

**2. GATEWAY LOFTS LEXINGTON ZONING MAP AMENDMENT & GATEWAY LOFTS (GROGAN AND GROGAN) ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-20-00011: GATEWAY LOFTS LEXINGTON (8/2/20)\*- a petition for a zone map amendment from a Wholesale and Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone, for 2.24 net (2.53 gross) acres, for property located at 1016-1024 S. Broadway.

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 applicant is seeking a zone change from the Wholesale and Warehouse Business (B-4) zone to the Neighborhood Business (B-1) zone for the property located at 1016-1024 South Broadway. The zone change application is seeking to construct a mixed-use business and multi-family residential development that includes commercial operations on the first floor, and structured parking and residential on the five (5) floors above. Their application also indicates a desire to designate the site a Form-Based Neighborhood Business Project.

The Zoning Committee Recommended: **Postponement** to the full Commission.

The Staff Recommends: **Postponement**, for the following reasons:

- 1. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the Corridor Place-Type, specifically the High Density Non-Residential / Mixed Use Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
  - a. 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.
  - b. A-DS7-3: Parking structures should activate the ground level.
  - c. C-LI7-1: Developments should create mixed-use neighborhoods with safe access to community facilities, green-space, employment, businesses, shopping, and entertainment.
  - d. A-DS1-1: Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).
  - e. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.

- b. PLN-MJDP-20-00028: GATEWAY LOFTS (GROGAN AND GROGAN) (8/2/20)\* - located at 1016 S. BROADWAY, LEXINGTON, KY.  
Project Contact: Edge

Note: The purpose of this amendment is to rezone the property.

Note: The applicant submitted a revised development plan on June 30th that addressed several of the conditions identified by the Technical Committee on June 24. However, the plan needs further refinement in order to comply with the requirements of the Zoning Ordinance.

The Subdivision Committee Recommended: **Postponement**, There are still questions about compliance with the principal uses allowed in the B-1 zone, Article 8-16(b) of the Zoning Ordinance and lack of information in the Form-Based Neighborhood Business Project.

- 1. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval is null and void.
- 2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
- 3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
- 4. Urban Forester's approval of tree inventory map.
- 5. Greenspace Planner's approval of the treatment of greenways and greenspace.
- 6. Department of Environmental Quality's approval of environmentally sensitive areas.
- 7. Discuss compliance with Article 8-16(b) of the Zoning Ordinance specifically the proposed use along S. Broadway.
- 8. Discuss stormwater quality and detention.
- 9. Discuss street improvements and addition of right-of-way.
- 10. Discuss mass transit enhancement/accommodations.

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11. Discuss required parking for first floor along S. Broadway.
12. Discuss Form-Based Neighborhood Business Project Context and Character Study submitted per Article 8-16(o)(3) of the Zoning Ordinance.
13. Discuss Placebuilder criteria:
  - a. 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.
  - b. A-DS7-3: Parking structures should activate the ground level.
  - c. C-LI7-1: Developments should create mixed-use neighborhoods with safe access to community facilities, green-space, employment, businesses, shopping, and entertainment.
  - d. A-DS1-1: Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).
  - e. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and aerial photographs of the general area. He said the applicant is proposing this zone change to construct a six (6) story mixed-use business and residential development. The proposed structure would incorporate commercial uses on the first floor facing South Broadway, structure parking on the second and third floors, and apartments on floors two through six. The building would have pedestrian access points on both South Broadway and Virginia Avenue, and sole vehicular access from Virginia Avenue. The proposed development seeks to include 29 efficiency apartments, 203 one-bedroom apartments, and 25 two-bedroom apartments for a total of 257 dwelling units. The total proposed residential density is 114.7 dwelling units per net acre. The proposed development is seeking a Form Based Project designation. As such, the applicant has submitted a Character and Context Study for the area and the associated development plan.

Mr. Baillie said that the subject property is near the corner of South Broadway and Virginia Avenue. He said that 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. Virginia Avenue is a minor arterial roadway and experiences approximately 17,100 average daily trips. He said that the zoning around the subject property is a mix of various zones, consisting of R-3, R-4, B-1, B-6P, MU-3, and B-4 zones. He said the historic land use for the subject property has been primarily warehousing, with a smaller retail component. The current owner and operator of the subject property is Grogan's Healthcare Supply. Today, this portion of South Broadway and Virginia Avenue is primarily comprised of commercial and multi-family residential land uses. While there are older structures throughout the area, the building itself has not been nominated to the National Register of Historic Properties, nor has the surrounding area sought designation for inclusion to the Register or local designation as an Historic District Overlay (H-1) zone. On the aerial map, he pointed to subject property and the frontage along South Broadway, the parking access in the rear along Virginia Avenue. He pointed to the transit stops located on Virginia Avenue and the adjacent shopping center.

Mr. Baillie said that the Staff concurs with the applicant's assessment of the Place-Type, as the subject property is located along two arterial roadways, and South Broadway is identified within the 2018 Comprehensive Plan as a major corridor. Staff agrees with the applicant's assessment that the Neighborhood Business (B-1) with a Form-Based Neighborhood Business Project zone can be appropriate for this location, providing the applicant is able to demonstrate agreement with the Comprehensive Plan and that the proposed development is reflective of the character and context of the area.

Mr. Baillie displayed elevation studies from the applicant's context study, and pointed to the Virginia Avenue elevation, which has their primary pedestrian entrance. He said that there is a two-tiered patio and landscaping along the right-of-way. He also displayed an elevation from South Broadway and said that businesses will be located along the front with residential above it. He also displayed an elevation of the rear of the proposed building and pointed to the parking area below the structure. He said that the staff had concern with the activation of the space on the ground floor. He said that the applicant has depicted some windows, but the staff had recommended the potential use of a mural, which the applicant stated that a mural may take away from the architectural elements.

Mr. Baillie said that the staff is now recommending approval of this zone change, with the modifications that the applicant has made, for the following reasons:

1. The requested zone change from the Wholesale and Warehouse Business (B-4) zone to the Neighborhood Business (B-1) zone is in agreement with the 2018 Comprehensive Plan's Goals and Objectives, for the following reasons:
  - a. The proposed rezoning will expand housing choice (Theme A, Goal #1) by accommodating the demand for housing in Lexington responsibly, and incorporating a mixture of housing types, prioritizing higher density housing types (Theme A, Goal #1.b). The proposed development provides a variety of dwelling units including 29 efficiency apartments, 203 one-bedroom apartments, and 25 two-bedroom apartments for a total of 257 dwelling units.
  - b. The proposed development will support Infill and Redevelopment throughout the Urban Services Area as a strategic component of growth (Theme A, Goal #2) with a development that will respect the context and design features of the area's surrounding development projects and develop design standards and guidelines to ensure compatibility with existing urban form (Theme A, Goal #2.b). The Area Character and Context study provides greater detail regarding how the project will be compatible with the existing urban form.

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- c. The proposed development will provide a well-designed neighborhood and community (Theme A, Goal #3) by focusing on pedestrian mobility to the nearby amenities, including the shopping area to the south, while also connecting to other nearby uses and to transit routes (Theme A, Goal #3.b).
  - d. The proposed rezoning and associated development will protect the environment by reducing Lexington-Fayette county's carbon footprint (Theme B, Goal #2), by providing multi-family housing serving diverse prospective tenants who can walk to employment, healthcare, education, dining and entertainment uses.
  - e. The proposed development preferences bicycle, pedestrian, and transit routes through the incorporation of new infrastructure (bike parking and transit shelter), prioritizing multi-modal options that deemphasize single-occupancy vehicle dependence (Theme B, Goal #2.d).
  - f. The proposed redevelopment will cause minimal disruption of natural features (Theme A, Goal #3.c), while also upholding the Urban Service Area concept (Theme E, Goal #1) by redeveloping existing underutilized corridors (South Broadway) (Objective E, Goal #1.c), and allowing development of an underutilized parcel on a major corridor (Objective E, Goal #1.d). The proposed redevelopment of the site will not impact any natural features.
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 as the site creates a residential development that supports pedestrian mobility, while also providing cross access to surrounding amenities and job opportunities. The development will help to intensify the land use along South Broadway, a major urban arterial roadway.
    - b. The proposed rezoning includes safe facilities for the potential users, through the incorporation of enhanced pedestrian facilities along South Broadway and Virginia Avenue, that provides safe and easy access to transit stops. 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 works with the current landscape, and limits the impacts on the surrounding environment. The proposed development also allows for added street trees and internal tree canopy coverage, while also reducing impervious surfaces on the subject property.
  3. This recommendation is made subject to approval and certification of PLN-MJDP-20-00028: Gateway Lofts (Grogan & Grogan), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

Commission Questions – Mr. Pohl asked if there will be commercial use on the first floor. Mr. Baillie said that in the B-1 zone, form-based neighborhood business project, they are required to have business on the first floor. Mr. Pohl said that on the architectural plans, there doesn't seem to be any indication of commercial space on the floor plans. He said that there are no entrances facing Broadway, only windows. Mr. Baillie said that the elevation of South Broadway depicts doors to access the commercial operations. He said that during the Committee meeting, the staff reiterated that the applicant needed to include that in their overall parking calculations. He said that the applicant had submitted a joint parking agreement. Mr. Pohl said that the first floor along South Broadway shows residential use. Mr. Baillie said that is the second level of the structure and added that there is another drawing depicting an open area, which didn't get included in the presentation.

Development Plan Presentation – Mr. Martin presented the preliminary development plan associated with this zone change. He said that the applicant submitted a revised plan and indicated that revised conditions were distributed to the Planning Commission, as follows:

1. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval is null and void.
  2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
  3. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
  4. Urban Forester's approval of tree inventory map.
  5. Greenspace Planner's approval of the treatment of greenways and greenspace.
  6. Department of Environmental Quality's approval of environmentally sensitive areas.
  7. Discuss Denote compliance with Article 8-16(b) of the Zoning Ordinance specifically the proposed use along S. Broadway.
  8. Discuss Denote stormwater quality and detention shall be determined at time of the Final Development Plan.
  9. Discuss Denote street improvements and the addition of right-of-way shall be determined at time of the Final Development Plan.
  10. Discuss Denote mass transit enhancements/accommodations shall be determined at time of the Final Development Plan. (Placebuilder criteria A-DSI-1).
  11. Discuss Denote required parking for first floor along S. Broadway.
  12. Discuss Denote that the proposed development plan shall comply with the Form-Based Neighborhood Business Project Context and Character Study submitted per Article 8-16(b)(o)(3) of the Zoning Ordinance.
  13. Denote that the parking structure activation along South Broadway Place (side yard) shall be determined at the time of the Final Development Plan. (Placebuilder criteria A-DS7-3).
14. 43. Discuss Resolve Placebuilder criteria:

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- a. 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.
- b. A-DS7-3: Parking structures should activate the ground level.
- c. C-LI7-1: Developments should create mixed-use neighborhoods with safe access to community facilities, green-space, employment, businesses, shopping, and entertainment.
- d. A-DS1-1: Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7).
- e. D-CO2-1: Safe facilities for all users and modes of transportation should be provided.

Mr. Martin said there will be a Final Development Plan on this prior to any building, which is particularly important because of their request for the B-1 Form-Based Neighborhood Business zone. He said that under the B-1 requirements, the Planning Commission is required to make a finding on their compliance with their form-based study. However, that requirement is associated with the Final Development Plan. He displayed the applicant's proposed development plan and pointed to the entrance off of Virginia Avenue, into the parking structure. He pointed to the area of activation along Virginia Avenue and South Broadway, which is difficult because of the traffic. He said that the staff recommended that that applicant close the access point off of South Broadway.

Mr. Martin said that applicant is proposing a 6-story building with 205,000 square feet, 257 dwelling units, which are predominantly one-bedroom units. He said that they are proposing over 6,000 square feet of commercial space on the first floor along South Broadway. He said that there are some reductions available to them with their parking, including bicycle and transit, which they are utilizing. He said that they are required 10% open space and they are proposing approximately 20%, which include balconies, and an area within the building. He said that the applicant will need to address condition #8, stormwater quality and detention on the site at time of the Final Development Plan. He said that condition #10, which the applicant also need to address is transit facilities at time of the Final Development Plan. He said that condition #12, the applicant need to denote that the proposed development plan shall comply with the Form-Based Neighborhood Business Project Context and Character Study submitted per Article 8-16(b)(o)(3) of the Zoning Ordinance. He said that condition #13, the applicant also needs to denote that the parking structure activation along South Broadway Place shall be determined at the time of the Final Development Plan. He said the Planning Commission is not officially required to make a finding on that study until the Final Development Plan.

Traffic Impact Study – Mr. Emmons said that one of the staff's primary concern was the intersection of Red Mile Road/Virginia Avenue and South Broadway, because it has a very high accident rate. He said that the Kentucky Transportation Cabinet is looking to do safety projects at this intersection. He said that staff and the Kentucky Transportation Cabinet were all opposed to accessing South Broadway, and the applicant agreed. He said that South Broadway is a Minor Arterial Road, with an average count of 26,000 vehicles per day and Virginia Avenue is also a Minor Arterial Road with over 17,000 vehicles per day. He said that this proposed development will generate approximately 1,700 vehicle trips per day, in and out of the development, which will only be about 100 during a.m. and p.m. peak hours. He added that the Institute of Engineers created a category called "off-campus housing", which is either ½ mile or more than 1.2 mile away from college campuses, and if this generator was utilized, it would not have met the threshold for generating enough peak hour trips. However, these types of uses usually generate more traffic throughout the day and less traffic during the a.m. and p.m. peak hours.

Mr. Emmons said that the intersection at Red Mile Road and South Broadway is of concern, but this proposed development will not make it any worse. He said that the only thing that this study identified was the vehicles exiting the development may have difficulty making a left turn onto Virginia Avenue, during the evening peak time. He said that the staff is satisfied with the traffic study and the access. He said that this area is also one of the highest bicycle and pedestrian areas, and the staff believes that there is acceptable bicycle and pedestrian facilities in this general vicinity. He said that in regards to transit, they recommend that the applicant work with LexTran to create a better bus stop in this area. He said that staff is recommending to resolve the transit stop at the time of the Final Development Plan.

Applicant Presentation – Mr. Murphy, attorney; Will Kirk, Gateway Lofts; Chris Mitchell, Palmer Engineering; and Ryan Pearson, Edge Landscape Architecture were present. He said that the staff has presented their Context Study, which isn't needed until the Final Development Plan. He said that they have met with the staff from the Division of Transportation Planning and have agreed to work with LexTran regarding the bus shelter. He said that he believes because of this location, this is the ideal place for developing the corridors.

Citizen Comment – There were no citizens present to speak to this application.

Zoning Action – A motion was made by Mr. Pohl, seconded by Mr. Nicol, and carried 9-0 (Penn absent) to approve PLN-MAR-20-00011: GATEWAY LOFTS LEXINGTON, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Pohl, seconded by Mr. Davis, and carried 9-0 (Penn absent) to approve PLN-MJDP-20-00028: GATEWAY LOFTS (GROGAN AND GROGAN), as presented by the staff.

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