

ORDINANCE NO. 117 - 2024

AN ORDINANCE CHANGING THE ZONE FROM A PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE TO A NEIGHBORHOOD BUSINESS (B-1) ZONE, FOR 0.16 NET (0.28 GROSS) ACRE, FOR PROPERTY LOCATED AT 185 EASTERN AVENUE. (SHADELAND INVESTMENTS, LLC; COUNCIL DISTRICT 1).

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WHEREAS, at a Public Hearing held on September 26, 2024, a petition for a zoning ordinance map amendment for property located at 185 Eastern Avenue from a Planned Neighborhood Residential (R-3) zone to a Neighborhood Business (B-1) zone, for 0.16 net (0.28 gross) acre, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 8-0; and

WHEREAS, the Urban County Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 185 Eastern Avenue from a Planned Neighborhood Residential (R-3) zone to a Neighborhood Business (B-1) zone, for 0.16 net (0.28 gross) acre, being more fully described in Exhibit “A” which is attached hereto and incorporated herein by reference.

Section 2 – That under the provisions of Article 6-7 of the Zoning Ordinance, the following conditional zoning restriction shall apply to the subject property:

- a. No alcohol sales shall be permitted

This restriction is necessary to protect the nearby neighborhood.

Section 3 – That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 4 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

November 14, 2024



MAYOR

ATTEST:



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CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: Nov. 22, 2024- 1t

1050-24:TWJ:4887-3541-9376, v. 1

Rec'd by \_\_\_\_\_

Date: \_\_\_\_\_

**RECOMMENDATION OF THE  
URBAN COUNTY PLANNING COMMISSION  
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY**

**IN RE:** **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. (Council District 1)

Having considered the above matter on **September 26, 2024**, at a Public Hearing, and having voted **8-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter 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. Under the provisions of Article 6-7, the following restriction is recommended via conditional zoning:
  - a. No alcohol sales shall be permitted
 This restriction is necessary to protect the nearby neighborhood.
- 5. 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.

ATTEST: This 11<sup>th</sup> day of October, 2024.

  
 Secretary, Jim Duncan

LARRY FORESTER  
 CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by December 25, 2024

Note: The corollary development plan, PLN-MJDP-24-00061: SHADELAND INVESTMENTS PROPERTY was approved by the Planning Commission on September 26, 2024 and certified on October 10, 2024

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Jon Woodall, applicant's attorney.**

**OBJECTORS**

**OBJECTIONS**

**VOTES WERE AS FOLLOWS:**

- AYES: (8) Barksdale, J. Davis, Z. Davis, Forester, Michler, Owens, Wilson, and Worth
- NAYS: (0)
- ABSENT: (3) Nicol, Penn, & Pohl
- ABSTAINED: (0)
- DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-24-00013** carried.

- Enclosures:
- Application
  - Justification
  - Legal Description
  - Plat
  - Development Snapshot
  - Staff Reports
  - Applicable excerpts of minutes of above meeting

## MAP AMENDMENT REQUEST (MAR) APPLICATION

**1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)**

<b>Applicant:</b> SHADELAND INVESTMENTS LLC, 201 PRICE RD UNIT 106, LEXINGTON, KY 40511
<b>Owner(s):</b> SHADELAND INVESTMENTS LLC 201 PRICE RD UNIT 106 LEXINGTON KY 40511
<b>Attorney:</b> Jon Woodall, 201 East Main Street, Suite 1000, Lexington, KY 40507

**2. ADDRESS OF APPLICANT'S PROPERTY**

185 EASTERN AVE LEXINGTON KY 40508
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**3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY**

Zoning	Existing Use	Zoning	Requested Use	Net Acreage	Gross Acreage

**4. EXISTING CONDITIONS**

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40% of the median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing.	<input type="checkbox"/> YES <input type="checkbox"/> NO

**5. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided)**

Roads:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
Utilities:	<input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable



August 5, 2024

**VIA HAND DELIVERY**

Lexington-Fayette Urban County Planning Commission  
101 East Vine Street, #700  
Lexington, Kentucky 40507

**RE: Justification Letter in Support of Zone Change and Development Plan  
for 185 Eastern Avenue**

Dear Commissioners:

Please accept this justification letter on behalf of my client, Shadeland Investments, LLC (hereinafter the "Applicant"), in regard to their Zone Change Application and Final Development Plan (the "Development Plan"). The Applicant is seeking to rezone property located at 185 and 191 Eastern Avenue, Lexington, Kentucky (the "Property"), from Planned Neighborhood Residential (R-3) to Neighborhood Business (B-1). We submit that this proposal is in accord with Imagine Lexington 2045 Comprehensive Plan (the "Comprehensive Plan") and request your approval of this request.

The Property has traditionally been commercial in nature ranging from a pharmacy, restaurants, bars, a dance hall and a flower shop to the now existing use of office space on the second floor. As far the Applicant is aware, the Property has never been traditionally utilized for a residential use and has primarily been commercial. The first floor is currently used as a co-work office space and there are no tenants utilizing the Property as a residential unit. As such, we believe this zone change will more appropriately fit the current and historic uses for the Property while maintaining its neighborhood character.

As can be seen from the Development Plan, the Applicant, in conjunction with the zone change, is seeking to add to the current structure while maintaining the remaining building as is. Specifically, the Applicant is seeking to add a two-story building to match the existing structure. This will allow for a more mixed-use development with the additional commercial space to be utilized.

While the Applicant has not decided on a specific use for the Property, the Applicant does envision a mixed-use development. Ideally, the Applicant will be able to attract commercial uses for the first floor while maintaining office spaces on the second floor, much like the Property has been utilized since the 1890s.

In sum, we are anxious to present this proposal to the Planning Commission and are even more excited for the opportunity to see this long-standing building revitalized into a neighborhood business and businesses that will benefit the community at large. As will be discussed more in depth below, we believe this Application meets numerous goals and objectives of the Comprehensive Plan and further complies with the relevant standards articulated in Placebuilder.

We submit that this proposal comports with the Comprehensive Plan in the following ways:

*Theme A: Building and Sustaining Successful Neighborhoods*

We submit that this proposal comports with Theme A of the Comprehensive Plan. In reviewing Theme A, it is clear that the Comprehensive Plan seeks to create a sense of place and community through neighborhoods. We believe allowing this Property to flourish as a mixed use development will act as a center piece for this area of Lexington. We further submit that it meets the following policies of Theme A;

*Design Policy #4: Provide Development that is Sensitive to the Surrounding Context.*

Design Policy #4 seeks to encourage “aligning new developments with the existing fabric of neighboring communities and environmental compatibility.” Comprehensive Plan at Pg. 61. By seeking to repurpose this existing structure, the Applicant will be promoting a sense of community while minimizing negative impacts on surrounding properties. If this building were to be demolished or destroyed, it would be replaced with a much larger development which would not fit the context and nature of the neighborhood. As such, this repurposing of the Property will prevent disruption to the neighborhood.

*Design Policy #10: Reinvest in Neighborhoods to Positively Impact Lexingtonians Through the Establishment of Community Anchors.*

This Property could ideally act as a neighborhood anchor. In the past, this Property was utilized as a dance hall when the lyric theatre was the staple of the neighborhood. While a dance hall might be impracticable in today’s age, a community gathering point at a local mixed-use development is the type of reinvestment in Lexington that Design Policy 10 seeks to advance and exactly what the Applicant is seeking to do.

*Density Policy #3: Provide Opportunities to Retrofit Incomplete Suburban Developments with Services and Amenities to Improve Quality of Life and Meet Climate Goals.*

Density Policy #3 seeks to incorporate commercial type uses into neighborhood areas to provide more amenities and resources to the neighborhood while preventing

unnecessary vehicular trips. This development will seek to advance this policy by providing additional commercial resources to a walkable neighborhood.

Theme B: Protecting the Environment

One of the premises behind Protecting the Environment is to seek to reduce vehicular use and create a more walkable friendly city. We submit this project promotes this theme by keeping parking on site to a minimum thereby encouraging bike transportation or walking to get to the site. As such, we believe this project promotes Theme B.

Theme C: Creating Jobs and Prosperity.

Due to the commercial uses proposed on the first floor, this development will provide jobs and employment opportunities. This will benefit the community as the Property currently provides no employment opportunities with the vacancy on the first floor.

*Pillar III Prosperity*

As the Comprehensive Plan acknowledges, “Lexington continues to urbanize and develop, it is becoming more of an infill and redevelopment community.” Pg. 154. This project seeks to promote this aspect of the Comprehensive Plan by revitalizing and redeveloping this older building into a new anchor of the neighborhood.

Theme D: Improving a Desirable Community.

We submit that this proposal comports with Theme D of the Comprehensive Plan. In reviewing Theme D, it is clear that the Comprehensive Plan seeks to create a sense of place and community through neighborhoods while simultaneously looking to improve these neighborhoods through thoughtful uses and zoning.

The Placebuilder.

We have further evaluated our proposal under the design criteria in the Placebuilder. In consultation with Planning Staff, we submit this proposal should be evaluated with reference to the 2<sup>nd</sup> Tier Urban Place Type, Medium Density Non-Residential/Mixed Use. We submit that this classification is appropriate because of the site’s proximity to the urban core while being sensitive of the location within a downtown neighborhood.

Attached hereto is a color-coded reflection of how we addressed the design criteria listed in that Placebuilder category. Items highlighted in green are represented graphically on the submitted development plan; items in yellow are addressed herein below; and items in orange are not applicable to this proposal.



Lexington-Fayette Urban County Planning Commission  
Page 4

Applicable Standards

A-DS12-1: Given the close proximity to the downtown core and closely located commercial uses, this project advances this standard.

D-PL7-1: The surrounding neighbors have been consulted and will continue to be consulted through this development process.

E-GR9-2: This project will provide for low intensity businesses on the first floor which will incorporate seamlessly into the neighborhood.

C-PS10-1: As can be seen on the development plan, the applicant will not be overparking this site and will encourage foot and bicycle traffic.

B-PR10-1: The Applicant will avoid using upward directed lighting and will not over light the area to remain sensitive to surrounding neighbors.

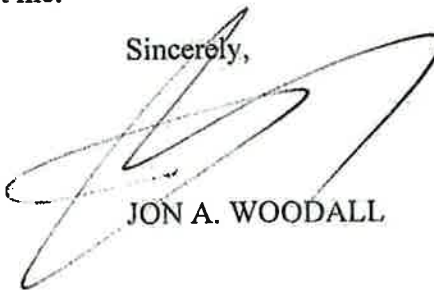
B-RE1-1: With the development, additional trees will be planted adding to the canopy.

E-GR5-1: As is discussed above, this building has been in existence for many years. As such, the Applicant is eager to adapt this building while preserving its historic nature.

Conclusion

In sum, we submit that our proposal is in accord with the 2045 Comprehensive Plan and Placebuilder. We look forward to our continued discussions with staff and the Commission and request your approval of our request. Of course, if I can be of further assistance, please do not hesitate to contact me.

Sincerely,



JON A. WOODALL

JAW/ss

## SHADELAND

### 2ND TIER URBAN

#### 2ND TIER URBAN - MEDIUM DENSITY NON-RESIDENTIAL/MIXED USE

##### LAND USE

- A-DS12-1** Development should be located nearest to neighborhood serving commercial areas.
- A-DN2-1** Infill residential should aim to increase density.
- A-DN3-1** Pedestrian-oriented commercial opportunities and other services should be incorporated within residential neighborhoods.
- A-DN3-2** Development should incorporate residential units in commercial centers.
- C-LI7-1** Developments should create mixed-use neighborhoods with safe access to community facilities, greenspace, employment, businesses, shopping, and entertainment.
- C-PS9-1** Where possible, developments should modify current office space to include complementary uses, with a specific focus on the inclusion of residential.
- C-PS15-2** Improve options for affordable and nutritious food where not currently available.
- D-C03-1** Development should increase density and intensity adjacent to transit.
- D-PL7-1** Stakeholders should be consulted to discuss site opportunities and constraints prior to submitting an application.
- D-PL15-1** Drive through facilities and gas stations should not be within neighborhoods or the urban core.
- E-ST8-2** Development should provide community oriented places and services.
- E-GR9-2** Low-intensity business uses that will provide neighborhood amenities should be incorporated into existing neighborhoods.

##### TRANSPORTATION, CONNECTIVITY, AND WALKABILITY

- A-DS1-1** Mass transit infrastructure such as seating and shelters should be provided/enhanced along transit routes.
- A-DS1-2** Accessible pedestrian linkages to transit should be provided.
- A-DS4-1** A plan for a connected multi-modal network to adjacent neighborhoods, greenspaces, developments and complementary uses should be provided.
- A-DS5-1** Safe multi-modal facilities should be provided to ensure vehicular separation from bicycles, pedestrians and other modes of transport.

#### 2ND TIER URBAN - MEDIUM DENSITY NON-RESIDENTIAL/MIXED USE

- A-DS5-2** Developments should incorporate vertical elements, such as street trees and buildings, to create a walkable streetscape.
- A-DS10-1** New developments should incorporate clear and dedicated connections to nearby community anchors.
- A-DS11-1** Street layouts should provide clear, visible access to neighborhood-focused open space and greenspaces.
- C-PS10-1** Flexible parking and shared parking arrangements should be utilized.
- D-C01-1** Rights-of-way and multimodal facilities should be designed to reflect and promote the desired place-type.
- D-C02-1** Development should create and/or expand a connected multimodal transportation network that satisfies all users' needs.
- D-C02-2** Development should comply with Lexington's Complete Streets Policy.
- D-C05-1** Streets should be designed with shorter block lengths, narrower widths, and traffic calming features.
- D-SP6-1** Social services and community facilities should be accessible via mass transit, bicycle and pedestrian transportation modes.

##### ENVIRONMENTAL SUSTAINABILITY AND RESILIENCY

- B-PR2-1** Impact on environmentally sensitive areas should be minimized within and adjacent to the proposed development site.
- B-PR7-1** Developments should be designed to minimize tree removal and to protect and preserve existing significant trees.
- B-PR9-1** Minimize grading and topsoil disturbance by utilizing the existing topography to the greatest extent possible and preserving key natural features.
- B-PR10-1** Development should avoid overlighting and upward directed lighting.
- B-SU4-1** Development should minimize and/or mitigate impervious surfaces.
- B-SU5-1** Developments should incorporate energy efficient systems and renewable energy resources (i.e. wind, solar, etc.).
- B-SU9-1** Green Stormwater Infrastructure (GSI) should be implemented in new development.
- B-SU11-1** Development should incorporate low impact landscaping and native plant species.
- B-RE1-1** Developments should improve the tree canopy.

# SHADELAND

## 2ND TIER URBAN - MEDIUM DENSITY NON-RESIDENTIAL/MIXED USE

- B-RE2-1** Lexington's green infrastructure network, including parks, trails, greenways, or natural areas should be highly visible and accessible.
- B-RE5-1** Dividing floodplains into privately owned parcels with flood insurance should be avoided.
- B-RE5-2** Floodplains should be incorporated into accessible greenspace, and additional protection should be provided to areas around them.
- D-SP10-1** Prioritize street trees in the planting strip

### SITE DESIGN

- A-DS5-4** Development should provide a pedestrian-oriented and activated streetscapes.
- A-DS7-1** Parking should be oriented to the interior or rear of the property for non-residential or multi-family developments.
- A-DS9-1** Development should provide active and engaging amenities within neighborhood focused open spaces.
- A-DS9-2** Where neighborhood open space or parks are not located within walking distance of a new development, applicants should incorporate these facilities.
- A-EQ9-1** School sites should be appropriately sized.
- A-EQ9-2** Shared open spaces should be easily accessible and clearly delineated from private open spaces.
- E-LI8-1** Development should enhance a well-connected and activated public realm.
- E-PS10-2** Over-parking of new developments should be avoided.
- D-PL4-1** Enhance open space through the provision of programmatic elements and amenities.
- D-PL10-1** Activate the streetscape or publicly visible areas by designating public art easements in prominent locations.
- D-SP3-1** Adequate right-of-way, lease areas and easements for infrastructure, with emphasis on wireless communication networks should be provided to create reliable service throughout Lexington.
- D-SP3-2** Cellular tower antennae should be located to minimize intrusion and negative aesthetic impacts, and stealth towers and landscaping used to improve the visual impact from the roadway and residential areas.

## 2ND TIER URBAN - MEDIUM DENSITY NON-RESIDENTIAL/MIXED USE

### BUILDING FORM

- A-DS3-1** Multi-family residential developments should comply with the Multi-family Design Standards in Appendix A.
- A-DS4-2** New construction should be at an appropriate scale to respect the context of neighboring structures, however, along major corridors, it should set the future context.
- A-DS5-3** Building orientation should maximize connections with the street and create a pedestrian-friendly atmosphere.
- A-DN2-2** Development should minimize significant contrasts in scale, massing and design, particularly along the edges of historic areas and neighborhoods.
- A-EQ6-1** Development should create context sensitive transitions between intense corridor development and existing neighborhoods.
- D-PL2-3** Development should provide active first floor uses whenever adjacent to a street, pedestrian facility, or community focused open space.
- E-GR2-1** Developments should incorporate reuse of viable existing structures.
- E-GR5-1** Structures with demonstrated historic significance should be preserved or adapted.

185 Eastern Avenue  
Shadeland Investments, LLC Property  
Zone Change from R-3 to B-1  
Lexington, Fayette County, Kentucky

A TRACT OR PARCEL OF LAND SITUATED SOUTH OF AND ADJACENT TO EAST SECOND STREET LOCATED AT THE INTERSECTION OF EAST SECOND STREET AND EASTERN AVENUE IN NORTHEAST LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

**BEGINNING AT A POINT** in the southeastern corner of Alano Inc.; thence with the eastern line of Alano Inc. North 48 degrees 56 minutes 25 seconds East, 162.50 feet to a point in the centerline of East Second Street; thence with said centerline South 41 degrees 17 minutes 38 seconds East, 74.67 feet to a point in the centerline intersection of East Second Street and Eastern Avenue; thence with the centerline of Eastern Avenue said right of way South 48 degrees 56 minutes 25 seconds West, 162.50 feet to a point in the extended northern property of Michael Burnam; thence with said northern line of Burnam North 41 degrees 17 minutes 38 seconds West, 74.67 feet to the **POINT OF BEGINNING** and containing 0.28 acres (gross) and 0.16 acres (net).

# SHADELAND INVESTMENTS, LLC (PLN-MAR-24-00013)

185 EASTERN AVENUE

Rezone the property to expand and allow a non-conforming use to be a principal permitted use and to expand the current office use.

## Applicant/ Owner

SHADELAND INVESTMENTS, LLC  
201 PRICE ROAD, UNIT 106  
LEXINGTON, KY 40511  
ATTORNEY: jwoodall@mcbayerfirm.com

## Application Details

### Acresage:

0.16 net (0.28 gross) acres

### Current Zoning:

Planned Neighborhood Residential (R-3) zone

### Proposed Zoning:

Neighborhood Business (B-1) Zone

### Place-type/Development Type

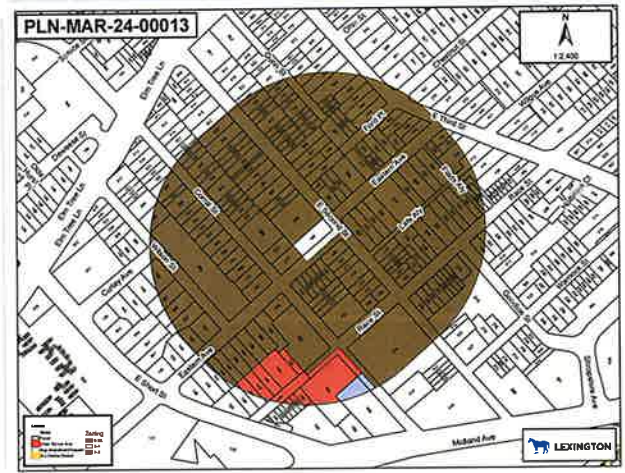
Second-Tier Urban

Medium Density Non-Residential/ Mixed Use

*For more information about the Second Tier Urban Place-type see Imagine Lexington pages 284-295. For more information on the Low Density Non-residential/ Mixed-use Development Type see page 268.*

### Description:

The applicant is seeking to rezone the subject property in order to construct a 2,000 square-foot , two-story addition to an existing office building.



## Status

- Public Engagement
- Pre-Application Meeting
- Application Review
- Planning Staff Review
- Technical Review Committee
- Zoning/Subdivision Committee Meetings
- Planning Commission Hearing
- Urban County Council Meeting

## Public Engagement

- The applicant has a neighborhood engagement meeting scheduled for August 29th.

DISCLAIMER: Plans are subject to change. Visit the Accela Citizen Portal ([lexingtonky.gov/plans](http://lexingtonky.gov/plans)) or contact Planning for the latest information.



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

## DESCRIPTION OF ZONE CHANGE

Zone Change: From a Planned Neighborhood Residential (R-3) 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

**B-1**  
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

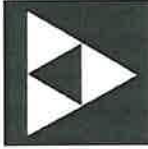


The 2045 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished 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 of 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 its 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-MIDP-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

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

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 2<sup>nd</sup> 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 Gallit oriented the Planning Commission to the location and characteristics of the subject property. Ms. Gallit indicated that a lot of the clean-up conditions were removed

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

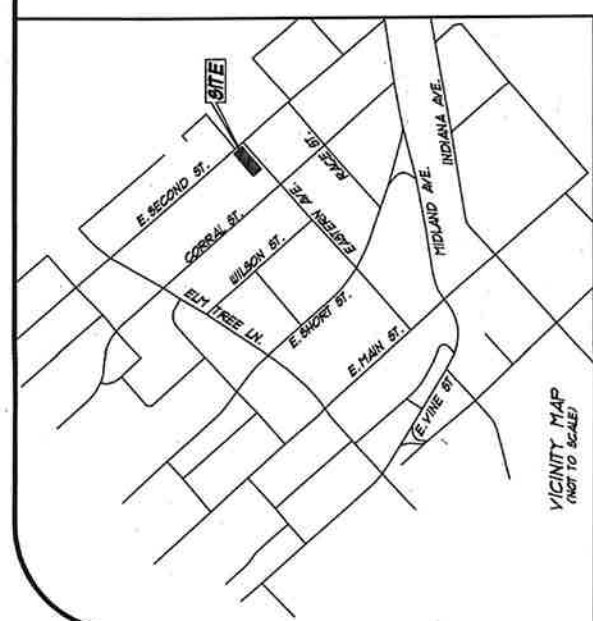
with the revised plan and that there were four conditions remaining. Ms. Gallt concluded by saying that Staff was recommending approval and she could answer any questions for the Planning Commission.

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.

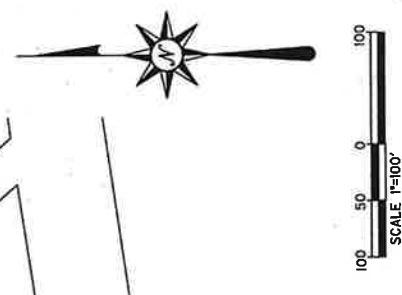
Staff Comment – Ms. Traci Wade stated that adding a conditional zoning restriction would require findings for that new restriction and indicated that the applicant asking for one was a valid reason, as was protection of the nearby residential uses

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.



<b>ZOMAR:</b>	SHADELAND INVESTMENTS, LLC PROPERTY
<b>ADDRESS:</b>	185 EASTERN AVENUE
<b>OWNER:</b>	SHADELAND INVESTMENTS LLC
<b>APPLICANT:</b>	201 PRICE ROAD UNIT 106 LEXINGTON, KY 40511
<b>PREPARED BY:</b>	EA PARTNERS, PLLC
<b>DATE FILED:</b>	AUGUST 5, 2024
<b>EXISTING ZONE:</b>	PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE
<b>PROPOSED ZONE:</b>	NEIGHBORHOOD BUSINESS (B-1) ZONE
<b>ACREAGE:</b>	0.16 ACRES NET / 0.28 ACRES GROSS



**NOTIFICATION MAP**