

## **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 12<sup>th</sup> 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.