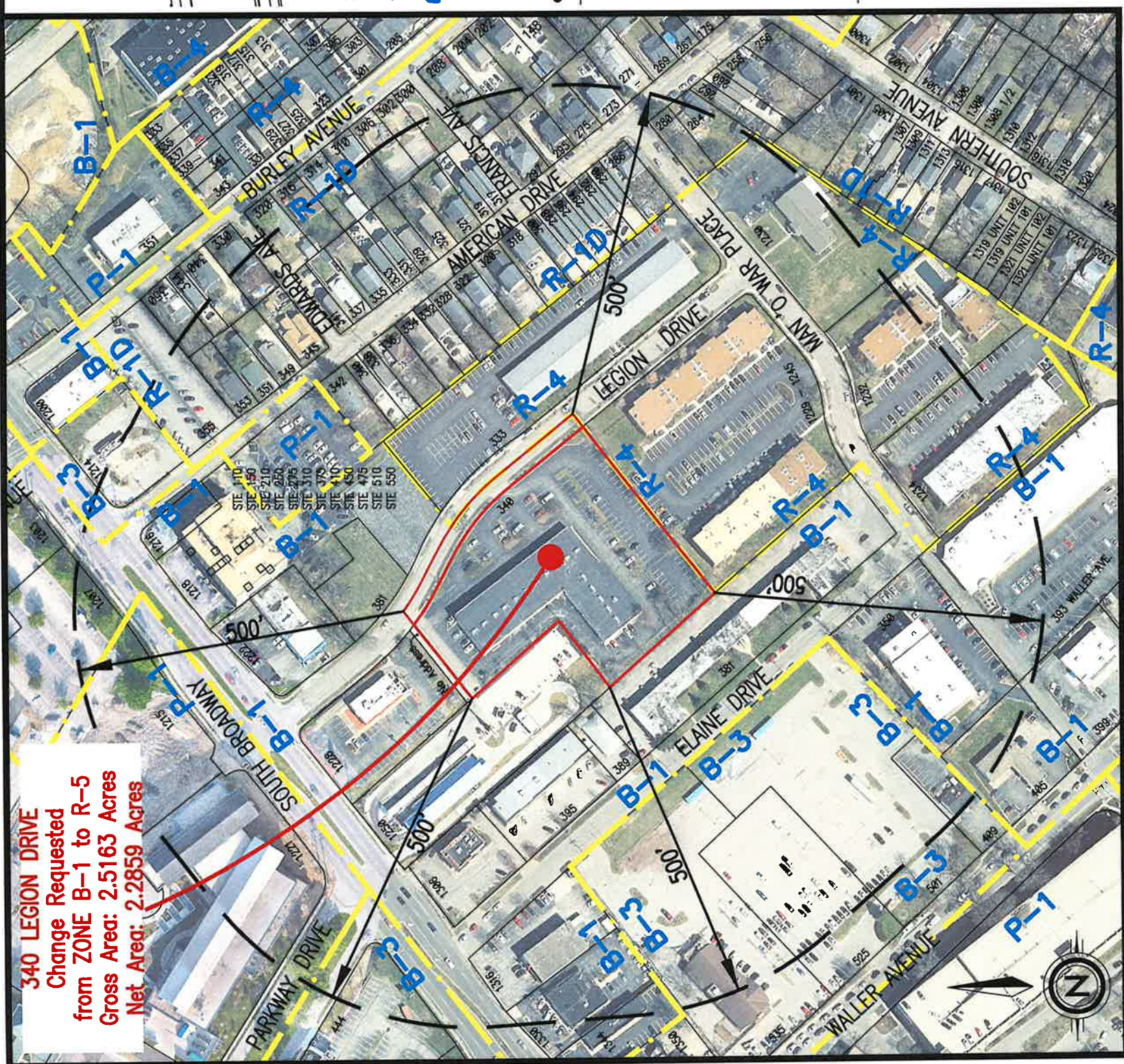
The description above being based on an actual ground survey of the property conducted under the direct supervision of Kevin Phillips (PLS 3350), of Endris Engineering, 771 Enterprise Drive, Lexington, Kentucky.





Kevin M. Phillips (PLS 3350)
Endris Engineering, PSC
771 Enterprise Drive
Lexington, KY 40510

11-28-2022
Date

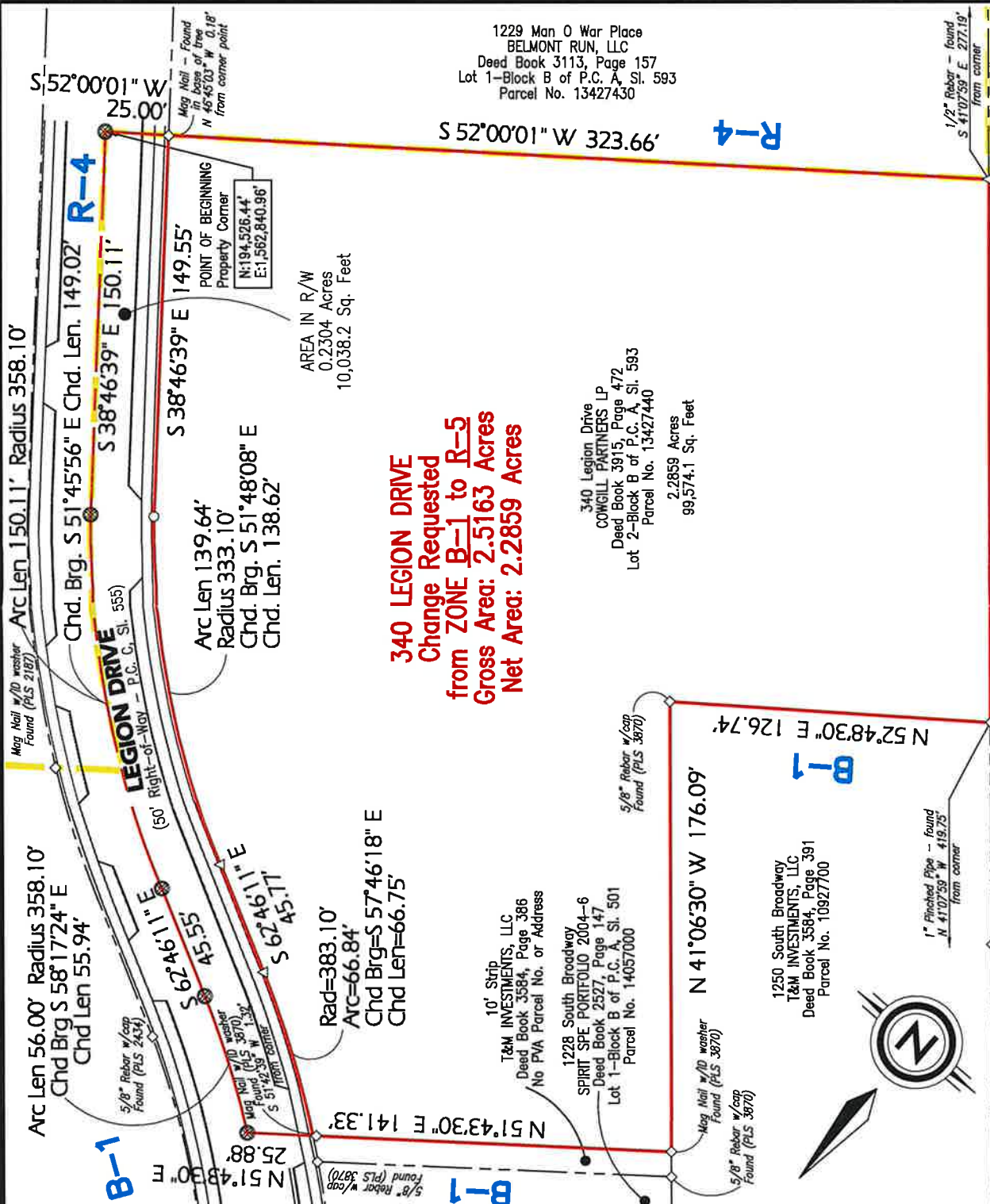


NOTIFICATION AREA MAP
PREPARED BY:

E E **ENDRIS**
Engineering
 Land Surveyors • Construction Layout • GPS

771 ENTERPRISE DRIVE
 LEXINGTON, KY 40510
 PH: 859 253-1425
 FAX: 859 233-1436

- LEGEND**
- Corner Point (Not monumented)
 - ◇ Found Monument (as noted)
 - △ 24" Long, 5/8" Diameter Rebar w/ID Cap (PLS 4021, found this survey)
 - Mag Nail w/ID Washer (PLS 4021, found this survey)



PROPERTY MAP

STATE OF KENTUCKY
 KEVIN M. PHILLIPS
 3350
 LICENSED PROFESSIONAL LAND SURVEYOR

12-07-2022

FROM	TO	NET	GROSS
B-1	R-5	2.2859 Acres	2.5163 Acres

TITLE: Candia Corporation
 ADDRESS: 340 Legion Drive
 APPLICANT: Cowgill Development, LLC
 1999 Richmond Rd., Suite 2A, Lexington, KY 40502
 OWNER: Cowgill Partners LP
 1999 Richmond Rd., Suite 2A, Lexington, KY 40502
 DATE FILED OR AMENDED: December 7, 2022

VICINITY MAP

Graphic Scale: 1" = 1,000'

COWGILL DEVELOPMENT, LLC. (PLN-MAR-22-00025)

340 LEGION DRIVE

Rezoning to allow for the construction of a three-story, multi-family residential structure.

Applicant

COWGILL DEVELOPMENT, LLC
1999 Richmond Road, STE 2A
Lexington, KY 40502
zach.cato@blfky.com (Attorney)

Owner

COWGILL PARTNERS, LP
1999 Richmond Road, STE 2A
Lexington, KY 40502

Application Details

Acreage:

2.2859 net (2.5163 gross) acres

Current Zoning:

Neighborhood Business (B-1) Zone

Proposed Zoning:

High Rise Apartment (R-5) Zone

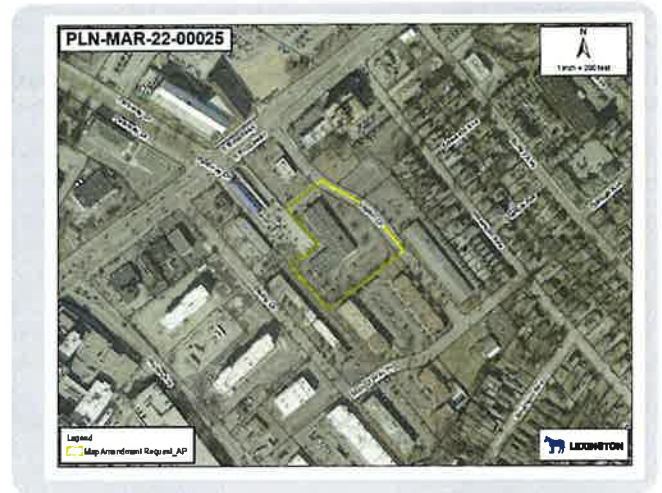
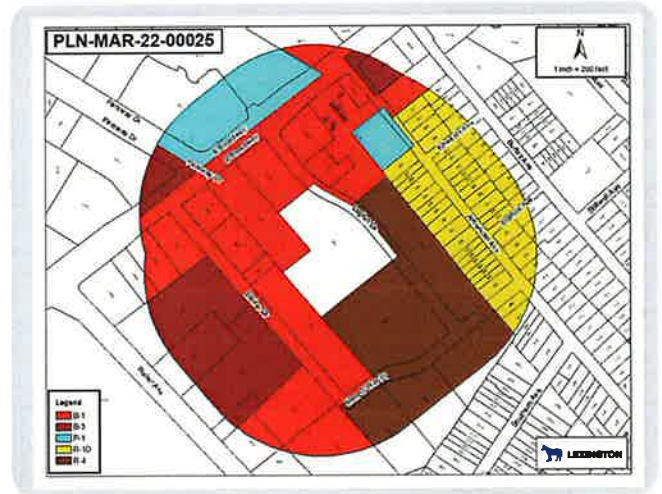
Place-type / Development Type:

Enhanced Neighborhood
Medium Density Residential

For more information about the Enhanced Neighborhood Place-Type see Imagine Lexington pages 327-328. For more information about the Medium Density Residential Development Type see page 271.

Description:

The applicant is seeking to rezone the property to allow for the construction of a three-story multi-family building and associated required parking. The proposed structure will include a total of 105 one-bedroom dwelling units for a total density of approximately 46 dwelling units per net acre.



Status

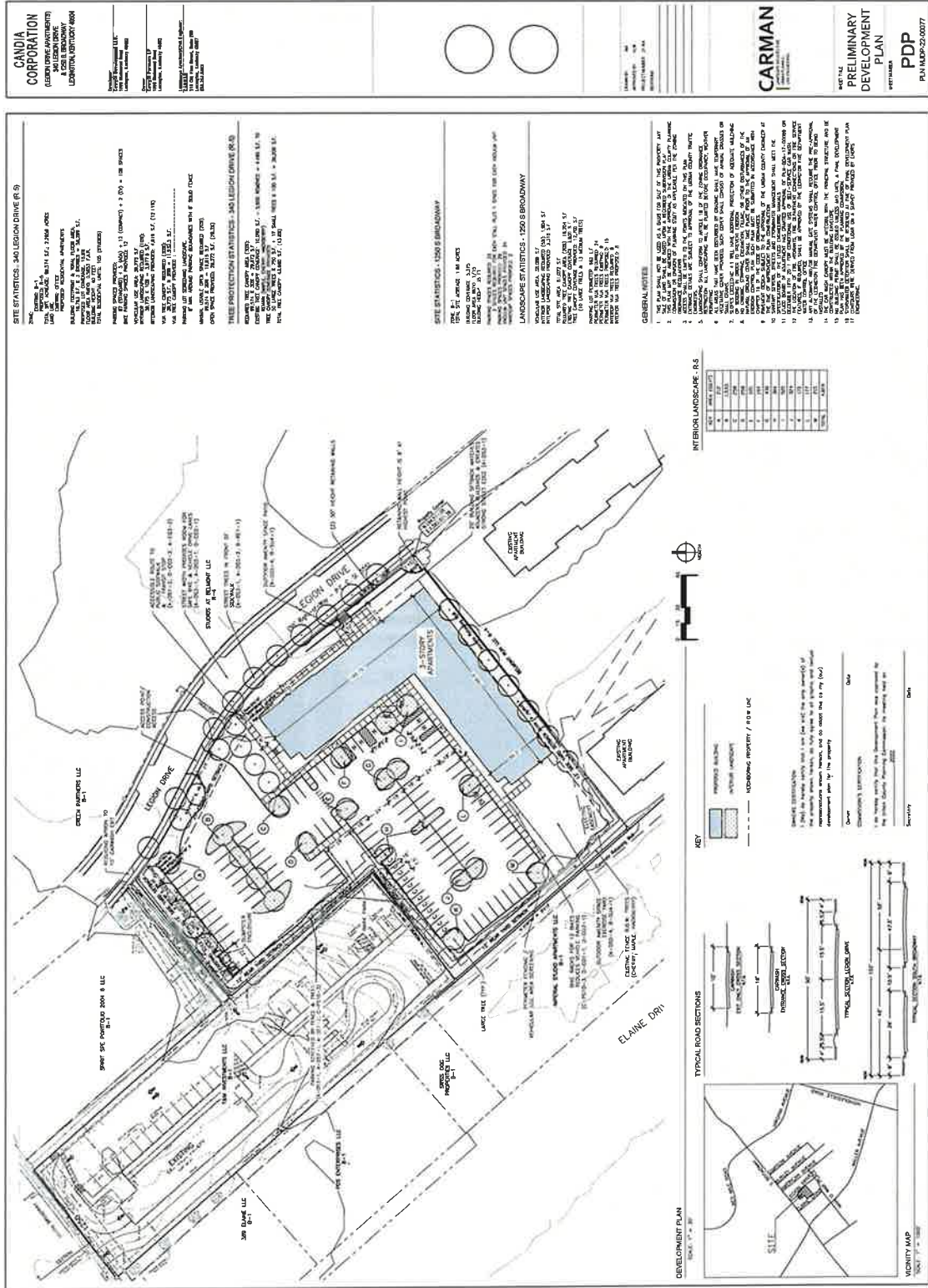
- Public Engagement
- Pre-Application Meeting
- Application Review
- Planning Staff Review
- Technical Review Committee
- Zoning/Subdivision Committee Meetings
- Planning Commission Hearing
- Urban County Council Meeting

Public Engagement

- The applicant mailed letters to stakeholders in the immediate vicinity to discuss their concerns with the proposed development.
- The applicant indicates that they intend to meet with any interested stakeholders.

DISCLAIMER: Plans are subject to change. Visit the Accela Citizen Portal (lexingtonky.gov/plans) or contact Planning for the latest information.

Latest Plan



STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-22-00025: COWGILL DEVELOPMENT, LLC

DESCRIPTION OF ZONE CHANGE

Zone	From a Neighborhood Business (B-1) zone
Change:	To a High Rise Apartment (R-5) zone
Acreage:	2.2859 net (2.5163 gross) acres
Location:	340 Legion Drive



EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	B-1	Office
To North	R-4	Multi-family Residential
To East	R-4	Multi-family Residential
To South	B-1	Multi-family Residential
To West	B-1	Car Wash / Restaurant

URBAN SERVICE REPORT

Roads - The subject property is located along Legion Drive, which is a local street that extends between South Broadway and Man O' War Place. Legion Drive serves the commercial uses near the intersection with South Broadway (US 68) and the residential uses located near the intersection with Legion Drive and Man O' War Place. South Broadway is a major arterial roadway and is identified as one of Lexington's urban corridors. The roadway experiences approximately 25,950 average daily trips.

Curb/Gutter/Sidewalks - Curb, gutter and sidewalk facilities have been constructed along Legion Drive. Additional sidewalks may need to be installed internal to the site to ensure safe pedestrian connections.

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

Storm Sewers - The subject property is located within the Wolf Run watershed. Stormwater facilities may need to be constructed when improvements to the overall site occur. There are no FEMA Special Flood Hazard Areas or environmentally sensitive areas on the subject property.

Sanitary Sewers - The subject site is located within the Wolf Run sewershed. Sanitary sewer treatment is provided by the Town Branch Wastewater Treatment Plant for properties within this portion of the Urban Service Area, which is located on Lisle Industrial Road. Prior to any construction on the site, the Division of the Water Quality's Capacity Assurance Program will evaluate the available capacity of the system.

Refuse - The Urban County Government serves this area with refuse collection on Mondays. However, supplemental service by private refuse haulers is commonly utilized for multi-family land uses, such as those proposed on the associated development plan.

Police - The subject property is located within the West Sector, and is served by the West Sector Roll Call Center, which is located on Old Frankfort Pike, approximately two miles to the northwest of the subject property. The downtown Police Headquarters is also in close proximity to the subject site, about 1½ miles to northeast on East Main Street.

Fire/Ambulance - The nearest fire station (#11) is located approximately ½ mile to the southwest on Harrodsburg Road, between St. Joseph Hospital and Picadome Elementary School.

Transit - LexTran service is available within the immediate area along South Broadway. Outbound and inbound service for the South Broadway Route (#13) and the Night Versailles Route (#58) are available less than ¼ mile from the subject property.

Parks - There are two parks within proximity of the development. Burley Park is located less than a ¼ mile northeast of the subject property located on Burley Avenue. Additionally, the Picadome Golf Course is located approximately ¼ mile walking distance west of the subject property on Parkway Drive.

SUMMARY OF REQUEST

The applicant is seeking to rezone the subject property from a Neighborhood Business (B-1) zone to the High Rise Apartment (R-5) zone in an effort to construct a three-story multi-family residential structure.

PLACE-TYPE

ENHANCED NEIGHBORHOOD A Enhanced Neighborhood is an existing residential area that could be enhanced with additional amenities, housing types, and neighborhood-serving retail, services, and employment options that contribute to a sustainable neighborhood. Vibrant neighborhoods include a range of uses. The development that occurs in this place-type should be context-sensitive to the surrounding area and implemented in a way that adds to the sense of place. Multi-modal connections from new elements within enhanced neighborhoods are crucial to their success and long-term viability.

DEVELOPMENT TYPE

MEDIUM DENSITY RESIDENTIAL

Primary Land Use, Building Form, & Design
Primarily multi-family units. Multi-family units should complement and enhance existing development through quality design and connections.

Transit Infrastructure & Connectivity
Nearby commercial/employment uses and greenspaces should be easily accessible, and bicycle and pedestrian modes should be maximized to connect residents to destinations.

Quality of Life
These developments should include intentional open space designed to fit the needs of area residents, and a variety of neighborhood-serving commercial/employment uses.

PROPOSED ZONING



This zone is primarily for multi-family dwellings and particularly for high rise apartments. The R-5 zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan, and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

PROPOSED USE



The petitioner proposes the rezoning of the subject property to the High Rise Apartment (R-5) zone to allow for the construction of a three-story, multi-family residential structure and associated parking. The proposed structure is proposed to contain a total of 109 dwelling units, for a total density of approximately 48 dwelling units per net acre.

APPLICANT & COMMUNITY ENGAGEMENT



In addition to the general notification requirements, the applicant has posted flyers in its nearby apartment buildings (333 Legion Drive and 1229 Man O War Place) regarding this development, and contacted an area stakeholder and Fayette County Neighborhood Council board member regarding the project. The applicant also set up a website with project information (<https://cowgill.com/legion>). This website contains information about the project, including application materials, and a form for visitors to leave questions and comments for the applicant. The applicant has not indicated what information was provided during their conversations or what comments have been left on the website. The applicant indicated that at the time of submission they have not received any objections to this project.

PROPERTY & ZONING HISTORY



The subject property is located just south of the defined Infill and Redevelopment Area, which is representative of the urban footprint of Lexington in 1934. Historically, the property was utilized as an agricultural lot with an associated two story residential structure until the mid 1960s when Legion Drive was constructed. Legion Drive was named after the American Legion play ground, which was once established along the frontage of 1222 Harrodsburg Pike, the former address of the property prior to subdivision. Around the time that Legion Drive was constructed, the property was rezoned from the Agricultural District (A-1) to the High-Density Apartment District (R-4), as reflected on the 1968 maps. The properties were subdivided into multiple long and skinny lots. The property retained the High Density Apartment zoning during the comprehensive rezoning of the city and county in 1969. In 1973, the property was rezoned to the Neighborhood Business (B-1) zone. Three years following the rezoning of the property, the current property owners constructed the one-story office building.

In 2021, the property owner submitted an application to rezone a portion of the subject property from the B-1 zone to a High Rise Apartment (R-5) zone (PLN-MAR-21-00020). The Planning Commission and the Planning Staff voiced concerns regarding the applicant's contentions regarding agreement with the Comprehensive Plan, due to the activation of the structure with the public right-of-way, the access and location of open space, and the orientation of the parking area. The applicant ultimately withdrew the application.

COMPREHENSIVE PLAN COMPLIANCE



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 the proposed rezoning for the subject property is in agreement with the 2018 Comprehensive Plan.

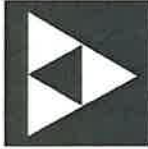
GOALS & OBJECTIVES

The applicant opines that they are in agreement with the adopted Goals, Objectives, and Policies of the 2018 Comprehensive Plan. The applicant indicates that the proposed project will encourage expanded housing choices (Theme A, Goal #1), by offering additional housing options in the South Broadway corridor that are convenient to downtown, UK, and other key activity centers. They posit that the development will accommodate the growing demand for housing in Lexington by seeking a high density residential building in a way that is respectful of the existing neighborhood's character and intensity (Theme A, Goal #1.b; Theme A, Goal #2.b). Furthermore, the applicant indicates that the proposed development will provide a well-designed neighborhood (Theme A, Goal #3) by designing the property to fit in the existing neighborhood and including activated entrances that improve pedestrian accessibility and neighborhood interaction in a safe and attractive manner (Theme A, Goal #3.a & b). The applicant opines that the development will work to achieve an effective and comprehensive transportation system (Theme D, Goal #1) by making the property accessible to pedestrians, public transit, and commuters (Theme D, Goal 1.a & b).

PLACE-TYPE, DEVELOPMENT TYPE, AND ZONE

In an effort to allow for the greatest contextual development of Lexington's Urban Service Area, applicants are asked to identify a Place-Type based on the location of the subject property. Within each Place-Type there are recommended Development Types based on the form and function of the proposed development. Based on the Place-Type and Development Type there are also several recommended zones that are most appropriate based on the Goals, Objectives, and Policies of the 2018 Comprehensive Plan. While these zones are the ideal zoning categories to develop within a specified area, other zones may be considered, provided there is an appropriate justification addressing the unique situation and provided the development is able to adequately meet the associated Development Criteria.

The applicant indicates that the project is located within the Enhanced Neighborhood Place-Type and is a Medium Density Residential Development Type. The Enhanced Neighborhood Place-Type is an existing



residential area that could be enhanced with additional amenities, housing types, and neighborhood-serving retail, services, and employment options that contribute to a sustainable neighborhood. The proposed development is located off of South Broadway, along Legion Drive, a short local street that connects South Broadway and Man O War Place. Within their application, the petitioner describes that the Enhanced Neighborhood Place-Type is the most appropriate Place-Type as they were seeking to situate within the current context of Legion Drive, which is low to medium density residential in nature. The proposed development would increase housing density in an area that is in need. Staff agrees with the applicant's assessment of the proposed Enhanced Neighborhood Place-Type.

Additionally, the applicant is seeking to apply the Medium Density Residential Development Type, which is recommended within the Enhanced Neighborhood Place-Type and is meant to be comprised of primarily multi-family units, where the multi-family units complement and enhance existing development through quality design and connections. The applicant has proposed the development of a three-story multi-family residential structure. Access to the site is proposed to be located off of Legion Drive and a shared access easement located along the western edge of the site. The parking is proposed to be located west of the building. A total of one hundred and nine (109) dwelling units are proposed, with an overall density of approximately 48 dwelling units per net acre. Staff agrees that the proposed Development Type can be appropriate for the subject property.

Finally, the applicant has requested the rezoning of the property to the High Rise Apartment (R-5) zone. This zone is not a recommended zone associated with the Enhanced Neighborhood Place-Type and the Medium Density Residential Development Type. However, with an adequate justification the applicant can request a different zone. The applicant indicates that the R-5 zone is the most appropriate zone for the property due to the proximity to the South Broadway corridor and the existing multi-family nature of Legion Drive. The R-5 zone permits the applicant to utilize the whole of the property to its highest and best use, while also transitioning to the intensity of land uses and zoning along the South Broadway corridor. Staff agrees that the R-5 zone can be appropriate for the subject property.

DEVELOPMENT CRITERIA

The development 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 development criteria represent the needs and desires of the Lexington-Fayette Urban County community in hopes of developing a better built environment. The applicable criteria are defined based on the proposed Enhanced Neighborhood Place-Type and Medium Density Residential Development Type.

1. Site Design, Building Form and Location

The proposed rezoning meets the criteria for Site Design, Building Form and Location. The site has been designed to emphasize connections to the existing development, minimize the visual impact of the provided parking areas, and reinforce the streetscape at along Legion Drive. This request is also in agreement with the Multi-family Design Standards, as it provides a pedestrian-oriented design that complements the established residential development, while increasing intensity as Legion Drive extends towards the South Broadway corridor. During the final development plan stage, additional information may be requested regarding adherence to the Multi-family Design Standards.

2. Transportation and Pedestrian

The proposed rezoning meets the Transportation and Pedestrian Connectivity development criteria, as the proposal will activate the frontage of the proposed development and creates pedestrian connections throughout the site that allows for safe connections to the established pedestrian systems and transit stops.

3. Greenspace and Environmental Health

The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase tree canopy coverage through additional vehicular use area (VUA) screening, landscaping islands, and the requirements of the R-5 zone. The site will also continue the street tree alignment along Legion Drive, promoting a safer pedestrian experience.

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:



1. The requested High Rise Apartment (R-5) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives and Policies, for the following reasons:
 - a. The proposed development will accommodate the growing demand for housing in Lexington by seeking a high density residential building in a way that is respectful of the existing neighborhood's character and intensity (Theme A, Goal #1.b; Theme A, Goal #2.b).
 - b. The proposed development will provide a well-designed neighborhood (Theme A, Goal #3) by designing the property to fit in the existing neighborhood and including activated entrances that improve pedestrian accessibility and neighborhood interaction in a safe and attractive manner (Theme A, Goal #3.a & b).
 - c. The proposed development will work to achieve an effective and comprehensive transportation system (Theme D, Goal #1) by making the property accessible to pedestrians, public transit, and commuters (Theme D, Goal 1.a & b).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location. The site has been designed to emphasize connections to the existing development, minimize the visual impact of the provided parking areas, and reinforce the streetscape at along Legion Drive. This request is also in agreement with the Multi-family Design Standards, as it provides a pedestrian-oriented design and complements the established residential development, while increasing intensity as Legion Drive extends towards the South Broadway corridor.
 - b. The proposed rezoning meets the Transportation and Pedestrian Connectivity development criteria, as the proposal will activate the frontage of the proposed development and creates pedestrian connections throughout the site that allows for safe connections to the established pedestrian systems and transit stops.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase tree canopy coverage and reduce the impact of the built environment and impervious surfaces by providing green infrastructure and integrating new stormwater facilities.
3. This recommendation is made subject to approval and certification of PLN-MJDP-22-00077: Candia Corp (Legion Drive Apartments), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

HBB/TW
01/04/2023

Planning Services/Staff Reports/MAR/2022/PLN-MAR-22-00025 COWGILL DEVELOPMENT, LLC.pdf

CORRECTED STAFF RECOMMENDATION: APPROVAL, FOR THE FOLLOWING REASONS:



1. The requested High Rise Apartment (R-5) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives and Policies, for the following reasons:
 - a. The proposed development will accommodate the growing demand for housing in Lexington by seeking a high density residential building in a way that is respectful of the existing neighborhood's character and intensity (Theme A, Goal #1.b; Theme A, Goal #2.b).
 - b. The proposed development will provide a well-designed neighborhood (Theme A, Goal #3) by designing the property to fit in the existing neighborhood and including activated entrances that improve pedestrian accessibility and neighborhood interaction in a safe and attractive manner (Theme A, Goal #3.a & b).
 - c. The proposed development will work to achieve an effective and comprehensive transportation system (Theme D, Goal #1) by making the property accessible to pedestrians, public transit, and commuters (Theme D, Goal 1.a & b).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location. The site has been designed to emphasize connections to the existing development, minimize the visual impact of the provided parking areas, and reinforce the streetscape at along Legion Drive. This request is also in agreement with the Multi-family Design Standards, as it provides a pedestrian-oriented design and complements the established residential development, while increasing intensity as Legion Drive extends towards the South Broadway corridor.
 - b. The proposed rezoning meets the Transportation and Pedestrian Connectivity development criteria, as the proposal will activate the frontage of the proposed development and creates pedestrian connections throughout the site that allows for safe connections to the established pedestrian systems and transit stops.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase tree canopy coverage and reduce the impact of the built environment and impervious surfaces by providing green infrastructure and integrating new stormwater facilities.
3. This recommendation is made subject to approval and certification of PLN-MJDP-22-00077: Candia Corp (Legion Drive Apartments), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

HBB/TW
01/23/2023

Planning Services/Staff Reports/MAR/2022/PLN-MAR-22-00025 COWGILL DEVELOPMENT, INC CORRECTED FINDINGS.pdf

1. **COWGILL DEVELOPMENT, LLC ZONING MAP AMENDMENT & CANDIA CORPORATION (LEGION DRIVE APARTMENTS) ZONING DEVELOPMENT PLAN**

- a. **PLN-MAR-22-00025: COWGILL DEVELOPMENT, LLC** (2/26/2023)* – a petition for a zone map amendment from a Neighborhood Business (B-1) zone, to a High Rise Apartment (R-5) zone, for 2.29 net (2.52 gross) acres, for property located at 340 Legion Drive.

COMPREHENSIVE PLAN AND PROPOSED USE

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 petitioner proposes the rezoning of the subject property to the High Rise Apartment (R-5) zone to allow for the construction of a three-story, multi-family residential structure and associated parking. The proposed structure is proposed to contain a total of 109 dwelling units, for a total density of approximately 48 dwelling units per net acre.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval, for the following reasons:

1. The requested High Rise Apartment (R-5) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives and Policies, for the following reasons:
 - a. The proposed development will accommodate the growing demand for housing in Lexington by seeking a high density residential building in a way that is respectful of the existing neighborhood's character and intensity (Theme A, Goal #1.b; Theme A, Goal #2.b).
 - b. The proposed development will provide a well-designed neighborhood (Theme A, Goal #3) by designing the property to fit in the existing neighborhood and including activated entrances that improve pedestrian accessibility and neighborhood interaction in a safe and attractive manner (Theme A, Goal #3.a & b).
 - c. The proposed development will work to achieve an effective and comprehensive transportation system (Theme D, Goal #1) by making the property accessible to pedestrians, public transit, and commuters (Theme D, Goal 1.a & b).
 2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location. The site has been designed to emphasize connections to the existing development, minimize the visual impact of the provided parking areas, and reinforce the streetscape at along Legion Drive. This request is also in agreement with the Multi-family Design Standards, as it provides a pedestrian-oriented design and complements the established residential development, while increasing intensity as Legion Drive extends towards the South Broadway corridor.
 - b. The proposed rezoning includes safe facilities for the potential users, through the integration of the site with the established pedestrian facilities along the property's frontages. The applicant also proposes providing parking behind and to the side of the church and multi-family dwelling units and limits the amount of vehicular access points. The parking provided across Kentucky Avenue will be enhanced to limit the impact of the lot on the adjacent right-of-way. These improvements address the Transportation and Pedestrian Connectivity development criteria of the 2018 Comprehensive Plan.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase tree canopy coverage and reduce the impact of the built environment and impervious surfaces by providing green infrastructure and integrating new stormwater facilities.
 3. This recommendation is made subject to approval and certification of **PLN-MJDP-22-00077: Candia Corp (Legion Drive Apartments)**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. **PLN-MJDP-22-00077: CANDIA CORPORATION (LEGION DRIVE APARTMENTS)** (2/26/23)* - located at 340 LEGION DRIVE & 1250 SOUTH BROADWAY, LEXINGTON, KY
Council District: 10
Project Contact: Carman

* - 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 amendment is to depict proposed development for of a 3-story multi-family residential building with 109 dwelling units and parking, in support of the requested zone change from a Neighborhood Business (B-1) zone to a High Rise Apartment (R-5) zone.

The Staff Recommends: Approval, subject to the following revised conditions:

1. Provided the Urban County Council approves the zone change to R-5; 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 preservation plan.
5. Greenspace planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval if environmentally sensitive areas.
7. Addition of record plat information.
8. Addition of adjacent property information.
9. Addition of topography information.
10. Denote location and size of existing trees.
11. Denote 1250 South Broadway is not part of this amendment.
12. Discuss compliance with the Multi-Family Design standards.
13. Discuss Placebuilder criteria.

Staff Presentation – Mr. Hal Baillie presented the staff report and recommendations 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 Neighborhood Business (B-1) zone to a High Rise Apartment (R-5) zone, for 2.29 net (2.52 gross) acres, for property located at 340 Legion Drive. Additionally, Mr. Baillie highlighted the zoning around the area, noting that the majority of zoning along S. Broadway is commercial.

Mr. Baillie indicated that the applicant was utilizing the Enhanced Neighborhood Place-Type and the Medium Density Residential Development Type and that staff was in agreement with both. Mr. Baillie concluded, stating that Staff was recommending approval for this zone change and that the applicant had provided a development plan and justification that meet the recommendations of the development criteria.

Staff Development Plan Presentation – Ms. Cheryl Gallt oriented the Planning Commission to the location of the subject property, and highlighted the access points and the location of the proposed apartment building. Ms. Gallt stated that the staff was recommending approval subject to revised conditions that included denoting 1250 South Broadway was not a part of this amendment and that the subject property will be developed in compliance with the Multi-Family Design guidelines at the time of the final development plan.

Ms. Gallt concluded her presentation and opened up the floor for questions.

Applicant Presentation – Zach Cato, attorney for the applicant, stated he had submitted some items into the record. He stated that the applicant is in agreement with the Staff's findings for the zone change request.

Action – A motion was made by Mr. Penn, seconded by Mr. Davis and carried 8-0 (Bell, Nicol, and Pohl absent) to approve PLN-MJDP-22-00077: CANDIA CORPORATION (LEGION DRIVE APARTMENTS) with the 13 revised Staff conditions.

Action – A motion was made by Mr. Penn, seconded by Mr. Davis and carried 8-0 (Bell, Nicol, and Pohl absent) to approve PLN-MAR-22-00025: COWGILL DEVELOPMENT, LLC for reasons provided by Staff.