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Mr. Larry Forester, Chairman  
Members of the LFUCG Planning Commission  
200 E Main Street  
Lexington, KY 40507

October 2, 2023

RE: Proposed Zone Change for 760 and 762 Florence Avenue

Dear Mr. Chairman and Members:

Our firm represents the Applicant, Black Soil: Our Better Nature, LLC (“Black Soil Kentucky”) in this matter before the Commission in which our client seeks a zone map amendment and approval of a final development plan for two lots known and designated as 760 and 762 Florence Avenue. The lots currently contain a vacant structure on 760, previously used as a grocery store, which encroaches approximately two feet onto 762. The property is situated in a residential neighborhood west of Georgetown Street and in between Price Road and Douglas Street.

Black Soil Kentucky is requesting a zone change from the current R-2 (Two Family Residential) to B-1 (Neighborhood Business). The proposed development plan calls for no new construction but does propose landscaping and multi modal improvements to the property.

#### Description of Project:

The two-lot site is comprised of .15 net acres along Florence Avenue situated in the Galbraith Subdivision Area of Lexington. It runs parallel with Georgetown Street and is situated northeast of the Cove Haven Cemetery. The zone change is requested to allow the remodeling and operation of a neighborhood grocery store/farmer’s market.

#### Goals and Objectives of the 2045 Comprehensive Plan:

The proposed zone change to B-1 agrees with the Goals and Objectives of the 2018 Comprehensive Plan. This application overwhelmingly meets the criteria of the Themes and Goals as follows:

- Theme A Goal 2(a) Identify areas of opportunity for infill, redevelopment, adaptive reuse, and mixed-use development.

This property is currently zoned for two-family residential and is comprised of .15 net acres. This project takes this land and repurposes it from residential to provide a much-needed resource for quality food in the neighborhood.

- Theme A Goal 3(b) Strive for positive and safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians & various modes of transportation.

The proposal creates a neighborhood grocery store/farmer's market for a meeting and gathering place for the community. It promotes pedestrian access and bike transportation and is located near Lex Tran stops in either direction.

- Theme B Goal 2(d) Prioritize multi-modal options to de-emphasize single occupancy vehicle dependence.

This proposal incorporates bicycle rack spaces as well as connection with Lex Tran to de-emphasize dependency on single occupancy vehicle use for travel. Further, it facilitates a walkable resource deemphasizing the need for vehicular transportation.

- Theme D Goal 1(a) Support the Complete Streets concept, prioritizing a pedestrian first design that also accommodates the needs of bicycle, mass transit, and other vehicles.

Situated along Florence Avenue, this proposed project will also incorporate and provide a priority connection with bikers and walkers from the Georgetown Street neighborhood area. It is within walking distance and biking distance to the heart of downtown.

- Theme E Goal 1(e) Maximize development on vacant land and unimproved lots within the Urban Service Boundary and promote redevelopment of underutilized land in a manner that enhances existing urban form and/or historic features.

This project takes and repurposes, through adaptive reuse, vacant land while maintaining the current land boundary.

The Policies of the 2018 Comprehensive Plan

This project successfully addresses the policies of the 2018 Comprehensive Plan.

With respect to Theme A, Growing Successful Neighborhoods, this project adopts and incorporates the 2018 Comprehensive Plan as follows:

Policy 1: Utilize a people first design, ensuring that roadways are moving people efficiently and providing pedestrian infrastructure that is context sensitive to the vehicle environment and land uses.

By incorporating a pedestrian friendly sidewalk into the design, we are facilitating connectivity between the streetscape, community garden and the grocery store.

Policy 10 Provide neighborhood focal points accessible to all residents.

The grocery store/farmer's market will serve as a gathering place for all residents and a focal point for the community.

Policy 12 Support Neighborhood level commercial levels

The grocery store/farmer's market will provide a source of activity within the context of the neighborhood.

Engagement:

Applicant and property owner met with President of Georgetown Street Neighborhood Association along with interested community members to discuss project and map out site plan. Additional meetings are planned.

**Place Type/Development Type/Requested Zone Change:**

The proposed development fits within the Enhanced Neighborhood category and the LNRMU (Low Density Non-Residential Mixed Use) under the Placebuilder criteria of the Comprehensive Plan. Enhanced Neighborhood is the most appropriate type, because at its core, the project involves adding a much-needed amenity to an existing neighborhood and provides for pedestrian access and biking. The applicant is seeking a zone change to B-1 which is a recommended zone for this place type.

Development Criteria: Enhanced Neighborhood/Low Density Non-Residential Mixed Use

The following are some of the criteria which are either not included on the development plan or warrant further discussion:

Site Design Building Form & Location:

A-DS7-1 Parking should be oriented to the interior or rear of property for non-residential or multi-family development.

This project will utilize on-street parking oriented toward the streetscape fronting the building. The project is designed to have no off-street parking and to emphasize multi-modal access through existing transit, biking, and walking.

A-DS10-1 Residential units should be within reasonable walking distance to a focal point.

The project will be centrally located within the residential neighborhood and will itself become a focal point of the community by design for positive interaction.

A-DN2-2 Development should minimize significant contrasts in scale, massing and design, particularly along the edges of historic areas and neighborhoods.

The height and mass of the proposed structure fits well within the existing neighborhood. No changes to size are proposed. It is already an existing part of the fabric of the neighborhood and only changes to the interior of building and exterior landscaping are proposed.

B-PR9-1 Minimize disturbances to environmentally sensitive areas by utilizing the existing topography to the greatest extent possible.

The project does not provide for any new paving of land. Farmer's market stands, and equipment will be incorporated into the existing landscape.

C-LI7-1 Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping and entertainment.

The project will provide access to a much-needed community grocery store/farmer's market in a safe environment.

C-PS10-3 Over Parking of new developments should be avoided.

There will be no off-street parking created with this development. Pedestrian, and other forms of multi-modal transportation will be emphasized.

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 project provides a service that is not readily available to the neighborhood. The nearest food store in either direction is many miles away. Not accessible by walking or biking.

D-PL7-1 Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting application.

Applicant and property owner met with President of Georgetown Street Neighborhood Association along with interested community members to discuss project and map out site plan. Additional meetings are planned.

E-GR4-1 Developments should incorporate the reuse of viable existing structures.

The site for the grocery store/farmer's market uses the existing structure.

E-GR9-2 Low intensity business uses that will provide neighborhood amenities should be incorporated into existing neighborhoods.

The grocery store/farmer's market is a low intensity business that will be part of the neighborhood.

A-DS1-1 Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes.

The project site is centrally located within Lex Tran connection at either end of Florence Avenue with easy access to or from the grocery store/farmer's market.

A-DS4-1 A plan for connected multimodal network to adjacent neighborhoods, greenspaces, developments, and complementary uses should be provided.

The project proposes a pedestrian sidewalk connection to and from the grocery store/farmer's market with the community garden.

A-DS10-2 New focal points should be designed with multimodal connections to the neighborhoods.

The project has access with inbound and outbound Lex Tran connections as well as pedestrian and biking connectivity.

VARIANCE:

In addition to the rezoning request, the applicant requests approval of a variance to the reduce the property perimeter landscape buffer for a business for a business zone adjacent to a residential zone from 15 feet to 0 feet along the southern property line concurrent with the building. The reason for this is due to the existing structure is too close to the property boundary and the neighboring property driveway encroaches on to applicant's property. Adhering to the 15-foot landscape buffer requirement would impose a hardship on both the applicant and the neighboring property. The applicant proposes to place a tree buffer within a proposed 5' buffer zone, along with a 6-foot-tall solid fence, in the rear of the property immediately behind the building.

Respectfully submitted,



Christopher M. Clendenen

CMC/prb