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January 30, 2023

Mr. Larry Forrester, Chairman
and Members of the Lexington-Fayette
Urban County Planning Commission
200 East Main Street
Lexington, KY 40507

Re: Proposed zone change for 446 East High Street

Dear Chairman Forrester and Members of the Planning Commission:

This letter is written on behalf of Bread and Roses, LLC, which is filing a zone change application and development plan for the property at 446 East High Street. The property is approximately 1.3 net acres and is currently zoned Professional Office (P-1). We are requesting a zone change to the Neighborhood Business (B-1) zone. The property is the site of a two-story red-brick building. No exterior changes will be made to the building. The purpose of the zone change is to allow a bakery to be located in a portion of the building.

INTRODUCTION

Bread and Roses, LLC is a company owned by members of the Michler family. Some of the family members also own Michler Florist, which adjoins the subject property to the west. Michler Florist has been in business for 120 years at 417 East Maxwell Street. Ten years ago the property on East Maxwell Street was re-zoned to B-1 in order to start Kentucky Native Café. Kentucky Native Café offers food and beverages in an urban oasis setting indoors and outdoors year round. It has become a neighborhood focal point.

Bread and Roses purchased the subject property last year. (It had previously leased a portion of the parking area from the previous owner). When the property was purchased, the existing brick office building, constructed in 1958, was mostly vacant. Since that time, Bread and Roses has found tenants for most of the space in the building.

We are requesting a B-1 zone change in order to allow Kentucky Native Café to operate a bakery in the building. Due to limited kitchen space on the Maxwell Street property, additional space is needed in the subject property. It is anticipated that the bakery will occupy approximately 4,500 square feet of the 18,293 square foot building.

The bakery will consist of a retail portion which will have products available for retail sales to the public, and it will also supply bakery products to the adjacent Kentucky Native Café.

Thus, our proposed use will complement and enhance the adjacent Kentucky Native Café and will enhance the surrounding area, providing retail bakery products.

DESCRIPTION OF PROJECT

There will be no exterior changes to the existing two-story brick building on this property. Also, there will be little change to the existing parking. The property is located within the Aylesford Historic District and has the H-1 designation. The building is a solid masonry structure that was designed and built for Watkins Engineering in 1958. Watkins Engineering was a major firm at the time and did engineering work for Interstate 75. Its exterior has a mid-century modern aesthetic with original, unpainted brickwork and stone and a regimented pattern of windows and light fixtures down the side walls of the building. Its interior contains many original features, such as the original terrazzo stairs with cast aluminum bannisters and built-in metal ashtrays in the restrooms. As mentioned, the exterior of this building will not be altered as a result of this zone change.

The bakery will be located in the first floor and lower level of the structure. It will be accessible to the Kentucky Native Café through the existing pedestrian gate located at the rear of the property. In addition, people will be able to come to the bakery to directly purchase bread and pastry items.

ENGAGEMENT

The Aylesford Park Neighborhood Association considered this proposal at its regular meeting in January, 2023. The Association expressed no objections to this proposal.

GOALS AND OBJECTIVES OF THE 2018 COMPREHENSIVE PLAN

This zone change request is in agreement with the Goals and Objectives of the 2018 Comprehensive Plan. This proposal will support and enhance a neighborhood business and focal point, Kentucky Native Café, and will supply bakery and pastry products to neighborhood residents. It will help grow a successful neighborhood, as called for in Theme A. Although this proposal will not result in an additional building, it will support Goal A.2., relating to infill and redevelopment, by allowing a new business which will serve the neighborhood. As no exterior changes will be made to the building, it will respect the context and design features of the surrounding area (Objective A.2.b.). By supporting the Kentucky Native Café and providing a new retail bakery, our proposal will support Goal 3, to provide well-designed neighborhoods and communities and Objectives A.3.a. and A.3.b., which call for preservation of neighborhood character, and safe and positive social interactions within neighborhoods. We will continue to provide the pedestrian connection to the adjoining Michler Florist property (as called for in Object A.3.b.). It will provide community facilities at a neighborhood scale as called for in Goal A.4.

By supporting the urban oasis at the Kentucky Native Café, it will assist in promoting tourism and providing entertainment and other quality of life opportunities that attract young and culturally diverse professionals in a workforce of all ages and talents to Lexington (Goal C.1. and Objectives C.1.d. and C.2.d.).

By providing additional retail opportunities in an existing building in an established neighborhood on a major thoroughfare, it will support Goal D.2. which is to focus on people-first to provide accessible community facilities and services to meet the health, safety and quality of life needs of Lexington's residents and visitors. It will also incentivize the maintenance of historic commercial structures as called for in Objectives D.3.b. and D.3.c. It will also assist in maintaining the current boundaries of the Urban Service Area as called for in Goal E.3.

This zone change proposal is also in agreement with many of the Pillars and Policies of the Comprehensive Plan. By preserving the existing structure, this proposal will be sensitive to surrounding development (Design Policy 4, Page 32). It will add to the neighborhood focal point, the Kentucky Native Café, called for in Design Policy 10 (Page 36). It provides additional neighborhood supportive uses, as called for in Density Policy 3 (Page 43). It is located along a higher capacity roadway, as called for in Density Policy 4 (Page 43). It adds to the neighborhood focal point, as called for in Equity Policy 7 (Page 51). It will increase development along a major corridor which is already served by public transit (Sustainability Policy 3, Page 54). By placing neighborhood retail in an established area, and providing a pedestrian connection to the Maxwell Street property, this proposal reduces vehicle-oriented development patterns, as called for in Sustainability Policy 5 (Page 86). As mentioned above, the proposal assists in attracting and retaining young professionals by providing attractive amenities as called for in Livability Policy 6 (Page 121) and Livability Policy 8 (Page 123). The bakery will provide job opportunities allowing upward mobility to lower income residents as called for in Diversity Policy 2 (Page 127). The property provides shared parking with the adjoining Michler Florist property, as called for in Prosperity Policy 10 (Page 145).

PLACE-TYPE, DEVELOPMENT TYPE AND REQUESTED ZONE

This proposal fits within the Enhanced Neighborhood place-type, and within the Low Density Non-Residential/Mixed-Use (LNR/MU) development type. We are requesting the Neighborhood Business (B-1) zone, which is a recommended zone for this place-type and development-type.

DEVELOPMENT CRITERIA

Here is a discussion of the criteria that were not specifically addressed on the development plan, or which need further discussion:

- **A-DS7-1.** As this is an existing site with few planned alterations, parking will remain as it is currently, to the side of the building.

- **A-DN2-2 and A-DN3-1.** This proposal will allow a pedestrian-accessible commercial opportunity within an existing building in a mixed residential and commercial neighborhood. The scale, massing and design will remain the same.
- **C-DI1-1.** The Neighborhood Business (B-1) zone is the most flexible zone for neighborhood retail and it allows both office and retail use. Additional jobs will be created in the bakery.
- **C-PS10-3.** Over-parking will be avoided because we will continue the parking agreement with Michler Florist and Kentucky Native Café, as well as providing for parking for at least four businesses in the building on the premises.
- **B-PL2-1.** The bakery will be a neighborhood-serving use that does not exist in the immediate area. It will also enhance and support the adjacent Kentucky Native Café.
- **B-PL7-1.** The applicant has consulted with the Aylesford Park Neighborhood Association in January, 2023.
- **E-GR4-1 and E-GR5-1.** This proposal will re-use space in the existing structure. This structure is located within the H-1 Historic District and will be preserved. As mentioned above, the building is 65 years old and is one of the newer buildings in the district, but it presents unique architectural features.
- **E-GR9-4.** As mentioned above, this proposal will intensify this under-utilized building.
- **A-DS1-1, A-DS1-2 and D-SP6-1.** This property is located on an existing Lex Tran route with sidewalks to nearby bus stops.
- **B-PR7-3.** Existing tree canopy will be maintained.

VARIANCE REQUEST

In addition to the zone change application, we are requesting a dimensional variance to reduce the width of the required landscape buffer area from 15 feet to 2.5 feet (at its narrowest point) along the northern (side) property line, adjacent the Planned Neighborhood Residential (R-3) zone, and from 15 feet to 6.5 feet (at its narrowest point) along the portion of the western (rear) property line which is adjacent to the Planned Neighborhood Residential (R-3) zone, and to eliminate the required second row of 6-foot hedge along these two property lines. The applicant will retain existing landscaping on the property. At some places, there is an existing hedge with few trees, and at other points, there are a number existing mature trees without a hedge. At those locations, hedges or trees will be added. The landscaping has served well for many years. However, the width of landscape areas do not meet the 15-foot required width. The landscape ordinance allows the 15-foot width to be reduced to 5-feet, with the addition of a 6-foot-tall fence or wall. Unfortunately, construction of a 6-foot wall or fence would require the removal of much of the existing landscaping. A 15-foot wide landscape area would substantially reduce the existing

parking lot which will be shared by at least four businesses in the building and two businesses on the Maxwell Street property. We are requesting a variance for the following reasons:

1. Granting this variance will not adversely affect the public health, safety or welfare and will not alter the character of the general vicinity and will not cause a hazard or nuisance to the public because the existing landscaping will be maintained and enhanced to complete the hedge where needed and to supply additional trees. The existing configuration of the parking area which has served the property for many years will remain and will be shared by at least six businesses. Although the ordinance allows the width to be reduced to 5-feet with the addition of a 6-foot tall fence or wall, a fence or wall could not be placed in the landscape area without causing removal of many existing trees and hedges.

2. Granting this variance will not allow an unreasonable circumvention of the requirements of the zoning ordinance because the applicant is not requesting any change to the existing building or any substantial change to the parking and vehicular use area. A pedestrian connection is supplied to the adjacent property on Maxwell Street. The configuration of this property has been the same for many years.

3. The special circumstances that apply to this property and which do not generally apply to the land in the general vicinity or in the same zone are that this zone change is for the purpose of allowing additional commercial use inside the existing building. The existing parking area will serve at least six separate businesses, consisting of at least four in the existing building and two neighboring businesses.

4. Strict application of the regulations of the zoning ordinance would deprive the applicant of a reasonable use of its land or create an unnecessary hardship because the choice would have to be made to either substantially reduce the parking area, harming the six businesses, or removing existing landscaping to install a six-foot fence or wall.

5. The circumstances surrounding the requested variance area are not the result of the actions of this applicant taken subsequent to the regulation from which relief is sought. The applicant purchased the property one year ago with its existing configuration. The building and property have been used this way for many years.

CONCLUSION

The purpose of this zone change is to allow a bakery to be located in the existing building. No changes will be made to the building and minimal changes to the remainder of the property. We will supply important support and enhancement to the adjacent Kentucky Native Café and Michler Florist, and we will supply a retail component to serve the neighborhood.

Thank you for your consideration of this zone change and variance request.

Sincerely,



Richard V. Murphy
Attorney for Bread and Roses, LLC

RVM/prb

ENHANCED NEIGHBORHOOD

DEVELOPMENT CRITERIA

ON PLAN

Written

Not applicable

LEXINGTON

LOW DENSITY NON-RESIDENTIAL / MIXED-USE

SITE DESIGN, BUILDING FORM, & LOCATION

- A-DS4-2** New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
- A-DS5-3** Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
- A-DS5-4** Development should provide a pedestrian-oriented and activated ground level.
- A-DS7-1** Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
- A-DS7-2** Any non-residential or multi-family parking not buffered by a building should be screened from the streetscape view and adjacent properties.
- A-DS10-1** Residential units should be within reasonable walking distance to a focal point.
- A-DS11-1** Common public uses that serve as neighborhood focal points, such as parks and schools, should be on single loaded streets.
- A-DS12-1** Medium-high density development should be located nearest to neighborhood-serving commercial areas.
- A-DN2-1** Infill residential should aim to increase density.
- A-DN2-2** Development should minimize significant contrasts in scale, massing and design, particularly along the edges of historic areas and neighborhoods. (D-PL9, E-GR6)
- A-DN3-1** Pedestrian-oriented commercial opportunities should be incorporated within residential neighborhoods.
- A-DN3-2** Development should incorporate residential units in commercial centers with context sensitive design.
- A-EQ7-1** School sites should be appropriately sized.
- B-PR9-1** Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.
- B-SU11-1** Green infrastructure should be implemented in new development. (E-GR3)
- C-DI1-1** Consider flexible zoning options that will allow for a wide range of jobs.
- C-DI5-1** In Opportunity Zones with a clearly defined local context, consider adaptive reuse to enhance the existing context.
- C-LI6-2** ADUs and/or affordable housing options should be incorporated into existing and new single-family residential development. (A-DN5)

C-LI7-1

Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.

C-PS9-2

Modify current office space to include complementary uses.

C-PS10-2

Developments should explore options for shared and flexible parking arrangements for currently underutilized parking lots.

C-PS10-3

Over-parking of new developments should be avoided. (B-SU5)

D-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.

D-PL7-1

Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.

D-PL9-1

Historically significant structures should be preserved.

D-PL10-1

Activate the streetscape by designating public art easements in prominent locations.

D-SP1-1

Elementary and middle schools should be located within residential neighborhoods, and high schools primarily along collector streets (A-EQ7)

D-SP1-2

An open and inviting school campus/locale should utilize frontage on single-loaded streets (also true for other support facilities, like parks, community centers, social services, healthcare).

D-SP3-1

Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington.

D-SP3-2

Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping should be used to improve the visual impact from the roadway and residential areas.

D-SP9-1

Encourage co-housing, shared housing environments, planned communities and accessory dwelling units for flexibility and affordability for senior adults and people with disabilities.

E-GR4-1

Developments should incorporate reuse of viable existing structures.

E-GR5-1

Structures with demonstrated historic significance should be preserved or adapted.

E-GR9-1

Live/work units should be incorporated into residential developments.

E-GR9-2

Low-intensity business uses that will provide neighborhood amenities should be incorporated into existing neighborhoods.

E-GR9-3

Less intense multi-family residence types (duplexes, four-plexes, courtyard apartments, etc.) should be incorporated into primarily single-family areas.

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

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

LOW DENSITY NON-RESIDENTIAL / MIXED-USE

SITE DESIGN, BUILDING FORM, & LOCATION (CONT.)

- E-GR9-4** Development should intensify underutilized properties and develop vacant and underutilized gaps within neighborhoods. (E-GR6)
- E-GR10-2** Developments should provide walkable service and amenity-oriented commercial spaces.
- E-GR10-3** Shared common space in commercial developments should be provided to encourage experiential retail programming.

TRANSPORTATION & PEDESTRIAN CONNECTIVITY

- A-DS1-1** Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes. (A-EQ7)
- A-DS1-2** Direct pedestrian linkages to transit should be provided.
- A-DS4-1** A plan for a connected multimodal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided. (A-DS2, A-DN1, B-SU1, B-SU2, C-L17, E-AC5)
- A-DSS-1** Adequate multimodal infrastructure should be provided to ensure vehicular separation from other modes of transport.
- A-DSS-2** Roadways should provide a vertical edge, such as trees and buildings.
- A-DS10-2** New focal points should be designed with multimodal connections to the neighborhood.
- A-DS13-1** Stub streets should be connected. (D-CO4)
- B-SU4-1** Where greenspace/community centers are not located within walking distance of a new development, applicants should attempt to incorporate those amenities. (A-DS9)
- C-PS10-1** Flexible parking and shared parking arrangements should be utilized.
- D-CO1-1** Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.
- D-CO2-1** Safe facilities for all users and modes of transportation should be provided.
- D-CO2-2** Development should create and/or expand a safe, connected multimodal transportation network that satisfies all users' needs, including those with disabilities.
- D-CO4-1** Dead-end streets and Cul-de-sacs should be discouraged except where connections are not topographically or environmentally feasible.
- D-CO4-2** Roadway capacity should be increased by providing multiple parallel streets, which alleviate traffic and provide multiple route options, in lieu of additional lanes.

- D-CO4-3** Street pattern and design should consider site topography and minimize grading where possible.
- D-CO5-1** Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.
- D-SP1-3** Developments should provide multimodal transportation infrastructure to school sites, including sidewalks, shared-use paths, and roadways that can accommodate the bus and vehicle traffic associated with the site.
- D-SP6-1** Social services and community facilities should be accessible via mass transit, bicycle and pedestrian transportation modes. (A-EQ7)

GREENSPACE & ENVIRONMENTAL HEALTH

- A-DS4-3** Development should work with the existing landscape to the greatest extent possible, preserving key natural features.
- A-EQ7-3** Community open spaces should be easily accessible and clearly delineated from private open spaces.
- B-PR2-1** Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.
- B-PR2-2** Dividing floodplains into privately owned parcels with flood insurance should be avoided.
- B-PR2-3** Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.
- B-PR7-1** Connections to greenways, tree stands, and stream corridors should be provided.
- B-PR7-2** Trees should be incorporated into development plans, prioritize grouping of trees to increase survivability.
- B-PR7-3** Developments should improve the tree canopy.
- B-RE1-1** Developments should incorporate street trees to create a walkable streetscape.
- B-RE2-1** Green infrastructure should be used to connect the greenspace network.
- D-SP2-1** Visible, usable greenspace and other natural components should be incorporated into school sites.
- D-SP2-2** Active and passive recreation opportunities should be provided on school sites.
- E-GR3-1** Physical and visual connections should be provided to existing greenway networks.
- E-GR3-2** New focal points should emphasize geographic features unique to the site.

ENHANCED NEIGHBORHOOD

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

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