

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.