

Abbreviated public hearings will be held on petitions meeting the following criteria:

- The staff has recommended approval of the zone change petition and related plan(s)
- The petitioner concurs with the staff recommendations
- Petitioner waives oral presentation, but may submit written evidence for the record
- There are no objections to the petition

B. FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS - Following abbreviated hearings, the remaining petitions will be considered.

The procedure for these hearings is as follows:

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) Proponents (10 minute maximum OR 3 minutes each)
 - (b) Objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
 - (a) Petitioner's comments (5 minute maximum)
 - (b) Citizen objectors (5 minute maximum)
 - (c) Staff comments (5 minute maximum)
- Hearing closed and Commission votes on zone change petition and related plan(s).

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

1. FOX SOUTH, LLC MAP AMENDMENT REQUEST AND ROSEMILL SUBDIVISION UNIT NO. 2 (PAIVA PROPERTY) DEVELOPMENT PLAN

- a. **PLN-MAR-26-00011: FOX SOUTH, LLC** (5/28/26)* – a petition for a zone map amendment from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone for 0.684 net (1.090 gross) acres for property located at 500 Southland Drive.

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 use the existing one-story, 2,463 square-foot office structure for a neighborhood business. The applicant proposes to retain the site's the existing 11-space parking lot configuration and existing pedestrian network with this request.

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 development will fit the existing neighborhood character and intensity by retaining the existing structure and converting it to low-intensity commercial uses (Theme A, Goal #2.b).
 - b. The proposed development will introduce new neighborhood scaled and oriented business uses into what was previously a strictly professional office development through infill and adaptive reuse (Theme A, Goal #2.a).
 - c. The proposed development will support local prosperity by providing a flexible space for small business development (Theme C, Goal #2.b).

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- d. The proposed development will encourage neighborhood-serving businesses and community focal points by providing a gathering space to serve the community (Theme A, Goal #3.d).
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 use 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 applicant intends to maintain any existing tree canopy, including street trees, as recommended by the urban forester while also proposing new trees (B-PR7-1, B-RE1-1, D-SP10-1).
 - d. The proposed rezoning is compatible with the Site Design criteria as over-parking will not occur as no new parking is being proposed. Additionally, the proposed rezoning enhances a well-connected and activated public realm by providing a destination that is accessible to the existing Southland Drive sidewalk network in a previously less active section of the corridor (C-LI8-1, 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. This recommendation is made subject to approval and certification of PLN-MJDP-26-00033: Rosemill Subdivision Unit No 2 (Paiva 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. VARIANCE –

1. Variance to reduce the vehicular use area perimeter buffer from 8' to 0'. (ZO Art. 18-3(a)(2))
2. Variance to reduce the interior landscaping for vehicular use area from 10% to 3.2%. (ZO Art. 18-3(b)(1))
3. Variance to reduce the interior vehicular use area tree canopy from 30% to 7%. (ZO Art. 18-3(b)(2))

The Zoning Committee Recommended: **Approval.**

The Staff Recommends: **Approval** of the variances for the following reasons:

1. Approval of the amended 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 60 years without the required vehicular use area (VUA) perimeter buffer and landscaping. The applicant is proposing to install a curb between the VUA and the sidewalk as well as a hedge and tree at the southeast corner of the VUA which will improve pedestrian safety.
2. With the lack of on-street parking available on Southland Drive and Mitchell Avenue, the reduction in parking that would result from incorporating an eight-foot wide VUA perimeter buffer as well as additional interior VUA landscaping and tree canopy would unreasonably restrict the applicant's use of the property.

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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.

- c. **PLN-MJDP-26-00033: ROSEMILL SUBDIVISION, UNIT 2 (PAIVA PROPERTY)** (7/5/26)* – located at 500 SOUTHLAND DRIVE, LEXINGTON, KY
Council District: 10
Project Contact: Barrett Partners Inc.

Note: The purpose of this plan is to depict the existing building for a commercial use, in support of the requested zone change from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone.

Requirements Not Met:

1. Denote approval of all waivers and variances. (Planning)
2. Depict all existing and proposed easements. (ZO Art. 21-6(a)(10)) (Engineering)
3. Depict an accessible route to the vegetated/useable open space area in the back/side of the coffee shop in the open space exhibit. (Open Space)

Waiver(s)/Variance(s) Necessary:

1. Variance to reduce the vehicular use area perimeter buffer from 8' to 0'. (ZO Art. 18-3(a)(2))
2. Variance to reduce the interior landscaping for vehicular use area from 10% to 3.2%. (ZO Art. 18-3(b)(1))
3. Variance to reduce the interior vehicular use area tree canopy from 30% to 7%. (ZO Art. 18-3(b)(2))

Design Considerations:

1. Address sanitary sewer capacity. (ZO Art. 5-2(h)) (Engineering)

Plan Questions or Concerns:

1. Discuss Placebuilder criteria.

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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Open Space Planner's approval of open space areas.
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. United States Postal Service Office's approval of kiosk locations or easement.
13. Correct all noted deficiencies listed as "requirements not met" herein.

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Staff Presentation - Ms. Browning oriented the Commission to the zone change request. She displayed vicinity maps and described the area's surrounding zoning. She also displayed some street view photographs of the existing site and building that would be used as a coffee shop and record store if the zone change request was approved. She described the reasons why staff was recommending approval of the zone change at this time.

Ms. Gallt presented the associated development plan. She described the minimal site changes that were proposed. She also listed the requirements and conditions of the staff report.

Commission Question - Ms. M. Davis asked about the curb that had been added to the parking lot to protect pedestrians from vehicles that were parking on the site. She was concerned that they could be a trip hazard, and asked if there were any alternatives. Ms. Wade replied that the staff had recommended the addition of landscaping.

Staff Presentation Continued - Ms. Browning described the amended variances that had been requested by the applicant. She told the Commission that the applicant revised the development plan to remove some required variances and reduce others, thus more fully complying with the Zoning Ordinance. Ms. Browning explained the reasons why staff was recommending approval at this time.

1. Approval of the amended 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 60 years without the required vehicular use area (VUA) perimeter buffer and landscaping. The applicant is proposing to install a curb between the VUA and the sidewalk as well as a hedge and tree at the southeast corner of the VUA which will improve pedestrian safety.
2. With the lack of on-street parking available on Southland Drive and Mitchell Avenue, the reduction in parking that would result from incorporating an eight-foot wide VUA perimeter buffer as well as additional interior VUA landscaping and tree canopy 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.

Applicant Representation - Tony Barrett, Barrett Partners, Inc., was present to represent the applicant. He stated that the owner wanted to maintain the current building. He defended the use of a curb for pedestrian safety, stating that it was very similar to having wheel stops present. He asked for approval, and agreed with the recommendations of staff.

Actions - Mr. Wilson made a motion, seconded by Mr. Penn, and carried 9-0 (Worth and Owens absent), to approve PLN-MAR-26-00011: FOX SOUTH, LLC based on the recommendation of the staff.

Mr. Wilson made a motion, seconded by Mr. Penn, and carried 9-0 (Worth and Owens absent), to approve PLN-MJDP-26-00033: ROSEMILL SUBDIVISION, UNIT 2 (PAIVA PROPERTY) for the reasons provided by staff, with the 13 listed conditions.

Mr. Wilson made a motion, seconded by Mr. Penn, and carried 9-0 (Worth and Owens absent), to approve the following amended variances for the reasons provided by staff, with the four listed conditions.

1. Variance to reduce the vehicular use area perimeter buffer from 8' to 0'. (ZO Art. 18-3(a)(2))
2. Variance to reduce the interior landscaping for vehicular use area from 10% to 3.2%. (ZO Art. 18-3(b)(1))
3. Variance to reduce the interior vehicular use area tree canopy from 30% to 7%. (ZO Art. 18-3(b)(2))

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