

1. SHADELAND INVESTMENTS, LLC ZONING MAP AMENDMENT AND SHADELAND INVESTMENTS PROPERTY DEVELOPMENT PLAN

- a. **PLN-MAR-24-00013: SHADELAND INVESTMENTS, LLC** – a petition for a zone map amendment from a Planned Neighborhood Residential (R-3) zone to a Neighborhood Business (B-1) zone for 0.16 net (0.28 gross) acres for property located at 185 Eastern Avenue.

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.

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.

The Zoning Committee Recommended: **No Recommendation**, due to lack of quorum.

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 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

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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.

b. PLN-MJDP-24-00061: SHADELAND INVESTMENTS PROPERTY (11/3/24)* - located at 185 EASTERN AVENUE, LEXINGTON, KY.

Council District: 1

Project Contact: EA Partners

Note: The purpose of this plan is to depict an addition of square footage for change of use, in support of the requested zone change from a Planned Neighborhood Residential (R-3) zone to a 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, and floodplain information.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Urban Forester's approval of tree preservation plan.
5. Greenspace planner's approval of the treatment of greenways and greenspace.
6. Addition of dimensions for driveways, walkways, and parking ingress & egress.
7. Addition of tree inventory map.
8. Addition of use in the site statistics.
9. Remove driveway apron on Second Street.
10. Discuss compliance with open space requirements of Article 20 of the Zoning Ordinance.
11. Discuss plan type (final or preliminary).
12. Discuss use of the area to the right of building.
13. Discuss Placebuilder criteria.

Staff Presentation – Mr. James Mills 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 Planned Neighborhood Residential (R-3) zone to a Neighborhood Business (B-1) zone for 0.16 net (0.28 gross) acres for property located at 185 Eastern Avenue. Mr. Mills stated that the applicant is seeking this zone change to address a long standing non-conforming use and construct an addition to the existing structure using the 2nd Tier Urban Place-Type and the Medium Density Non-Residential/ Mixed Use Development Type. Mr. Mills noted the location's proximity to downtown and mentioned that it is a 10–15-minute walk from the Government Center, and noted the residential zoning surrounding the property.

Mr. Mills stated that despite the properties current residential zoning, it has operated as a non-conforming business for decades and has gone before the Board of Adjustment several times since 2009; the most recent time was a year ago. Mr. Mills indicated that the building had been operating as an office use, and the request was to add an addition on the north side that would close off vehicular access to E Second Street, and make it an open space area. Additionally, Mr. Mills stated that there would be a reconfiguration of the parking and that this zone change would make sure this property would not have to go in front of the Board of Adjustment again.

Mr. Mills stated that the applicant had met with the neighborhood association, and they had voiced their support for this application. Mr. Mills indicated that Staff agreed with the applicant's selection of Place-Type and Development Type and that Staff was recommending approval of the application.

Mr. Mills concluded by stating he could answer any questions for the Planning Commission.

Development Plan Presentation – Ms. Cheryl Gallt oriented the Planning Commission to the location and characteristics of the subject property. Ms. Gallt indicated that a lot of the clean-up conditions were removed

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with the revised plan and that there were four conditions remaining. Ms. Gallt concluded by saying that Staff was recommending approval and she could answer any questions for the Planning Commission.

Applicant Presentation – Mr. Jon Woodall, attorney for the applicant, stated that they were in agreement with Staff's recommendations and gave more context on the neighborhood outreach. Mr. Woodall indicated that the neighborhood had asked for the addition of a conditional zoning restriction to prohibit any retail alcohol sales or distribution, which the applicant was in agreement with.

Staff Comment – Ms. Traci Wade stated that adding a conditional zoning restriction would require findings for that new restriction and indicated that the applicant asking for one was a valid reason, as was protection of the nearby residential uses

Action – A motion was made by Mr. Wilson, seconded by Mr. J. Davis and carried 8-0 (Nicol, Penn, and Pohl absent) to approve PLN-MAR-24-00013: SHADELAND INVESTMENTS, LLC INC for reasons provided by Staff, adding one additional condition that no alcohol sales will be allowed, and making a finding that such restriction was necessary in order to protect the nearby neighborhood.

Action – A motion was made by Mr. Wilson, seconded by Mr. J. Davis and carried 8-0 (Nicol, Penn, and Pohl absent) to approve PLN-MJDP-24-00061: SHADELAND INVESTMENTS PROPERTY with the 4 conditions recommended by Staff and denoting the additional restriction on the development plan.