

2. BREAD AND ROSES, LLC ZONING MAP AMENDMENT & BREAD AND ROSES DEVELOPMENT) ZONING DEVELOPMENT PLAN

- a. **PLN-MAR-23-00003: BREAD AND ROSES, LLC** – a petition for a zone map amendment from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone, for 1.23 net (1.37 gross) acres, for property located at 446 E High Street. Variances are also requested.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2018 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 petitioner proposes the rezoning of the subject property to the Neighborhood Business (B-1) zone to allow for the applicant to utilize a 4,500 square-foot portion of the existing two story, 18,000 square-foot office structure for a bakery use. This bakery use is intended to supply baked goods to supplement the operations of the Kentucky Native Cafe on the adjoining property at 417 E Maxwell Street, as well as accommodating on-site sales.

The applicant proposes to retain the site's the existing 69-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 2018 Comprehensive Plan's Goals, Objectives and Policies, 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 1958 (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).
 - d. The proposed development will help attract young and culturally diverse professionals by enabling an expansion of the offerings at the adjoining Kentucky Native Cafe (Theme C, Goal #2.a).
2. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
 - a. The proposed rezoning meets the criteria for Site Design, Building Form and Location as it utilizes the site's existing office structure, which will retain the scale and character of the current development. The request emphasizes the existing structure as a focal point of the site by locating parking to the side and rear of the site. The request allows for greater employment opportunities at this location, and provides a neighborhood-oriented use to serve the surrounding area.
 - b. The proposed rezoning meets the Transportation and Pedestrian Connectivity development criteria, as the proposal will utilize the existing pedestrian and vehicular connections that are in place for the existing office building, and is in close proximity to an existing transit stop.
 - c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as it will increase tree canopy coverage through additional vehicular use area and property perimeter screening.
3. **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. Tattoo parlors
 - iii. Miniatures golf courses
 - iv. Carnivals and Circuses, even on a temporary basis

- v. Drive-through facilities
- vi. Indoor theaters
- vii. Pawn shops
- viii. Gasoline pumps
- ix. Mining of non-metallic minerals
- x. Funeral parlors
- xi. Parking lots and structures, other than as an accessory use
- xii. Rental of equipment whose retail sale would otherwise be permitted in a B-1 zone
- xiii. Minor automobile repair

b. **PLN-MJDP-23-00013: BREAD & ROSES DEVELOPMENT** (4/30/2023)* - located at 446 E. HIGH STREET, LEXINGTON, KY

Council District: 3
Project Contact: Gresham Smith
Planning Contact: T. Martin

Note: The purpose of this plan is to depict the existing development and to request additional uses, in support of the requested zone change from Professional Office (P-1) zone to 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. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
11. United States Postal Service Office's approval of kiosk locations or easement.
12. Combine site statistics into one box on plan face.
13. Separate tree protection plan statistics/information from site statistics.
14. Delete zoning ordinance requirements from site data.
15. Depict 10'-20' build to setback per the B-1 zone requirements.
16. Provided the Planning Commission grants the requested variances.
17. Delete parking floor area information.
18. Discuss Placebuilder criteria.

Commission Comment – Mr. Michler recused himself from this application, as he indicated he has a financial interest in the site.

Staff Presentation – Mr. Daniel Crum presented the staff report and recommendations 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 Professional Office (P-1) zone to a Neighborhood Business (B-1) zone, for 1.23 net (1.37 gross) acres, for property located at 446 E High Street. Mr. Crum indicated that the applicant is proposing to establish a bakery use within an existing office structure. Additionally, Mr. Crum indicated the applicant has indicated that site is located within an Enhanced Neighborhood Place-Type and a Low Density Non-Residential/ Mixed Use Development Type. Mr. Crum stated that the Staff was in agreement with those two selections. Mr. Crum highlighted the existing neighborhood business use adjacent to the property and indicated that this location would provide baked goods for the Kentucky Native Café.

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

Mr. Crum noted that the applicant was keeping in line with the Goals and Objectives of the Comprehensive Plan by keeping the existing context of the building and expanding services that are already there. Additionally, the existing pedestrian sidewalks, as well as the parking lot will remain the same.

Mr. Crum concluded his presentation stating that Staff is recommending approval, including conditional zoning restrictions. Mr. Crum indicated there were 13 prohibited uses that were recommended by Staff, and of those 13, the Zoning Committee recommended the removal of three: Tattoo parlors, indoor theaters, and funeral parlors.

Staff Development Plan Presentation – Mr. Tom Martin oriented the Planning Commission to the location and characteristics of the subject property. Mr. Martin indicated that the applicant is not making any changes and this final development plan displays as much.

Mr. Martin indicated that Staff and the Subdivision Committee recommended approval and could answer any questions from the Planning Commission.

Staff Variance Presentation – Mr. Crum oriented the Planning Commission to the applicant's variance request. Mr. Crum indicated that the applicant is seeking to reduce the required landscape buffer from 15 feet to 2.5 feet along the northern property line, and from 15 feet to 6.5 feet at the western property line. Additionally, the applicant is seeking to eliminate the required 2nd row of six-foot tall hedges on both property lines.

Mr. Crum stated that this request went before the Landscape Review Committee. Although the Landscape Review Committee did not have a quorum, the members present indicated their support for the variance noting that installing a fence or hedge would require the removal of existing trees. The Committee did state that they would like to see more interior landscape provided to mitigate the effect of the variance.

Mr. Crum concluded his presentation by stating that Staff is recommending approval, with the condition of providing interior landscape.

Commission Questions – Ms. Worth asked if the neighborhood had been consulted and Mr. Crum indicated that northern property line neighbor was in support of the variance and the western property neighbor did not have any reservations.

Applicant Presentation – Dick Murphy, attorney for the applicant, gave a brief history of the area, Bread and Roses, LLC, and the Kentucky Native Café. Mr. Murphy reiterated what Mr. Crum stated, that the only thing being added right now is the bakery and that the bakery will take up about one-quarter of the building. The bakery will serve the Kentucky Native Café and will have a retail component as well.

Mr. Murphy passed out a letter of support from the neighbors, and highlighted the variance areas. He noted that the areas will be supplemented with trees and a hedge. Additionally, Mr. Murphy indicated that there would be additional trees added along High Street in compliance with a local ordinance.

Mr. Murphy also discussed the conditional zoning restrictions and stated that the Zoning Committee recommended the removal of tattoo parlors, indoor theaters, and funeral parlors, and the applicant would request their removal as well. When the applicant first bought the property, one of the first potential tenants was a community theater group and they would like that use, as well as the funeral parlor to be available because it is a community use. Additionally, Mr. Murphy said that tattoo parlors and tattoos are a generational thing and is a low intensity use and would be appropriate in the neighborhood.

Mr. Murphy ended his presentation asking for the removal of those conditions and the approval of this zone change.

Citizen Comment – Art Thomas, 453 E High Street, concerned about the possibility of a funeral home, tattoo parlor, and a theater at this location and wants the applicant to maximize the greenspace.

Alexander Shore, 403 E High Street, in favor of the bakery, but is concerned with the traffic that would come from a funeral parlor.

Applicant Rebuttal – Mr. Murphy addressed the concerns of some of the citizens and said that the applicant is thinking about uses that could be beneficial and appropriate 20 years down the line. Mr. Murphy once again asked for approval and the removal of the three uses from the list of prohibited uses for the site.

Staff Rebuttal – Mr. Crum in response to a statement from the public, explained how variances work and stated that they are dimensional and you cannot vary a specific use.

Action – A motion was made by Mr. Nicol and seconded by Mr. Pohl and carried 7-0 (Davis, de Movellan and Penn absent), (Michler recused) to approve PLN-MAR-23-00003: BREAD AND ROSES, LLC for reasons provided by Staff with the removal of the three conditional zoning restrictions of tattoo parlors, funeral parlors, and indoor theaters.

Action – A motion was made by Mr. Nicol and seconded by Mr. Pohl and carried 7-0 (Davis, de Movellan and Penn absent), (Michler recused) to approve PLN-MJDP-23-00013: BREAD & ROSES DEVELOPMENT with the revised Staff conditions.

Action – A motion was made by Mr. Nicol and seconded by Mr. Bell and carried 7-0 (Davis, de Movellan and Penn absent), (Michler recused) to approve the dimensional variance for reasons provided by Staff.