

### 3. BREAD AND ROSES, LLC MAP AMENDMENT REQUEST AND BREAD AND ROSES, LLC PROPERTY DEVELOPMENT PLAN

- a. **PLN-MAR-26-00007: BREAD AND ROSES, LLC (4/23/26)\*** – a petition for a zone map amendment from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone for 0.6049 net (0.6436 gross) acres for property located at 456 East High Street. In addition to the rezoning request, the applicant is requesting variances to 1.) reduce the width of the required landscape buffer area from 15 feet to 4.4 feet along the western (rear) property line and 2.) eliminate the required six-foot fence along the rear property line.

#### 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.

**Note:** The petitioner proposes the rezoning of the subject property to the Neighborhood Business (B-1) zone to allow for the applicant to lease the existing one-story, 20,038 square-foot office structure to a wider range of potential uses. The applicant proposes to retain the site's existing 37-space parking lot configuration and existing pedestrian network with this request.

The Zoning Committee Recommended: **Approval**, with a modified list of conditional zoning restrictions.

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 development will respect the context of the surrounding area by utilizing a structure that has been at this location since 1954 (Theme A, Goal #2.b).
  - b. The proposed development will help the existing neighborhood flourish by introducing new neighborhood scaled and oriented business uses into what was previously a strictly professional office development (Theme A, Goal #3.a).
  - c. The proposed development will encourage positive and safe social interactions by retaining the pedestrian connections to surrounding uses (Theme A, Goal #3.b).
2. The requested Neighborhood Business (B-1) zone is in agreement with the 2045 Comprehensive Plan's Policies, for the following reasons:
  - a. The applicant is not proposing any changes to the exterior of the building and will remain within the character of the area (Design Policy #4).
  - b. The request will repurpose an existing structure for another use (Growth Policy #4).
  - c. This development provides pedestrian-friendly connections to other neighborhood-level commercial uses (Design Policy #5 and #12).
3. The justification and corollary development plan are 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 it promotes modifying the current office space to include low-intensity business uses that will provide neighborhood amenities in an existing mixed-use neighborhood (C-LI7-1, C-PS9-1, E-GR9-2).
  - b. The proposed rezoning meets the Transportation, Connectivity, and Walkability development criteria, as the proposal will utilize the existing pedestrian and vehicular connections that are in place for the existing office building, and the property is in close proximity to existing transit stop (A-DS1-2, A-DS4-1).
  - c. The proposed rezoning meets the criteria for Environmental Sustainability and Resilience as the existing tree canopy will be maintained, and native plants will be used for any new landscaping (B-PR7-1, B-SU11-1).

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\* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

- d. The proposed rezoning is compatible with the Site Design criteria as parking will continue to be oriented to the side and rear of the site. Additionally, over-parking will not occur as no new parking is being proposed (A-DS7-1, C-PS10-2).
  - e. The proposed rezoning meets the Building Form criteria as it is incorporating reuse of a viable existing structure and minimizes significant contrasts in scale, massing, and design (A-DN2-2, E-GR4-1).
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning:
- a. Prohibited Uses:
    - i. Automobile service stations
    - ii. Miniature golf courses
    - iii. Carnivals and Circuses, even on a temporary basis
    - iv. Drive-through facilities
    - v. Pawn shops
    - vi. Gasoline pumps
    - vii. Mining of non-metallic minerals
    - viii. Parking lots and structures, other than as an accessory use
    - ix. Rental of equipment whose retail sale would otherwise be permitted in a B-1 zone
    - x. Minor automobile repair
    - xi. Funeral parlors

These use restrictions are appropriate and necessary for the following reasons:

- 1. Staff finds that these restrictions are appropriate and necessary to protect the character of the Aylesford Park Historic area as well as the character of the High Street corridor.
  - 2. The limitations of these uses also align with the applicant's stated goals of providing a development that is oriented towards the existing neighborhood, rather than the traveling public.
5. This recommendation is made subject to approval and certification of PLN-MJDP-26-00020: BREAD & ROSES 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.

Staff Presentation – Ms. Ryelle Browning oriented the Commission to the zone change request. She stated that the applicant was seeking to rezone the property from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone in order to lease the property to a wider range of users.

She shared a vicinity map with the Commission detailing neighboring zones. She also stated that the applicant hosted a public meeting with the neighborhood to provide information about the requested zone change and variance.

Ms. Browning outlined the revised conditional use restrictions for the Commission. She stated that the zone change and use restrictions comply with the Goals, Objectives, and Policies of the 2045 Comprehensive Plan.

Ms. Browning stated that staff recommends **Approval** of the zone change and offered to answer any questions from the Commission.

- b. **VARIANCE** – The applicant is seeking a reduction of the required property perimeter buffer from 15 feet to 4.4 feet, and to eliminate the required six-foot fencing along the rear property line.

The Zoning Committee recommended: **Approval**.

The Staff recommends **Approval** for the following reasons:

- 1. Approval of the landscape variances should not adversely affect the public health, safety, or welfare, nor should it create a hazard or nuisance to the public. The subject property has operated over 70 years without the required landscaping buffers adjacent to the adjoining residential zoning.

- Furthermore, the proposed fencing would disrupt the existing trees, and the existing vegetation in this area will be sufficient to screen views of the use.
2. With the lack of on-street parking available on E. High Street, the reduction in parking that would result from incorporating a 15-foot wide landscape buffer area would unreasonably restrict the applicant's use of the property.
  3. The circumstances of this variance are not a result of actions taken by the applicant subsequent to the adoption of the Zoning Ordinance.

This recommendation of **Approval** is made subject to the following conditions:

1. Provided the Planning Commission and Urban County Council approve the requested zone change to the B-1 zone, otherwise the requested variances shall be null and void.
2. The development shall be constructed in accordance with the approved Final Development Plan, or as amended by the Planning Commission.
3. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
4. Action of the Planning Commission shall be noted on the Development Plan for the subject property.

Staff Presentation – Ms. Browning oriented the Commission to the reasons for the variance request. She stated that the variance was requesting a reduction of the required property perimeter buffer from 15 feet to 4.4 feet, and to eliminate the required six-foot fencing along the rear property line. She shared images of the site of the requested variance.

She stated that staff recommended approval of the variance and offered to answer any questions from the Commission.

- c. **PLN-MJDP-26-00020: BREAD & ROSES, LLC PROPERTY** (6/1/26)\* – located at 456 E. HIGH STREET, LEXINGTON, KY  
Council District: 3  
Project Contact: Gresham Smith

**Note:** The purpose of this plan is to support the requested zone change from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone.

Requirements Not Met:

1. Denote: All buildings, paving, signs, fences, walls, and retaining walls that are depicted, described, or required on this development plan shall require a separate review and building permit from the Division of Building Inspection prior to construction. (ZO Art. 21(b)(1)) (Building Inspection)
2. Denote: The location of the fire hydrants, fire department or fire service features, if required, shall be approved by the Division of Fire, Water Control Office. (ZO Art. 21-6(b)(4)) (Planning)
3. Reduce or remove shading on existing building for legibility. (ZO Art. 21-6) (Planning)
4. Correct language in Commission Certification. (ZO Art. 21-6(b)) (Planning)
5. Depict internal vehicular and pedestrian connections. (ZO Art. 16-6(a)(3)(b)) (Planning)
6. Depict minimum and Maximum building lines. (ZO Art. 8-16(h)) (Planning)
7. Upload open space exhibit, and include open space requirements in site statistics as a percentage. (ZO Art. 20-3) (Open Space)

Waiver(s) Necessary:

1. Variance for landscape buffer between residential and business zones. (ZO Art 18-3(a)(1))

Design Considerations:

1. Contact SS tap-on-desk. Submit updated capacity assurance, if warranted.

Plan Questions or Concerns:

1. Discuss Placebuilder criteria.

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

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\* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Should the plan be approved, the following requirements should be considered:

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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Open Space planner's approval of open space and vegetative areas.
9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
12. Provided the Planning Commission grants the requested variance for zone-to-zone screening.
13. Correct all noted deficiencies listed as "requirements not met" herein.

Staff Presentation – Mr. Chris Chaney shared the associated development plan with the Commission. He stated that the proposed development plan depicts minimal changes to the property.

He noted that the applicant had submitted a revised development plan, and that staff had proved a revised staff report with the following conditions:

Requirements Not Met:

1. Upload open space exhibit, and include open space requirements in site statistics as a percentage. (ZO Art. 20-3) (Open Space)
2. Denote approval of variance, if granted, prior to certification.
3. Denote conditional zoning restrictions.

Waiver(s) Necessary:

1. Variance for landscape buffer between residential and business zones. (ZO Art 18-3(a)(1))

Design Considerations:

1. Contact SS tap-on-desk. Submit updated capacity assurance, if warranted.

Plan Questions or Concerns:

1. Discuss Placebuilder criteria.

The Staff Recommends: **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.  
101 East Vine St., Suite 700, Lexington, KY 40507 / 859.258.3160 Phone / 859.258.3163 Fax / lexingtonky.gov
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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Open Space planner's approval of open space and vegetative areas.
9. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
12. Provided the Planning Commission grants the requested variance for zone-to-zone screening.

13. Correct all noted deficiencies listed as "requirements not met" herein.

Commission Questions – Ms. Worth stated that she did not understand the use restriction about funeral parlors and sought clarification on the matter.

Mr. Crum clarified that the intent behind staff's position on the conditional restriction was to maintain consistency throughout the property's past three rezonings. He added that the Zoning Committee discussed having that restriction removed, and the Commission could move to finalize that amendment at today's meeting.

Ms. M. Davis brought the staff's attention to a parcel on the development plan, which was noted as owned, but also marked as useable open space.

Mr. Chaney stated that the parcel was previously owned by a neighbor, but is currently owned by the applicant.

Applicant Presentation – Attorney Dick Murphy was present to represent the applicant. He stated that the former owner of the property was the Francis Whitman Trust, and that the closing was held in January to transfer ownership of the tract to John Michler.

He added that the zone change was requested with no specific renter in mind, but to allow for more options when finding an occupying business for the space.

Mr. Murphy sought confirmation that under the revised staff report, Michler's employees would still be able to park on the property as an accessory use.

Mr. Crum clarified that the intent behind the conditional restriction was to prevent paid parking lots from occupying the property, and that Michler's employees would still be able to use the property for parking.

Action – Ms. M. Davis made a motion, seconded by Ms. Worth, and carried 8-0 (Wilson and J. Davis absent, Michler recused), to approve **PLN-MAR-26-00007: BREAD AND ROSES, LLC** based on the findings and conditional zoning restrictions provided by staff.

Action – Ms. M. Davis made a motion, seconded by Ms. Worth, and carried 8-0 (Wilson and J. Davis absent, Michler Recused), to approve **PLN-MJDP-26-00020: BREAD AND ROSES, LLC PROPERTY** subject to the conditions provided by staff.

Action – Ms. M. Davis made a motion, seconded by Mr. Penn, and carried 8-0 (Wilson and J. Davis absent, Michler recused), to approve the associated **variance request** based on the staff report, findings, and conditions provided by staff.

**Note:** Mr. Michler returned to the meeting at 2:51 pm.

**Note:** Mr. Forester left the meeting at 2:53 pm

## **VII. COMMISSION ITEMS**

- A. PFR-26-1: HALEY PIKE SOLAR PROJECT** – A request for a Public Facilities Review for a Solar Energy System installation at the Haley Pike Landfill located at 4172 Hedger Lane.

Staff Presentation – Mr. Crum oriented the Commission to the request for a Public Facilities Review. He explained that PFR's are presented when a government entity, exempt from zoning restrictions, requests to expand a public facility. He stated that this request was to utilize a decommissioned landfill to install ground-mounted solar energy systems. Mr. Crum mentioned that the project would encompass 357 acres.