

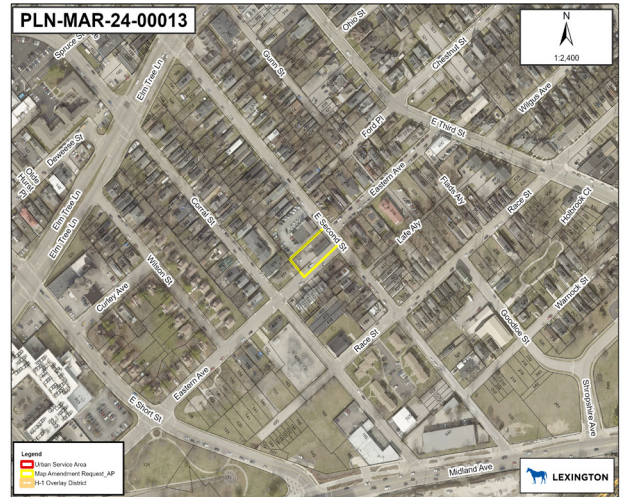
STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-24-00013: SHADELAND INVESTMENTS, LLC

DESCRIPTION OF ZONE CHANGE

Zone	From a Planned Neighborhood Residential (R-3)
Change:	zone
	To a Neighborhood Business (B-1) zone
Acreage:	0.16 net (0.28 gross) acres
Location:	185 Eastern Avenue

EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	R-3	Office
To North	R-3	Residential
To East	R-3	Residential
To South	R-3	Residential
To West	R-3	Nonprofit office



URBAN SERVICE REPORT

Roads - The subject property is located at the intersection of E Second Street and Eastern Avenue. Both E. Second Street and Eastern Avenue are two lane local roadways in the vicinity.

Curb/Gutter/Sidewalks - Curb, gutter and sidewalks exist along both E. Second Street and Eastern Avenue.

Storm Sewers - The subject property is located within the Town Branch watershed. No known flooding problems exist within the immediate vicinity of the subject site.

Sanitary Sewers - The subject property is located within the Town Branch sewershed. The property is served by the Town Branch Waste Water Treatment Facility, located on Lisle Industrial Avenue, inside New Circle Road, and west of Leestown Road. The petitioner will need to secure a signoff from the Capacity Assurance Program for the site at the time of the final development plan.

Refuse - The Urban County Government serves this area with refuse collection on Tuesdays. Supplemental service may be required to serve the needs of the proposed development. This can be accomplished by contracting with private refuse collectors, if desired.

Police - The Police Headquarters, located on E. Main Street, is located less than 1/2 mile to the west of the site. The property is located within the Central Sector and is served by the Central Sector Roll Call Center located approximately 1.5 miles to the east of the property.

Fire/Ambulance - The closest station is Fire Station #1 and Headquarters, located on E. Third Street, between Elm Tree Lane and N. Martin Luther King Boulevard, located approximately 1/4 mile northwest of the subject property.

Utilities - All utilities, including natural gas, electric, water, phone, cable television, and Internet are available in the area, and are able to be extended to serve the proposed development.

Transit - This area is served by Lextran Route #10 with service present on Midland Avenue approximately 0.15 miles south of the subject property.

Parks - The subject property is a walkable distance to multiple downtown parks. Northeastern Park is located approximately 350 feet south, on Eastern Avenue. Thoroughbred Park is located 0.15 miles to the south, also along Eastern Avenue. Charles Young Park is located 0.16 miles to the east, along Shropshire Avenue.

SUMMARY OF REQUEST

The applicant is seeking a zone change from the Planned Neighborhood Residential (R-3) zone to the Neighborhood Business (B-1) zone in order to expand an existing nonconforming office use.

PLACE-TYPE

SECOND TIER URBAN The Second-Tier Urban Place-Type is where significant infill and redevelopment opportunities exist to complement the urban core. While not expected to be as intensely developed as the downtown core, high-rise opportunities are not precluded provided that they are context-sensitive. The forward trend for development in the Second Tier Urban areas should be towards increased walkability and intensity.

DEVELOPMENT TYPE

MEDIUM DENSITY NON-RESIDENTIAL / MIXED-USE

Primary Land Use, Building Form, & Design
Primarily community-serving commercial uses, services, places of employment, and/or a mix of uses within mid-rise structures with a higher Floor Area Ratio. Mixed-use structures typically include more multi-family residential units and places of employment, and retail and commercial options generally draw from a larger geographic area. An activated and pedestrian-scale ground level should be provided. These developments may include more employment space for professional office and can include some larger entertainment spaces.

Transit Infrastructure & Connectivity
Though they draw more external users, they should still include multimodal connections allowing for easy neighborhood access. Mass transit infrastructure is to be provided on par with that of other modes, and the higher-density housing types should be located in close proximity.

Parking
The buildings should be oriented to the street, and developments should avoid over-parking, with provided parking located internally.

PROPOSED ZONING



The intent of this zone is to accommodate neighborhood shopping facilities to serve the needs of the surrounding residential area. This zone should be located in areas of the community where services and facilities are/will be adequate to serve the anticipated population. This zone should be oriented to support and enhance a residential neighborhood. This zone should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

PROPOSED USE



The petitioner is proposing the Neighborhood Business (B-1) zone in order to expand an existing office use on the site. The applicant intends to construct a 2,000 square-foot addition to the existing structure that will contain additional office space. Parking for the use will be provided in the existing parking lot, which is accessed from Eastern Avenue.

APPLICANT & COMMUNITY ENGAGEMENT



The applicant conducted a virtual meeting with members of the neighborhood on 8/29/2024. Due to low attendance at the meeting, the applicant has indicated that they will meet with the William Wells Brown Neighborhood Association on 9/19/2024.

PROPERTY & ZONING HISTORY



The subject property has been zoned Planned Neighborhood Residential (R-3) since before the comprehensive rezoning of the City and County in 1969. Despite the existing residential zoning, the subject property has historically been utilized commercially, with a two-story 2,800 square foot structure occupying the site since 1901. Due to the residential zoning, the property has had numerous Board of Adjustment cases to change nonconforming uses. On June 2, 1953, the Board of Adjustment approved a permit for the erection of an addition and operation of a business. There is evidence that a cocktail lounge was operated at this location at least as early as 1975, when a renewal application for retail beer sales was approved by the LFUCG Alcoholic Beverage Administrator, noting that this was a legal nonconforming use at this location. The Board of Adjustment approved a change to another non-conforming use, a florist shop, in 2019, (PLN-BOA-18-00082: ECKMAN PROPERTIES). This florist shop, E. Stephen Hein Florist, operated on the property until earlier in 2023, when the Board of Adjustment granted approval of a change in nonconforming use to the current office use (PLN-BOA-23-00049: SHADELAND INVESTMENTS, LLC). As a nonconforming use, the current office use is allowed to operate, but is not permitted to expand. The applicant is seeking the proposed zone change in order to establish a commercial zone where their office use is permitted by-right, and is able to expand.

The subject property is also located within the study area for the East End Small Area Plan, which was adopted in 2009. This Small Area Plan emphasized protecting the neighborhood's identity, and proposed restoration of important cultural facilities, signage and beautification, improvement of infrastructure, and maintaining affordable housing. The plan's objectives speak to preserving residential character, while also expanding opportunities for creating and maintaining neighborhood serving businesses. In this instance, the subject property has an extensive history of nonconforming commercial use, and does not have residential character. The proposed rezoning would allow for the expansion of neighborhood scale commercial use, at a location that has been operating commercially since before 1953.

COMPREHENSIVE PLAN COMPLIANCE



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.

GOALS, OBJECTIVES, & POLICIES

The applicant opines that they are in agreement with the adopted Goals and Objectives of the 2045 Comprehensive Plan. The applicant indicates that their proposal for a mixed-use development will act as a center piece for the neighborhood (Theme A). The applicant also states that they are protecting the environment through the reduction of vehicular use and parking areas, while creating a more walkable and bikeable site (Theme B). The applicant asserts that their proposal will provide jobs and employment opportunities through revitalizing vacant commercial space (Theme C). Lastly, the applicant states that their proposal will create a sense of place and community through thoughtful uses and zoning (Theme D). Staff also finds that this proposal is an area of opportunity for infill, redevelopment, and mixed-use development (Theme A, Goal #2.a). The proposal's reuse of an existing structure maintains its scale with the surrounding neighborhood (Theme A, Goal #2.b). The site redesign of the parking areas and sidewalks will help promote safe pedestrian connections with the adjacent properties and neighborhoods (Theme A, Goal #3.b). To add, the development of the site into a more substantial mixed-use development with potential for neighborhood-serving businesses can enhance the local community (Theme A, Goal #3.d). Staff agrees that these Goals and Objectives of the 2045 Comprehensive can be met with the proposed request.

Additionally, the applicant has identified several policies listed within the 2045 Comprehensive Plan that are being met with this request. The applicant states that their proposal will repurpose an existing structure to remain as a mixed-use development while keeping with the scale of the surrounding neighborhood (Theme A,



Design Policy #4). The applicant states further that this proposal would ideally act as a neighborhood anchor for community gatherings (Theme A, Design Policy #10). Lastly, the applicant opined that this project seeks to add commercial resources to a walkable neighborhood (Theme A, Density Policy #3). The staff agrees that these Policies of the applicant's proposal can be met by this request, and also that the closing of vehicular access off of East Second Street and redesign of the sidewalks will enhance the walkability and bikability of the subject property (Theme A, Design Policy #7). Furthermore, staff finds that the redevelopment of this site will support neighborhood-level commercial areas (Theme A, Design Policy #12). Staff agrees that these Policies of the 2045 Comprehensive can be met with the proposed development.

PLACE TYPE, DEVELOPMENT TYPE, AND ZONE

In an effort to allow for the greatest contextual development of Lexington's Urban Service Area, applicants are asked to identify a Place-Type based on the location of the subject properties. Within each Place-Type there are recommended Development Types based on the form and function of the proposed development. Based on the Place-Type and Development Type there are also several recommended zones that are most appropriate based on the Goals, Objectives, and Policies of the 2045 Comprehensive Plan. While these zones are the ideal zoning categories to develop within a specified area, other zones may be considered, provided there is an appropriate justification addressing the unique situation and provided the development is able to adequately meet the associated Development Criteria.

The Second Tier Urban Place-Type consists of areas where significant infill and redevelopment opportunities exist to complement the urban core. The subject property is located in an existing residential area, north of Main Street. The staff agrees that the subject property is located within the Second Tier Urban Place-Type and that the proposed two-story commercial use **is in line with the Medium Density Non-Residential/Mixed Use Development Type. The Neighborhood (B-1) zone is recommended within the Second Tier Urban Place Type and the Medium Density Non-Residential / Mixed-Use Development Type.**

DEVELOPMENT CRITERIA

The development criteria for a zone change are the distillation of the adopted Goals and Objectives, as well as the policies put forth in the 2045 Comprehensive Plan. The development criteria for development represent the needs and desires of the Lexington-Fayette Urban County community in hopes of developing a better built environment. The applicable criteria are defined based on the proposed Place-Type and Development Type.

1. Land Use

Staff finds that this request meets the Development Criteria for Land Use. The applicant's proposal creates expands a commercial use in a neighborhood context (C-LI7-1) and provides potential for community-oriented services (E-ST8-2).

2. Transportation and Pedestrian

Staff finds that this request meets the majority of the Development Criteria for Transportation and Pedestrian Connectivity. The proposed development will close off vehicular access from E. Second Street by adding a new structure with a patio creating a more walkable streetscape (A-DS5-2). The proposal will also share the parking area between all uses on the development (C-PS-10-1) and promote foot and bicycle traffic to the site (D-CO2-1).

3. Environmental Sustainability and Resiliency

The proposed rezoning meets the criteria for Environmental Sustainability and Resiliency as the proposal does not impact any environmentally sensitive areas (B-PR2-1), reduces the amount of vehicular use area on-site (B-SU4-1), and will add minimal new lighting to the property, none of which will be not directed upward (B-PR10-1).

4. Site Design

Staff finds that this request meets the requirements for Site Design as the proposal will provide a pedestrian-oriented and activated streetscape through the new addition (A-DS5-4), orienting the parking to the rear of the structure (A-DS7-1), enhance the public realm through the incorporation of a patio (C-LI8-1), and minimal parking is provided on-site encouraging foot and bicycle traffic (C-PS10-2).

5. Building Form

The request meets the criteria for Building Form, as the applicant's proposed addition will be appropriate to the surrounding scale (A-DS4-2); minimizing contrasts in design and scale to the surrounding context (A-DN2-2), while creating a pedestrian-friendly atmosphere (A-DS5-3) and activating the first floor through the addition of a patio area next to the street (D-PL2-1). The request continues the reuse an existing structure that was built in 1890 and will be adapted to fit the needs of the proposed development (E-GR4-1; E-GR5-1).

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 project is in a location that promotes infill, redevelopment, adaptive reuse, and mixed-use developments (Theme A, Goal #2.a).
 - b. The proposed rezoning will allow for a more substantial commercial development with neighborhood-serving business potential (Theme A, Goal 3.d).
 - c. The proposed project will remain in scale with the surrounding context through the reuse and expansion of an existing, non-conforming structure (Theme A, Goal #2.b) while re-designing vehicular use and sidewalk areas to promote safer connectivity (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 proposed rezoning will allow the applicant to construct their posited addition to the existing structure and create development in scale with the surrounding context (Theme A, Design Policy #4).
 - b. The proposal will maintain parking to the rear of the structure and close off the site's E. Second Street vehicular access enhancing it's walkability and bikeability (Theme A, Design Policy #7).
 - c. The proposal intends to create a mixed-use development that will serve as a community anchor for the neighborhood (Theme A, Design Policy #10).
 - d. The proposal seeks to add neighborhood-level commercial opportunities through the addition to the existing structure (Theme A, Design Policy #12).
3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2045 Comprehensive Plan.
 - a. The proposed rezoning meets the recommendations for Land Use, as the proposed development will create a mixed-use structure within a neighborhood context (C-LI7-1), which will aim to provide a community-oriented service (E-ST8-2).
 - b. The proposed rezoning addresses the Transportation and Pedestrian Connectivity Development Criteria, as the proposal will create a more walkable streetscape (A-DS5-2), with limited shared parking (C-PS10-1), and promote foot and bike traffic to the site (D-CO2-1).
 - c. The proposed rezoning meets the criteria for Environmental Sustainability and Resiliency, as it does not impact any environmentally sensitive areas (B-PR2-1), reduces impervious surface through the addition (B-SU4-1), and will not overlight the site (B-PR10-1).
 - d. The request meets the requirements for Site Design, as the proposed development will activate the streetscape creating a pedestrian-oriented site (A-DS5-4) through the addition of a patio enhancing the public realm (C-LI8-1), with parking oriented to the rear of the property (A-DS7-1) and minimal spaces provided (C-PS10-2).
 - e. The request meets the criteria for Building Form, as the proposal maintains appropriate scale to the surrounding neighborhood (A-DS4-2) through the reuse of a viable existing structure (E-GR4-1) while maintaining the massing and design with the new addition (A-DN2-2), which will adapt a structure built in 1890 (E-GR5-1) while creating a pedestrian-oriented atmosphere (A-DS5-3) through the activation of the first floor (D-PL2-1).
4. This recommendation is made subject to approval and certification of PLN-MJDP-24-00061: SHADELAND INVESTMENTS 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.

JMM/DAC/TLW

9/4/2024 Planning Services/Staff Reports/MAR/2024/PLN-MAR-24-00013: SHADELAND INVESTMENTS, LLC