

ORDINANCE NO. 034-2024

AN ORDINANCE CHANGING THE ZONE FROM A LIGHT INDUSTRIAL (I-1) ZONE TO A NEIGHBORHOOD BUSINESS (B-1) ZONE, FOR 0.1265 NET (0.0573 GROSS) ACRES, FOR PROPERTY LOCATED AT 469 AND 471 JEFFERSON STREET. (PIZZA PIOS, LLC; COUNCIL DISTRICT 1).

WHEREAS, at a Public Hearing held on February 22, 2024, a petition for a zoning ordinance map amendment for property located at 469 and 471 Jefferson Street, from a Light Industrial (I-1) zone to a Neighborhood Business (B-1) zone, for 0.1265 net (0.0573 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 7-0; 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 469 and 471 Jefferson Street, from a Light Industrial (I-1) zone to a Neighborhood Business (B-1) zone, for 0.1265 net (0.0573 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: April 11, 2024



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: April 18, 2024-1t

0284-24:BGS:4868-5168-2733, v. 1

Rec'd by _____
Date: _____

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

IN RE: PLN- MAR-24-00001: PIZZA PIOS, LLC – a petition for a zone map amendment from a Light Industrial (I-1) zone to a Neighborhood Business (B-1) zone, for 0.0573 gross and 0.1265 net acres for property located at 469 and 471 Jefferson Street. (Council District 1)

Having considered the above matter on **February 22, 2024**, at a Public Hearing, and having voted **7-0** 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 Neighborhood Business (B-1) zone is in agreement with the 2045 Comprehensive Plan’s Goals and Objectives, for the following reasons:
 - a. The proposed use will provide for a neighborhood scale use that will encourage social interaction and provide a neighborhood focal point. (Theme A, Goal #3.b; Theme A, Goal #3.d).
 - b. The incorporation of outdoor patio space creates a more activated and engaging site for pedestrians (Theme D, Goal #2.a).
 - c. The request improves safety by removing on-site vehicular use area and emphasizing their multi-modal connections (Theme D, Goal#1.d).
2. The requested Neighborhood Business (B-1) is in agreement with the 2045 Comprehensive Plan’s Policies, for the following reasons:
 - a. The proposal adaptively reuses an existing structure to provide a use that is more appropriate for the surrounding residential context (Theme A, Design Policy #4).
 - b. At the proposed scale, the development provides an accessible, neighborhood level commercial area (Theme A, Design Policy #12).
 - c. The request introduces a neighborhood restaurant use into an area that lacks walkable dining options (Theme A, Density Policy #3).
 - d. The request reduces the amount of impervious surface on-site, and eliminates on-site vehicular use areas (Theme B, Sustainability Policy #4).
3. The request is in agreement with the Development Criteria of the 2045 Comprehensive Plan, for the following reasons:
 - a. The proposed rezoning meets the criteria for Land Use as the request provides for low intensity neighborhood scale commercial activity that is well connected to the surrounding residential areas (E-GR9-2). The proposed restaurant use will be a community oriented place and service. In addition, the re-use is a pedestrian oriented commercial opportunity near several neighborhoods (A-DN3-1; E-ST8-2)
 - b. The proposed rezoning meets the criteria for Transportation, Connectivity, and Walkability, s it retains the existing sidewalk network that serves the site (A-DS4-1), provides for access to the Legacy Trail network, creates a walkable street edge(A-DS5-2), and provides for a pedestrian connection to the transit stop at 4th Street (A-DS1-2).
 - c. The proposed rezoning meets the criteria for Environmental Sustainability and Resiliency as the rezoning reduces the current amount of impervious surface and vehicular use area on site (B-SU4-1), and works to increase the tree canopy (B-REI-1).
 - d. The proposal meets the criteria for Site Design, s the request activates the road frontage by providing outdoor patio areas (A-DS5-4), avoids overparking (C-PS10-2), retains the existing

public art mural on the structure(D-PL10-1), and provides connections to the surrounding residential uses (C-LI8-1).

e. The proposal meets the criteria for Building Form by adaptively re-utilizing the existing structure into a more compatible neighborhood-oriented use (E-GR4-1), and creating a pedestrian friendly atmosphere through the inclusion of the outdoor patio space (A-DS5-3).

4. This recommendation is made subject to approval and certification of PLN-MJDP-23-00082 Warfield Bell Subdivision (For Fox Sake Property), 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 8th day of March, 2024.


Secretary, Jim Duncan

LARRY FORESTER
CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by May 22, 2024

Note: The corollary development plan, PLN-MJDP-23-00082: WARFIELD BELL SUBDIVISION (FOR FOX SAKE PROPERTY) was approved by the Planning Commission on February 22, 2024 and certified on March 7th, 2024.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Brady Barlow, applicant.**

OBJECTORS

- None.

OBJECTIONS

- None.

VOTES WERE AS FOLLOWS:

AYES: (7) Forester, Wilson, Barksdale, Meyer, Worth, J. Davis, and Z. Davis
NAYS: (0)
ABSENT: (4) Nicol, Owens, Pohl, and Michler
ABSTAINED: (0)
DISQUALIFIED: (0)

Motion for **APPROVAL** of PLN-MAR-24-00001 carried.

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

MAP AMENDMENT REQUEST (MAR) APPLICATION

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

Applicant: PIZZA PIOS, LLC, 505 E MAIN STREET, LEXINGTON, KY 40508
Owner(s): FOR FOX SAKE, LLC, 2592 LONGVIEW DRIVE, LEXINGTON, KY 40503
Attorney: NONE

2. ADDRESS OF APPLICANT'S PROPERTY

469-471 JEFFERSON STREET, LEXINGTON, KY 40508

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

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
I-1	COFFEE SHOP	B-1	RESTAURANT	0.0573	0.1265

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	LOW DENSITY NON RESIDENTIAL/ MIXED USE

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:	PUBLIC
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



Megan Winfield

505 East Main Street
Lexington KY 40508

1/2/2024

Mr. Larry Forester
Lexington-Fayette Urban Co Planning Commission
200 East Main Street
Lexington KY 40507

Dear Chairman Forester:

I have been authorized by the owner of 469-471 Jefferson Street to submit the enclosed zone change request. The zone change on this property from I-1 to B-1 is consistent with the Enhanced Neighborhood Non-residential requirements from the 2018 Placebuilder guidelines. The neighborhood that this building resides in will benefit from the B-1 zoning that will allow for the intended use of a pizza restaurant with a patio which will provide affordable and nutritious food to the area and will also provide employment opportunities. The development has a low parking impact and will utilize most of the lot with production and seating and thus is maximizing land usage. The current zone on the property is outdated for the current business climate of the area and several other properties in the vicinity of the property have undergone similar zone changes. There will be no change to the overall footprint of the development and this particular business will help bridge the gap between businesses on each end of Jefferson Street. Given that there are no floodplains, schools, or residential components to our development plan, below are specific examples of how our proposed zone change will follow Placebuilder guidelines and provide amenities to an area of town that lacks B-1 type services.

A-DN3-1 - Pedestrian-oriented commercial opportunities should be incorporated within residential neighborhoods.	This particular property is very accessible by pedestrians and cyclists with good sidewalks and bike parking onsite.
B-SU11-1 – Green infrastructure should be implemented in new development.	Though the building is not new, there are proposed green features incorporated into the development plan.
C-DI1-1 – Consider flexible zoning options that will allow for a wide range of jobs.	In going from I-1 to B-1 zoning, many desirable commercial opportunities will be afforded to a neighborhood that has a shortage of services.
D-PL2-1 – Developments should aim to provide a neighborhood-serving use that does not already exist in the vicinity, or that fills a specific need.	This development is situated in an area with very few B-1 services and will focus on providing food to fairly dense, large residential area.
E-GR4-1 – Developments should incorporate reuse of viable existing structures.	The building for this development is existing and is perfect for the rezoned usage.
E-GR9-2 – Low-intensity business uses that will provide neighborhood amenities should be incorporated into existing neighborhoods.	With negligible amounts of seating, the proposed business in this development will not create significant traffic or parking issues for the neighborhood while also providing a desirable amenity.

Megan Winfield

505 East Main Street

Lexington KY 40508

B-PR7-3 – Trees should be incorporated into development plans.	Green considerations are incorporated into the development plan.
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This type of zone change is exactly what the Placebuilder is looking for to enhance neighborhoods that are lacking services. This is great opportunity to take a building that is zoned improperly and convert it into a zone and business that enhances the neighborhood it is located within. I have reached out to both the Northside Neighborhood Association and Fayette Park Neighborhood Association to engage them and also inform them of our intentions. To date, no negative comments have been offered with most being excited about new amenities being offered within the neighborhood.

When looking at the Imagine Lexington Comprehensive Plan, several goals are attained by this Low Density Non-Residential / Mixed Used zone change. First, from Theme A, Goal 2, we have identified an opportunity for redevelopment using an existing building that is well-suited for our establishment. We do not want to change the building significantly or the public art that was added to the building in the last few years. We will be adding a patio but will otherwise utilize the building as it stands. Second, from Theme C, Goals 1 and 2, we are creating jobs for an area that does not have many service industries like we are creating. We want to have a wide variety of job opportunities at our establishment that will provide living wages for our employees. Also, we hope to employ people from the local neighborhood so their commute times are shortened and, if employment has been hard to find, we want to attract the people in the area to work at our restaurant. Also, from Theme B, Goal 4, our proposed zoning change will increase density and will supply food to an area that has largely been considered a food desert.

I am happy to answer any questions that you or other commission members may have about our development and vision. A development plan has been submitted by Barrett Partners and all required submissions supporting our application are in place.

Thanks for your consideration,

Megan Winfield
Managing Member
Pizza Pios LLC DBA Dingbats
859-317-1182

ZONING LEGAL DESCRIPTION

for

469 and 471 Jefferson Street
Lexington, Fayette County, Kentucky

For Fox Sake LLC property
(Deed Book 4000, Page 494)

Zone Change from I-1 to B-1

Being a parcel of land in the city of Lexington, Fayette County, Kentucky lying at the southwest corner of the intersection of West Fifth Street and Jefferson Street and being more particularly described as:

BEGINNING at a point at the intersection of the centerlines of West Fifth Street and Jefferson Street , and said point having Kentucky State Plane Coordinates of $N(Y) = 203,269.54'$, $E(X) = 1,570,002.08'$ [KY North Zone, NAD '83 (2011), US Survey Feet]; thence leaving the centerline of West Fifth Street and with the centerline of Jefferson Street,

South $47^{\circ}37'54''$ West a distance of 69.01 feet to a point in the center of Jefferson Street; thence leaving said centerline of Jefferson Street and through the right-of-way of the same,

North $40^{\circ}52'55''$ West a distance of 25.01 feet to a 5/8" diameter rebar found in the west right-of-way of Jefferson Street, said point being the northeast corner of Transylvania University (Deed Book 3072, Page 704); thence with the northeasterly line of Transylvania University,

North $40^{\circ}52'55''$ West a distance of 54.86 feet to a 5/8" diameter rebar with plastic surveyor's cap (PLS 3350) found in the north line of said Transylvania University and in the east line of CSX Transportation; thence leaving said Transylvania University and with the line of said CSX Transportation,

North 47°37'54" East a distance of 45.50 feet to a MAG Nail with stainless steel ID washer (PLS 3350) set in the southwest right-of-way of West Fifth Street; thence through the right-of-way of West Fifth Street,

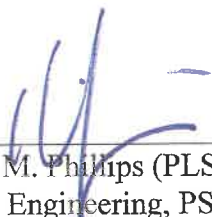
North 47°37'54" East a distance of 23.51 feet to a point in the centerline of said West Fifth Street; thence with the center of West Fifth Street,

South 40°52'55" East a distance of 79.87 feet to a point at the intersection of the centerlines of West Fifth Street and Jefferson Street, which is the Point of Beginning, having a Gross Area of 5,509.9 square feet or 0.1265 acre and a Net Area of 2,495.4 square feet or 0.0573 acre.

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 Carlson BRx7 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.



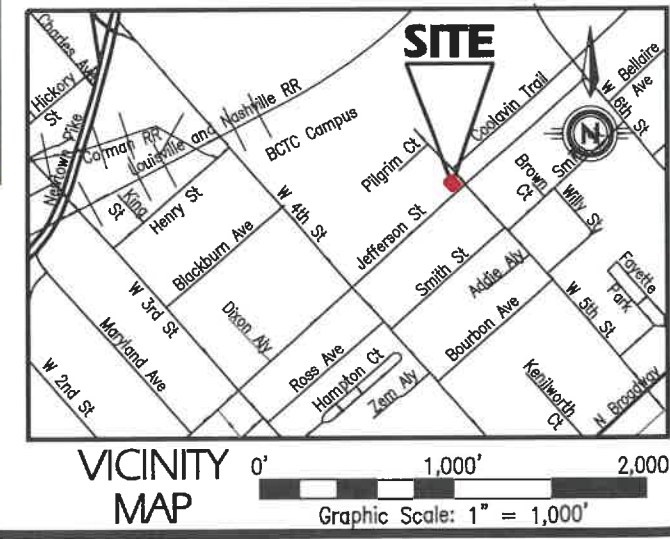
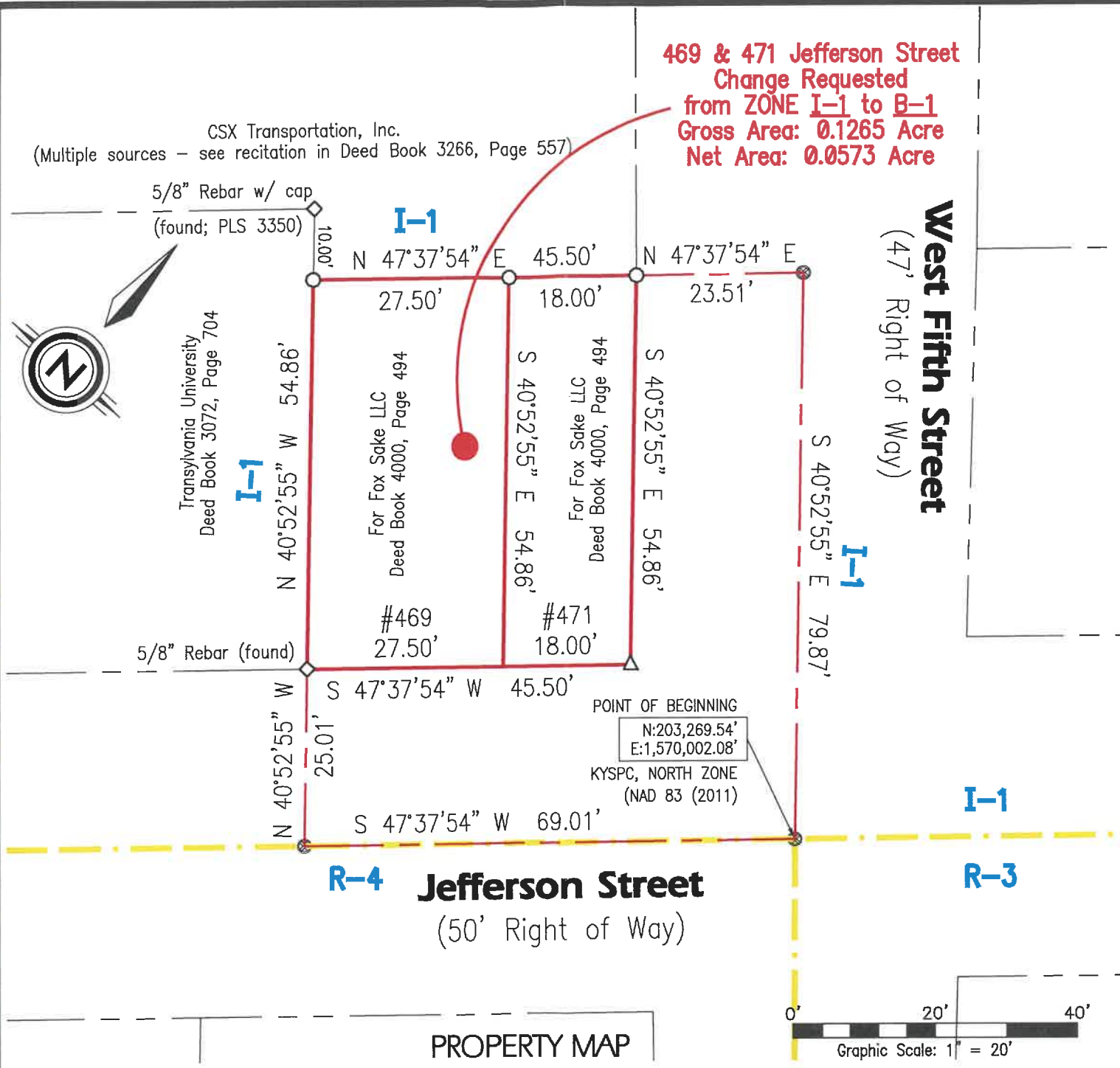
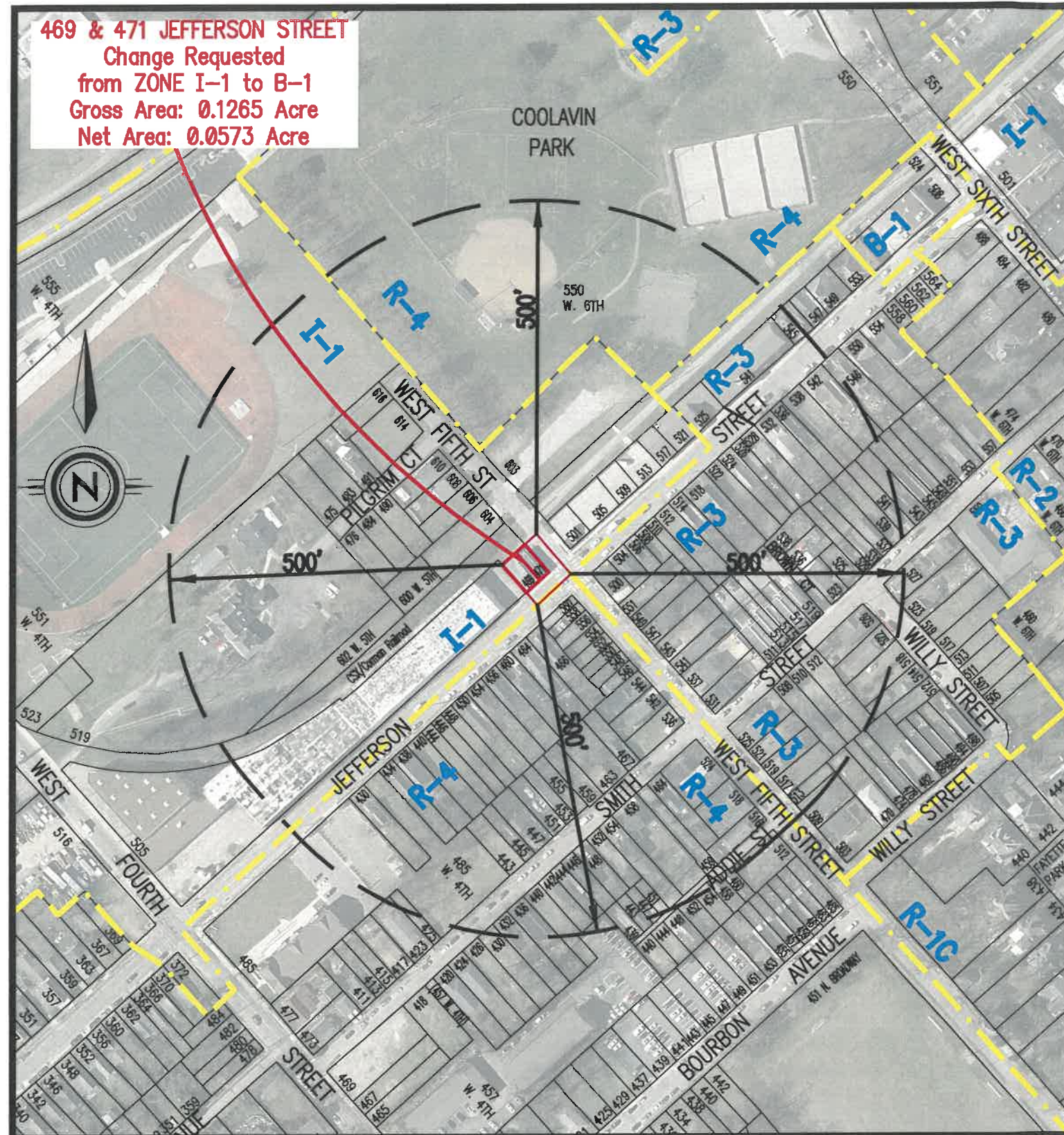


Kevin M. Phillips (PLS 3350)
Endris Engineering, PSC
771 Enterprise Drive
Lexington, KY 40510

11-27-2023
Date

469 & 471 JEFFERSON STREET
 Change Requested
 from ZONE I-1 to B-1
 Gross Area: 0.1265 Acre
 Net Area: 0.0573 Acre

469 & 471 Jefferson Street
 Change Requested
 from ZONE I-1 to B-1
 Gross Area: 0.1265 Acre
 Net Area: 0.0573 Acre



STATE OF KENTUCKY
KEVIN M. PHILLIPS
 3350
 LICENSED PROFESSIONAL LAND SURVEYOR
 11-27-2023

NOTIFICATION AREA MAP
 PREPARED BY:

EE ENDRIS engineering
 Land Surveyors • Construction Layout • GPS

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

- Graphic Scale: 1" = 200'
- LEGEND**
- Corner Point (Not monumented)
 - ◇ Found Monument (as noted)
 - △ 24" Long, 5/8" Diameter Rebar w/ID Cap (PLS 3350, set this survey)
 - Mag Nail w/ID Washer (PLS 3350, set this survey)

FROM	TO	NET	GROSS
I-1	B-1	0.0573 Acre	0.1265 Acre

TITLE: For Fox Sake
 ADDRESS: 469 & 471 Jefferson Street
 APPLICANT: For Fox Sake LLC
 OWNER: For Fox Sake LLC
 DATE FILED OR AMENDED: November 27, 2023

PIZZA PIOS, LLC (PLN-MAR-24-00001)

469 & 471 JEFFERSON STREET

Rezone the property to establish a restaurant use in an existing structure.

Applicant

PIZZA PIOS, LLC
505 E MAIN STREET
LEXINGTON, KY 40508

Owner

FOR FOX SAKE, LLC
2592 LONGVIEW DRIVE
LEXINGTON, KY 40503

Application Details

Acreage:

0.0573 net (0.1265 gross) acres

Current Zoning:

Light Industrial (I-1) Zone

Proposed Zoning:

Neighborhood Business (B-1) Zone

Place-type/Development Type

Enhanced Neighborhood

Low Density Non-Residential/ Mixed-Use

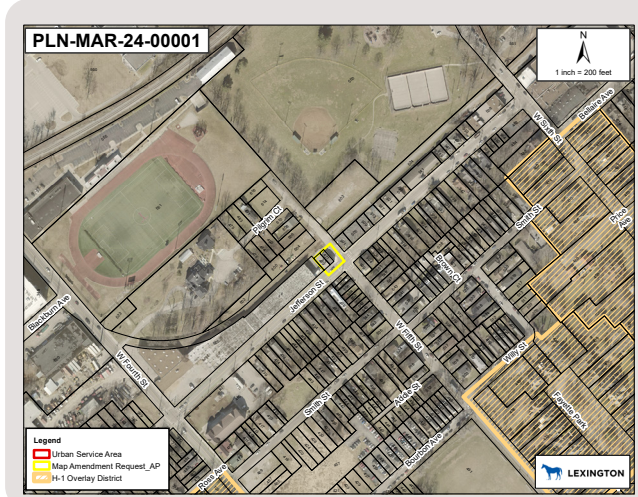
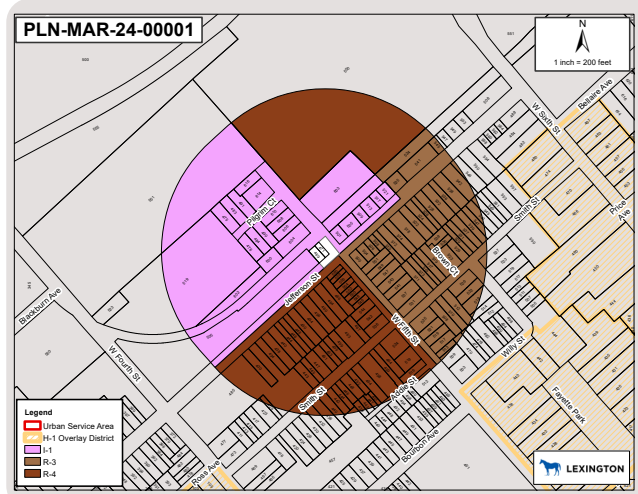
For more information about the Enhanced Neighborhood place type see *Imagine Lexington* pages 329-337. For more information on the Low Density Non-Residential / Mixed Use Development Type see page 269.

Description:

The applicant is seeking to rezone the subject properties in order to establish a pizza restaurant in the existing structure on-site. The existing parking areas are proposed to be converted into outdoor patio space.

Public Engagement

- The applicant has reached out to adjoining neighborhood associations regarding the proposed development, and has indicated that they are in support of the request.



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

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

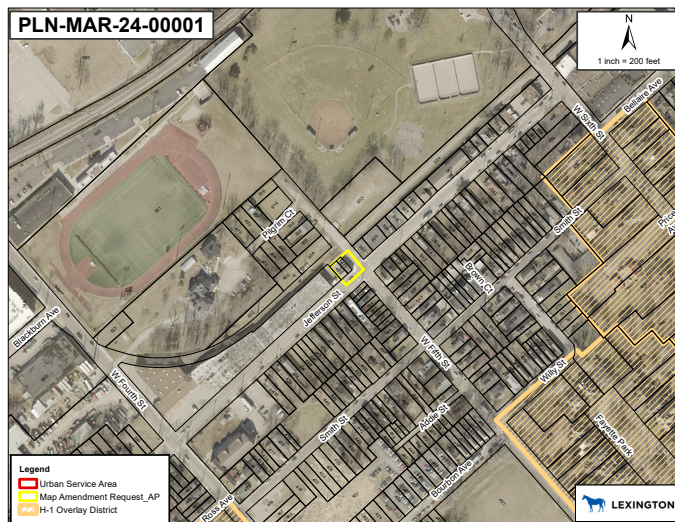
STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-24-00001: PIZZA PIOS, LLC

DESCRIPTION OF ZONE CHANGE

Zone Change	From an Light Industrial (I-1) zone to a Neighborhood Business (B-1) zone
Acreage:	0.0573 net (0.1265 gross) acres
Location:	469 & 471 Jefferson Street

EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	I-1	Coffee Shop
To North	I-1	Parking Lot/Coolivan Park
To East	R-3/ R-4	Residential
To South	I-1/R-3	Warehouse/ Residential
To West	I-1	Vacant



URBAN SERVICE REPORT

Roads - The subject properties are located at the western intersection of Jefferson Street, a two lane collector roadway, and W. Fifth Street, a two lane local road.

Curb/Gutter/Sidewalks - Jefferson Street has curb, gutter, and sidewalk facilities. The portion of W. Fifth Street east of the subject properties has curb, gutter, and sidewalk facilities; however, these facilities are not present where the roadway terminates to the west of the site. The subject properties also adjoin the Legacy Trail to the north, across W. Fifth Street.

Storm Sewers - The subject properties are located in the Town Branch watershed. No known flooding problems exist within the immediate vicinity of the subject site. Stormwater detention may not be required for this redevelopment site; however, water quality will need to be addressed by the developer in accordance with the Engineering Stormwater Manuals.

Sanitary Sewers - The subject properties are located within the Town Branch sewershed, and are served by the Town Branch Wastewater Treatment Facility on Lisle Industrial Avenue.

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 development.

Refuse - The Urban County Government serves this area with refuse collection on Thursdays. The petitioner may also choose to supplement this service with a private refuse hauler.

Police - The nearest police station is the Main Headquarters located on East Main Street, about ¾ mile to the southwest of the subject properties.

Fire/Ambulance - The nearest fire station (#4) is only about two blocks to the southwest of the subject properties, located on Jefferson Street between W. Second and W. Third Streets.

Transit - The nearest transit stop is located at the intersection of 4th Street and Jefferson Street, approximately 750 feet south of the subject properties (Route #4).

Parks - The closest park to the subject property is Coolilvan Park, which is located approximately 150 feet north of the subject properties.

SUMMARY OF REQUEST

The applicant is seeking a zone change from the Light Industrial (I-1) zone to the Neighborhood Business (B-1) zone in order to utilize an existing structure for a restaurant use.

PLACE-TYPE

ENHANCED NEIGHBORHOOD
The Enhanced Neighborhood Place-Type is an existing residential area to be enhanced with additional amenities, housing types, and neighborhood serving retail, services, and employment options. Development should be context sensitive to surrounding areas and should add to the sense of place. Incorporating multi-modal connections is crucial to neighborhood success and viability.

DEVELOPMENT TYPE

LOW DENSITY NON-RESIDENTIAL/ MIXED USE
Primary Land Use, Building Form, & Design
Primarily neighborhood-serving commercial uses, services, places of employment, and/ or a mix of uses within low to mid-rise structures appropriately scaled to the surrounding neighborhood. Mixed-use structures can include a mix of residential, commercial, services, and/or employment uses, and an activated and pedestrian-scale ground level should be provided. Developments with a residential component are generally non-residential on the ground floor with units above, providing opportunities for live/work arrangements.

The retail/service options typically include boutique-type establishments, neighborhood restaurants or pubs, and/or neighborhood-serving services like dentists, daycares, etc., and the places of employment are small offices.

Transit Infrastructure & Connectivity
Bicycle and pedestrian connections to adjoining neighborhoods, and buildings oriented towards the street are required to ensure the non-residential enhances nearby neighborhoods by creating a truly walkable environment.

Parking
Parking should be minimized, and where necessary, located internally.

PROPOSED ZONING



The intent of this zone is to accommodate neighborhood shopping facilities to serve the needs of the surrounding residential area. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. This zone should be oriented to support and enhance a residential neighborhood. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

PROPOSED USE



The applicant is seeking to utilize the existing 800 square-foot structure at 471 Jefferson Street for a restaurant use. The applicant is proposing to remove existing on-site parking areas on 469 Jefferson Street for use as outdoor seating and patio space, and are proposing to provide additional landscape perimeter plantings.

APPLICANT & COMMUNITY ENGAGEMENT



The applicant indicated that they provided information about the project to the adjoining neighborhood associations, but did not indicate that they had conducted any further outreach with the surrounding area.

PROPERTY & ZONING HISTORY



The subject properties have been zoned Light Industrial (I-1) since before the comprehensive rezoning of Fayette County in 1969. Initially, the property at 469 Jefferson Street contained a single-family residence, and the property at 471 Jefferson Street was used as a liquor store. The residence at 469 Jefferson Street was demolished in 1969, and was later developed into a parking area for the adjoining property. In 2007, the properties received a conditional use permit in order to operate a place of religious assembly (C-2007-50). Most recently, the properties were used for a coffee shop use.

COMPREHENSIVE PLAN COMPLIANCE



GOALS AND OBJECTIVES

The 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 indicates that the proposed rezoning and the associated development are in agreement with the adopted Goals and Objectives of the 2045 Imagine Lexington Comprehensive Plan. They opine that the request will provide for a neighborhood scale use that will encourage social interaction and provide a neighborhood focal point. (Theme A, Goal #3.b; Theme A, Goal #3.d). They state that incorporation of outdoor patio space creates a more activated and engaging site for pedestrians (Theme D, Goal #2.a). While not stated by the applicant, staff finds that the request improves safety by removing on-site vehicular use area and emphasizing their multi-modal connections (Theme D, Goal#1.d).

POLICIES

The letter of justification provided by the applicant did not identify any specific policies of the Comprehensive Plan being met with the request; however, staff has identified several that would be achieved under the proposed rezoning. By shifting from an industrial zone to a neighborhood business zone, the request provides for development that is more sensitive to the surrounding residential context (Theme A, Design Policy #4). The request creates additional opportunities for neighborhood level commercial development to improve access to walkable dining options (Theme A, Design Policy #12; Theme A, Density Policy #3). By removing the on-site parking, the request promotes multi-modal transportation and reduces the amount of impervious surface on-site (Theme B, Sustainability Policy #4).



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 properties. 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 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 has indicated that the site is located within the Enhanced Neighborhood Place-Type, and is seeking to utilize the property as Low Density Non-Residential / Mixed-Use Development Type. While the property does adjoin a industrial warehouse use, it also immediately adjoins a significant number of residential uses across Jefferson Street. As such, staff finds the applicant's proposed place type to be appropriate. Within the Enhanced Neighborhood Place-Type, the Low Density Non-Residential/ Mixed-Use Development Type is a recommended Development Type. The applicant is reusing the single story, 800 square-foot building, which is in line with the Low Density Non-Residential/ Mixed-Use Development Type. The applicant's proposed Neighborhood Business (B-1) zone is a recommended zone for the chosen Place-Type and Development Type. Staff concurs with the applicant's assessment of the Place-Type, Development Type, and zone.

DEVELOPMENT CRITERIA

The criteria for a zone change are the distillation of the adopted Goals and Objectives, as well as the policies put forth in the 2045 Comprehensive Plan. The criteria for development 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 Place-Type and Development Type.

1. Land Use

Staff finds that the request meets the criteria for Land Use, as the request provides for low intensity neighborhood scale commercial activity that is well connected to the surrounding residential areas (E-GR9-2). The proposed restaurant use will be a community oriented place and service. In addition, the re-use is a pedestrian oriented commercial opportunity near several neighborhoods (A-DN3-1; E-ST8-2)

2. Transportation Connectivity, and Walkability

Staff finds that the request meets the criteria for Transportation Connectivity, and Walkability as it retains the existing sidewalk network that serves the site (A-DS4-1), provides for access to the Legacy Trail network, creates a walkable street edge(A-DS5-2), and provides for a pedestrian connection to the transit stop at 4th Street (A-DS1-2).

3. Environmental Sustainability and Resiliency

The proposal meets the requirements for Environmental Sustainability and Resiliency, as the rezoning reduces the current amount of impervious surface and vehicular use area on site (B-SU4-1), and works to increase the tree canopy (B-REI-1).

4. Site Design

Staff finds that the request meets the criteria for Site Design, as the request activates the road frontage by providing outdoor patio areas (A-DS5-4), avoids overparking (C-PS10-2), retains the existing public art mural on the structure(D-PL10-1), and provides connections to the surrounding residential uses (C-LI8-1).

5. Building Form

Staff finds that the request meets the criteria for Building Form by adaptively re-utilizing the existing structure into a more compatible neighborhood-oriented use (E-GR4-1), and creating a pedestrian friendly atmosphere through the inclusion of the outdoor patio space (A-DS5-3).

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:



1. The requested Neighborhood Business (B-1) zone is in agreement with the 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed use will provide for a neighborhood scale use that will encourage social interaction and provide a neighborhood focal point. (Theme A, Goal #3.b; Theme A, Goal #3.d).
 - b. The incorporation of outdoor patio space creates a more activated and engaging site for pedestrians (Theme D, Goal #2.a).
 - c. The request improves safety by removing on-site vehicular use area and emphasizing their multi-modal connections (Theme D, Goal#1.d).
2. The requested Neighborhood Business (B-1) is in agreement with the 2045 Comprehensive Plan's Policies, for the following reasons:
 - a. The proposal adaptively reuses an existing structure to provide a use that is more appropriate for the surrounding residential context (Theme A, Design Policy #4).
 - b. At the proposed scale, the development provides an accessible, neighborhood level commercial area (Theme A, Design Policy #12).
 - c. The request introduces a neighborhood restaurant use into an area that lacks walkable dining options (Theme A, Density Policy #3).
 - d. The request reduces the amount of impervious surface on-site, and eliminates on-site vehicular use areas (Theme B, Sustainability Policy #4).
3. The request is in agreement with the Development Criteria of the 2045 Comprehensive Plan, for the following reasons:
 - a. The proposed rezoning meets the criteria for Land Use as the request provides for low intensity neighborhood scale commercial activity that is well connected to the surrounding residential areas (E-GR9-2). The proposed restaurant use will be a community oriented place and service. In addition, the re-use is a pedestrian oriented commercial opportunity near several neighborhoods (A-DN3-1; E-ST8-2)
 - b. The proposed rezoning meets the criteria for Transportation, Connectivity, and Walkability, s it retains the existing sidewalk network that serves the site (A-DS4-1), provides for access to the Legacy Trail network, creates a walkable street edge(A-DS5-2), and provides for a pedestrian connection to the transit stop at 4th Street (A-DS1-2).
 - c. The proposed rezoning meets the criteria for Environmental Sustainability and Resiliency as the rezoning reduces the current amount of impervious surface and vehicular use area on site (B-SU4-1), and works to increase the tree canopy (B-REI-1).
 - d. The proposal meets the criteria for Site Design, s the request activates the road frontage by providing outdoor patio areas (A-DS5-4), avoids overparking (C-PS10-2), retains the existing public art mural on the structure(D-PL10-1), and provides connections to the surrounding residential uses (C-LI8-1).
 - e. The proposal meets the criteria for Building Form by adaptively re-utilizing the existing structure into a more compatible neighborhood-oriented use (E-GR4-1), and creating a pedestrian friendly atmosphere through the inclusion of the outdoor patio space (A-DS5-3).
5. This recommendation is made subject to approval and certification of [PLN-MJDP-23-00082 Warfield Bell Subdivision \(For Fox Sake Property\)](#), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

2. PIZZA PIOS, LLC ZONING MAP AMENDMENT AND WARFIELD BELL SUBDIVISION (FOR FOX SAKE PROPERTY) DEVELOPMENT PLAN

- a. **PLN-MAR-24-00001: PIZZA PIOS, LLC** – a petition for a zone map amendment from a Light Industrial (I-1) zone to a Neighborhood Business (B-1) zone, for 0.0573 gross and 0.1265 net acres for property located at 469 and 471 Jefferson Street.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2045 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 to utilize the existing 800 square-foot structure at 471 Jefferson Street for a restaurant use. The applicant is proposing to remove existing on-site parking areas on 469 Jefferson Street for use as outdoor seating and patio space, and are proposing to provide additional landscape perimeter plantings.

The Zoning Committee Recommended: **Approval**.

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

1. The requested Neighborhood Business (B-1) zone is in agreement with the 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The proposed use will provide for a neighborhood scale use that will encourage social interaction and provide a neighborhood focal point. (Theme A, Goal #3.b; Theme A, Goal #3.d).
 - b. The incorporation of outdoor patio space creates a more activated and engaging site for pedestrians (Theme D, Goal #2.a).
 - c. The request improves safety by removing on-site vehicular use area and emphasizing their multi-modal connections (Theme D, Goal#1.d).
2. The requested Neighborhood Business (B-1) is in agreement with the 2045 Comprehensive Plan's Policies, for the following reasons:
 - a. The proposal adaptively reuses an existing structure to provide a use that is more appropriate for the surrounding residential context (Theme A, Design Policy #4).
 - b. At the proposed scale, the development provides an accessible, neighborhood level commercial area (Theme A, Design Policy #12).
 - c. The request introduces a neighborhood restaurant use into an area that lacks walkable dining options (Theme A, Density Policy #3).
 - d. The request reduces the amount of impervious surface on-site, and eliminates on-site vehicular use areas (Theme B, Sustainability Policy #4).
3. The request is in agreement with the Development Criteria of the 2045 Comprehensive Plan, for the following reasons:
 - a. The proposed rezoning meets the criteria for Land Use as the request provides for low intensity neighborhood scale commercial activity that is well connected to the surrounding residential areas (E-GR9-2). The proposed restaurant use will be a community oriented place and service. In addition, the re-use is a pedestrian oriented commercial opportunity near several neighborhoods (A-DN3-1; E-ST8-2)
 - b. The proposed rezoning meets the criteria for Transportation, Connectivity, and Walkability, s it retains the existing sidewalk network that serves the site (A-DS4-1), provides for access to the Legacy Trail network, creates a walkable street edge(A-DS5-2), and provides for a pedestrian connection to the transit stop at 4th Street (A-DS1-2).
 - c. The proposed rezoning meets the criteria for Environmental Sustainability and Resiliency as the rezoning reduces the current amount of impervious surface and vehicular use area on site (B-SU4-1), and works to increase the tree canopy (B-REI-1).
 - d. The proposal meets the criteria for Site Design, s the request activates the road frontage by providing outdoor patio areas (A-DS5-4), avoids overparking (C-PS10-2), retains the existing public art mural on the structure(D-PL10-1), and provides connections to the surrounding residential uses (C-LI8-1).
 - e. The proposal meets the criteria for Building Form by adaptively re-utilizing the existing structure into a more compatible neighborhood-oriented use (E-GR4-1), and creating a pedestrian friendly atmosphere through the inclusion of the outdoor patio space (A-DS5-3).

4. This recommendation is made subject to approval and certification of PLN-MJDP-23-00082 Warfield Bell Subdivision (For Fox Sake Property), 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-23-00082: WARFIELD BELL SUBDIVISION (FOR FOX SAKE PROPERTY) (4/1/24)* - located at 469 & 471 JEFFERSON STREET, LEXINGTON, KY

Council District: 1

Project Contact: Barrett Partners, Inc.

Note: The purpose of this plan is to use the existing building as a restaurant and add a patio, in support of the requested zone change from a Light Industrial (I-1) zone to a Neighborhood Business (B-1) zone.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Provided the Urban County Council approves the zone change to B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Landscape Examiner's approval of landscaping and landscaping buffers.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of Tree Preservation Plan.
7. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
10. Revise name to match staff report.
11. Denote final record plat information.
12. Discuss Placebuilder criteria.

Staff Presentation – Mr. Daniel Crum presented the staff report and recommendation 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 Light Industrial (I-1) zone to a Neighborhood Business (B-1) zone, for 0.0573 gross and 0.1265 net acres for property located at 469 and 471 Jefferson Street. Mr. Crum indicated that the applicant is seeking to utilize an existing structure to open a pizza restaurant. Additionally, Mr. Crum stated that the applicant was seeking an Enhanced Neighborhood Place-Type and a Low Density Non Residential/ Mixed Use Development Type and Staff was in agreement with those selections.

Mr. Crum noted the surrounding zoning near the subject property. Mr. Crum stated that the applicant is seeking to better utilize the existing site with their development.

Mr. Crum indicated that the only substantial change to the property will be use of the current parking spaces that will instead be used for a patio/seating area for guests of the restaurant and will be adding some landscaping around the rear of the property.

Mr. Crum concluded his presentation stating that Staff is recommending approval and could answer any questions from the Planning Commission.

Development Plan Presentation – Mr. Tom Martin oriented the Planning Commission to the location and characteristics of the subject property. Mr. Martin stated that this will be a final development plan because the applicant is utilizing the existing structure and not making any changes other than the previously mentioned patio area and landscaping near the rear.

Mr. Martin concluded his presentation stating that Staff is recommending approval and could answer any questions from the Planning Commission.

Commission Questions and Comments – Mr. Wilson asked if the 12th condition about Placebuilder Criteria could be removed and Mr. Martin indicated that it could.

Ms. Worth asked if the patio area will keep the same concrete or if they would be updating it and Mr. Martin stated that the applicant could speak more on that.

Applicant Presentation – Brady Barlow, applicant, stated his appreciation for the Planning Commission, and stated that the current concrete for the patio is in good shape, but are open to other materials. He stated he was happy to answer any questions, but is in agreement with Staff's recommendations.

Mr. Tony Barrett, landscape architect for the application, requested that conditions #5,7, and 8 be removed based on discussion from the Technical Committee.

Action – A motion was made by Mr. Zach Davis, seconded by Ms. Worth and carried 7-0 to approve (Nicol, Michler, Owens, and Pohl absent) PLN-MAR-24-00001: PIZZA PIOS, LLC for reasons provided by Staff.

Action – A motion was made by Mr. Davis, seconded by Mr. Johnathon Davis and carried 7-0 (Nicol, Michler, Owens, and Pohl absent) to approve PLN-MJDP-23-00082: WARFIELD BELL SUBDIVISION (FOR FOX SAKE PROPERTY) with the revised conditions recommended by Staff, removing conditions #5, 7, 8, and 12.