

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 ⅓ 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 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.