

AN ORDINANCE AMENDING ARTICLE 12-3 AND 12-8(b) OF THE ZONING ORDINANCE TO PERMIT HOTELS AND EXTENDED-STAY HOTELS AS PRINCIPAL PERMITTED USES IN THE B-6P ZONE. (JUSTICE PLAZA, LLC).

WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered a text amendment to Article 12-3 and 12-8(b) of the Zoning Ordinance to permit hotels and extended-stay hotels as principal permitted uses in the B-6P zone. Planning Commission did recommend APPROVAL of the staff alternative text by a vote of 8-0; and

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

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

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

Section 1 – That Article 12-3 and 12-8(b) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended as follows:

12-3 PRINCIPAL PERMITTED USES

h. Hotels, extended-stay hotels, and motels. Such uses shall only be permitted within a commercial center zone with a minimum of ten (10) acres.

12-8(b) REQUIRED SETBACKS

Side and Rear yard building setback-10 feet, unless adjacent to a residential zone, then a 3:1 height-to-yard ratio.

Section 2 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: November 1, 2018

MAYOR 

ATTEST:




Clerk of Urban County Council

PUBLISHED: November 8, 2018

CERTIFICATE

I do hereby certify that the title to this enactment contains an accurate synopsis of the contents thereof and may be used to satisfy the reading and publication requirements of law.


DEPARTMENT OF LAW

Recd by _____

Date: _____

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

IN RE: ZOTA 2018-3: AMENDMENT TO ALLOW HOTELS AND EXTENDED-STAY HOTELS AS A PRINCIPAL PERMITTED USE IN THE COMMERCIAL CENTER (B-6P) ZONE - petition for a Zoning Ordinance text amendment to permit hotels and extended-stay hotels as principal permitted uses in the B-6P zone.

Having considered the above matter on **September 27, 2018**, 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 **APPROVAL of the Staff Alternative text** for this matter for the following reasons:

1. The proposed text amendment will enhance the viability of existing Commercial Center (B-6P) zone developments by permitting a complementary use to traditional retail sales uses. In addition, allowing hotels, extended-stay hotels and motels will allow for higher floor area ratios to be reached, thus encouraging more dense development along corridors and within suburban areas of the community.

ATTEST: This 15th day of October, 2018.



Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

At the Public Hearing before the Urban County Planning Commission, this petition was represented by **Darby Turner, attorney.**

OBJECTORS

- Walt Gatfield, president of the Fayette County Neighborhood Council
- Amy Clark, 628 Kastle Road

OBJECTIONS

- Believes that the community should focus on multi-family housing and growth of commercial uses in the B-6P zone.
- Concerned about the deficiency of affordable housing and employment opportunities and that downtown hotels will suffer.

VOTES WERE AS FOLLOWS:

AYES: (8) Bell, Berkley, Forester, Mundy, Nicol, Owens, Penn, and Wilson

NAYS: (0)

ABSENT: (2) Brewer and Plumlee

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **Approval** of **ZOTA 2018-3** carried.

Enclosures: Application
Staff Report, with Recommended Text attached
Applicable excerpts of minutes of above meeting

GENERAL INFORMATION – Zoning Ordinance Text Amendment Application

1. APPLICANT INFORMATION:

Name: Justice Plaza LLC
Address: 2960 Fairview Drive
City, State, Zip Code: Owensboro, Kentucky 42303
Phone Number: (270) 689-1733

2. ATTORNEY (Or Other Representative) INFORMATION:

Name: Darby Turner / Branden Gross, Bingham Greenebaum Doll LLP
Address: 300 W. Vine Street, Suite 1200
City, State, Zip Code: Lexington, KY 40503
Phone Number: (859) 231-8500

3. DESCRIBE YOUR REQUESTED TEXT CHANGE: Date of Pre-application Conference: July 17, 2018

Zoning Ordinance Article #12-3 Specific text change proposed:
h. Hotels, Extended-Stay Hotels, and Motels

4. DESCRIBE THE JUSTIFICATION FOR MAKING THIS CHANGE: (Use attachment if necessary.)

See Attached Letter

5. SIGN THIS APPLICATION:

I do hereby certify that, to the best of my knowledge and belief, all application materials are herewith submitted, and the information they contain is true and accurate.

APPLICANT: _____

ATTORNEY (or other representative): , P. Branden Gross, Attorney

LFUCH EMPLOYEE/OFFICER, if applicable: _____

August 6, 2018

Urban County Planning Commission
Division of Planning – Planning Services Section
c/o Mr. William Wilson, Chairperson
200 East Main Street
Lexington, Kentucky 40507

Re: **Commercial Center (B-6P) Zone Text Amendment**

Dear Members of the Planning Commission:

We represent Justice Plaza LLC for its application for its text amendment request to Zoning Ordinance Article 12-3 to create a new subsection h. applicable to Commercial Center Projects in the Commercial Center (B-6P) Zone to allow “**Hotels, Extended-Stay Hotels and Motels**” as a principal permitted use. Currently, multiple family dwellings are allowed as a principal permitted use in a Commercial Center Project, and this text amendment will allow comparable housing types in this zone.

This request would allow an additional, but comparable, type of housing in a Commercial Center Project. The Zoning Ordinance defines a hotel as “a building or group of buildings containing individual sleeping or living units, designed for the temporary occupancy of transient guests; and including hotels, tourist courts, motor lodges, motor hotels or auto courts, but not including boarding or lodging houses,” extended-stay hotel as “multiple family dwelling(s) with rental or lease of less than one week, provided such rentals or leases of less than one week shall comprise less than 50% of the total dwelling units within the structure(s),” and a multiple family dwelling as “a building, or portion thereof, occupied exclusively for residential purposes by more than two (2) families or more than two housekeeping units.” While the main difference among these housing types is the length of occupancy, whether it is daily, weekly or more permanently, the common thread is the ability of people to have housing choices that meet their needs near employment, retail and commerce areas.

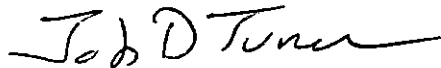
Allowing hotels, extended-stay hotels and motels in Commercial Centre Projects will give tourists, temporary business workers and other visitors access to areas with abundant community facilities, retail, and commerce opportunities, expanding housing choices, supporting tourism and recruiting new work talent (Theme A and Theme C). These are the same amenities that are available to and attract residents of multiple family projects in B-6P Zones. Further, many B-6P Zones are located in suburban sections of the city, and this text amendment would encourage more dense development in those sections (Theme A).

BINGHAM GREENEBAUM DOLL LLP

LFUCG Planning Commission
August 6, 2018
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As discussed more fully above, this request complies with the Comprehensive Plan.

Very truly yours,

A handwritten signature in black ink, appearing to read "Job D. Turner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Job D. Turner, III

cc: Justice Plaza LLC
P. Branden Gross, Esq.

JDT/pbg

STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

ZOTA 2018-3: AMENDMENT TO ALLOW HOTELS AND EXTENDED-STAY HOTELS AS A PRINCIPAL PERMITTED USE IN THE COMMERCIAL CENTER (B-6P) ZONE

REQUESTED BY: Justice Plaza, LLC

PROPOSED TEXT: (Note: Text underlined indicates an addition to the existing Zoning Ordinance; text ~~dashed through~~ indicates a deletion.)

ARTICLE 12: COMMERCIAL CENTER (B-6P) ZONE

12-3 PRINCIPAL PERMITTED USES - The principal permitted uses in a B-6P zone shall be as follows:

- a. The principal permitted uses in the B-1 and P-1 zones.
- b. Indoor theaters.
- c. Parking lots and structures.
- d. Offices of veterinarians, animal hospital or clinic, provided all exterior walls are completely soundproofed and all animal pens are completely within the principal building and used only for the medical treatment of small animals.
- e. Self-service car wash, provided that such uses shall be located at least 100 feet from any residential zone; and that surface water from such establishment shall not drain onto adjacent property, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.
- f. Multi-family dwellings.
- g. Restaurants, cocktail lounges, brew-pubs, nightclubs, and discotheques offering live entertainment and/or dancing, unless otherwise prohibited. Such uses shall be located at least 100 feet from any residential zone and shall be soundproofed to the maximum extent feasible by using existing technology, with noise emissions not creating a nuisance to the surrounding neighborhood.
- h. Hotels, extended-stay hotels, and motels

STAFF REVIEW:

The petitioner, Justice Plaza, LLC, has filed a Zoning Ordinance text amendment to allow hotels, extended-stay hotels and motels as principal permitted uses in the Commercial Center (B-6P) zone. Under the current regulations, hotels of any type are not permitted within the B-6P zone.

Hotels and motels are permitted in the downtown business zones (B-2, B-2A and B-2B), the Highway Service Business (B-3) zone, the Interstate Service Business (B-5P) zone, within Profession Office Projects in the Professional Office (P-1) zone, the University Research Park (P-2) zone, within a mixed-use entertainment project in the Mixed-Use 3: "Mixed-Use Community" (MU-3) zone, and as a supportive use to the Economic Development (ED) zone in the Expansion Area. In addition, extended-stay hotels are permitted as a conditional use in the High Rise Apartment (R-5) zone, and the Professional Office (P-1) zone. These more specialized hotels are defined as a multi-family dwelling building or complex, of which 50% or more of the units are be rented for a week or longer.

The Commercial Center (B-6P) zone (formerly the Planned Shopping Center zone) was recently updated to allow a more efficient and higher intensity use of land within the zoning category. In February 2018, the Urban County Council adopted the Zoning Ordinance text amendment that eliminated the minimum parking requirements, reduced building setbacks, and established minimum Floor Area Ratios (FARs). The text updates also included the addition of multi-family residential to the zone. The typical multi-floor structures

associated with multi-family developments were identified by the staff as one way to assist in reaching the minimum FAR required. Hotels, extended-stay hotels and motels also offer the opportunity to achieve corridor intensification in the right locations

When contemplating adding a principal permitted use to a zoning category, the Planning Commission should consider the general impact of the new land use (such as height, scale, massing, and parking requirements); general compatibility with the other permitted uses in the zoning category; and possible adverse impacts associated with the proposed use.

In the case of hotels, extended-stay hotels and motels, the following characteristics may be both positive and negative, but should be taken into consideration:

- environmental externalities (litter, loud gatherings, safety);
- traffic impacts spread throughout the day;
- typically 100 rooms/suites or more;
- typically three or more stories in height;
- operated 24-hour a day, 7 days a week;
- well-lit parking areas;
- support other industries (tourism, general business, healthcare, airport); and
- activity outside of typical business hours.

Hotels located along major or minor arterials or at major roadway interchanges may be appropriate, but should respect the context of the area in which they are located. In order to ensure the most appropriate siting of hotels within the community, the staff suggests additional text to allow the proposed uses within B-6P sites that are 10 acres or greater, and to incorporate a rear and side yard setback for all buildings within the B-6P zone. These restrictions will ensure that building scale is factored into all B-6P developments, and that hotels are, due to the potential externalities, allowed within the community and regional commercial centers, but not the existing neighborhood-oriented centers that are less than 10 acres in size.

Hotels can be complementary to commercial areas, as has been accomplished in the Lexington Green and Hamburg Farm developments, and is underway in the mixed-use development at Summit at Fritz Farm. By encouraging additional complementary uses to traditional retail, such as multi-family residential and hotels, we are enhancing the viability of such commercial centers, and allowing them to be utilized around the clock rather than just during typical business hours.

The Staff Recommends: Approval of the Staff Alternative Text, for the following reasons:

1. The proposed text amendment will enhance the viability of existing Commercial Center (B-6P) zone developments by permitting a complementary use to traditional retail sales uses. In addition, allowing hotels, extended-stay hotels and motels will allow for higher floor area ratios to be reached, thus encouraging more dense development along corridors and within suburban areas of the community.

TLW/CT/HB/dw
9/3/18

Planning Services/Staff Reports/ZOTA/2018/ZOTA 2018-3 Hotels & Extended-Stay Hotels in B-6P Zones.doc

ZOTA 2018-3: Amendment to Allow Hotels and Extended-Stay Hotels as a Principal Permitted Use in the Commercial Center (B-6P) Zone

ARTICLE 12

COMMERCIAL CENTER (B-6P) ZONE

12-1 INTENT - The intent of the Commercial Center (B-6P) zone is to create centers of activity that promote commerce and retail along major corridors within the community, while supporting existing residential neighborhoods and incorporating new residential opportunities in accordance with the Comprehensive Plan. The standards contained in this provision are intended to:

Improve the economic base and tax structure of the Lexington metropolitan area by:

- Creating a variety of employment, retail, and commerce opportunities, and improving access to these opportunities;
- Increasing the supply and mixture of housing types available throughout Lexington, thereby improving overall housing affordability;
- Protecting and enhancing the investments of existing B-6P developments by providing redevelopment opportunities that unlock additional potential to better utilize existing zoned land.

Create a sense of place, with experiences and community minded development rather than the over-parked, underutilized suburban model shopping centers of times past by:

- Creating strongly defined street edges through orienting buildings to roadways, both internal and external;
- Ensuring that intensive operations, such as loading areas, do not adversely impact or effectively wall off existing neighborhoods;
- Reducing the impact of parking on land use consumption and walkability by:
 - Encouraging shared parking across complementary professional office and retail uses
 - Reducing overall parking

Ensure safe multi-modal transportation options through:

- Providing walkable developments that function well internally;
- Creating a well-connected external pedestrian network to adjacent neighborhoods and developments;
- Providing accessible mass transit facilities that easily connect people to internal destinations;
- Increasing residential density along major corridors, improving mass transit efficiency;
- Connecting roadways to provide efficient and direct access for motorists and emergency services.

12-2 TYPES OF COMMERCIAL CENTERS - The types of commercial centers provided for in this section may be generally described as follows:

A community commercial center provides not only

convenience goods, but a range of facilities for the sale of "shopping goods" such as apparel and home furnishings, as well as banking, professional services, residential units, and recreation. A community commercial center shall have a minimum area of ten (10) acres.

A regional commercial center generally provides more and larger facilities than the community commercial center. A regional shopping center shall have a minimum area of thirty (30) acres.

Sites consisting of 10 acres or less shall utilize the Neighborhood Business (B-1) or another Mixed Use Zone. Existing sites of less than 10 acres shall be regulated as a community commercial center.

12-3 PRINCIPAL PERMITTED USES - The principal permitted uses in a B-6P zone shall be as follows:

- a. The principal permitted uses in the B-1 and P-1 zones.
- b. Indoor theaters.
- c. Parking lots and structures.
- d. Offices of veterinarians, animal hospital or clinic, provided all exterior walls are completely soundproofed and all animal pens are completely within the principal building and used only for the medical treatment of small animals.
- e. Self-service car wash, provided that such uses shall be located at least 100 feet from any residential zone; and that surface water from such establishment shall not drain onto adjacent property, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.
- f. Multi-family dwellings.
- g. Restaurants, cocktail lounges, brew-pubs, nightclubs, and discotheques offering live entertainment and/or dancing, unless otherwise prohibited. Such uses shall be located at least 100 feet from any residential zone and shall be soundproofed to the maximum extent feasible by using existing technology, with noise emissions not creating a nuisance to the surrounding neighborhood.
- h. Hotels, extended-stay hotels, and motels. Such uses shall only be permitted within a commercial center zone with a minimum of ten (10) acres.

12-4 ACCESSORY USES - The accessory uses permitted in a B-6P zone shall be as follows:

- a. The accessory uses in the B-1 and P-1 zones.
- b. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein, when approved by the Planning Commission on a development plan.

ZOTA 2018-3: Amendment to Allow Hotels and Extended-Stay Hotels as a Principal Permitted Use in the Commercial Center (B-6P) Zone

12-5 CONDITIONAL USES - Shall be as follows:

- a. Restaurants, cocktail lounges, brew-pubs, nightclubs, and discotheques offering live entertainment and/or dancing, less than 100 feet from any residential zone. Such uses shall be soundproofed to the maximum extent feasible by using existing technology, with noise emissions not creating a nuisance to the surrounding neighborhood.
- b. Recycling drop-off centers for aluminum, steel, glass, newspapers, cardboard and other paper products, oil and other household recyclable waste; provided that such establishment shall be located at least 200 feet from any residential zone. Any appeal for a conditional use permit to operate a recycling drop-off center shall include as part of the application:
 1. Reasons for the location of the use at a specific site; description of equipment to be used; physical arrangement; and operation of the proposed center. The Board of Adjustment shall consider the necessity of screening, if needed.
- c. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
 1. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
 2. That a reasonable degree of reclamation and proper drainage control is feasible; and
 3. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
- d. Rehabilitation homes, when located closer than 500 feet from a residential zone; school for academic instruction or a child care center.
- f. Automobile and vehicle refueling stations, provided such uses conform to all requirements of Article 16.
- g. Drive-through facilities for the sale of goods or products or provision of services otherwise permitted herein, except as accessory uses herein.

12-6 PROHIBITED USES - In a B-6P zone, all uses other than as permitted herein are prohibited.

12-7 LOCATIONAL STANDARDS - A community commercial center shall abut, front on and have its principal access to and from a street designated by the Commission as an arterial or collector street, as deemed to be appropriate by the Commission. A regional commercial center shall abut, front on, and have its principal access to and from a street designated by the Commission as an arterial.

The proposed commercial center shall be at a location where congestion will be minimized by provision in the plan for proper entrances, exits, transit, bicycle, and pedestrian facilities, and by internal provisions for traffic circulation and parking.

12-8 MINIMUM DESIGN STANDARDS - The following minimum standards shall be met in the design of a planned commercial center:

12-8(a) HEIGHT REQUIREMENT - There shall be no height limitation.

12-8(b) REQUIRED SETBACKS - Streetfront building setbacks (4 story buildings and below); The building setback line shall be:

1. Arterial street: 15 feet minimum
2. Collector street: 14 feet minimum

Streetfront building setbacks (buildings above 4 stories): The building setback line shall be:

1. Arterial street: 18 feet minimum
2. Collector street: 16 feet minimum

Side and Rear yard building setback – 10 feet, unless adjacent to a residential zone, then a 3:1 height-to-yard ratio

12-8(c) SCREENING – No residential dwelling shall be developed so that the rear of the structure abuts an arterial or collector street unless the dwelling is located not less than 200 feet from the arterial or collector street.

Any commercial center which directly adjoins any single family residential zone shall be required to provide a buffer yard of six (6) feet in width, with one tree for every 30' of linear boundary from Group A, B, or C of the Plant List, as referenced by Article 18 of the Zoning Ordinance; plus a 6 foot high fence, wall or earth mound. The responsibility for such a buffer shall be the B-6P property, although the buffer may be shared as provided in Article 18.

Pedestrian and/or bicycle connections and programmed amenities (such as seating, canopies, pergolas, and/or patios) which integrate the commercial center with adjacent residential zones shall be incorporated into the development plan at appropriate locations along the required buffer.

12-8(d) LOT COVERAGE AND FLOOR AREA REQUIREMENTS - The ground area occupied by all the buildings shall not exceed the maximums noted below, based upon the minimum floor area requirements. Parking structures shall not be considered as a building for the purposes of this section.

1. **COMMUNITY COMMERCIAL CENTER**
For a proposed development that meets the following locational criteria:

ZOTA 2018-3: Amendment to Allow Hotels and Extended-Stay Hotels as a Principal Permitted Use in the Commercial Center (B-6P) Zone

- 10 acres or larger
- smaller than 30 acres
- contains frontage along a collector street

The following Lot Coverage and Floor Area Ratio (F.A.R.) shall apply:

- The minimum F.A.R. shall be 0.30.
- The maximum Lot Coverage shall be 0.35.

For a proposed development that meets the following locational criteria:

- 10 acres or larger
- smaller than 30 acres
- contains frontage along an arterial street

The following Lot Coverage and Floor Area Ratio (F.A.R.) shall apply:

- The minimum F.A.R. shall be 0.4.
- The maximum Lot Coverage shall be 0.30.

2. REGIONAL COMMERCIAL CENTER

For a proposed development that meets the following locational criteria:

- 30 acres or larger
- contains frontage along an arterial street

The following Lot Coverage and Floor Area Ratio (F.A.R.) shall apply:

- The minimum F.A.R. shall be 0.5.
- The maximum Lot Coverage shall be 0.3.

3. SPECIAL PROVISIONS FOR ALL CENTERS:

- a. Increases in floor area over and above the minimum shall grant an increase in the maximum lot coverage at a rate of 2 to 1.
- b. Increases in floor area for residential uses shall grant an increase in the maximum lot coverage at a rate of 1 to 1.
- c. Minimum Usable Open Space – 15%

12-8(e) MAXIMUM REQUIRED PARKING – Notwithstanding any other requirements of this Zoning Ordinance:

1. For any commercial center that is located on a transit route, there shall be a maximum of 4 surface parking spaces per 1,000 commercial square feet.
2. For any commercial center that is not located on a transit route, there shall be a maximum of 5 surface parking spaces per 1,000 commercial square feet.
3. For any commercial center containing residential use(s), the residential use(s) there shall be a maximum of 1 surface parking space per dwelling unit.
4. Structure parking shall not count toward any maximum parking requirement.

12-8(f) LOADING AREAS - Notwithstanding any other requirements of this Zoning Ordinance, there shall be provided

one off-street loading space for each 20,000 square feet, or fraction thereof, of aggregate floor space of all buildings in the center. At least one-third of the space required shall be sufficient in area and vertical clearance to accommodate trucks of the tractor-trailer type. Such loading facilities shall be permanently and fully screened. The exact type and nature of such screening shall be determined by Article 18.

12-8(g) LIGHTING - Exterior lighting shall be restricted as follows:

1. Wall mounted lamps that use the equivalent of 1,200 lumens per bulb or greater shall be shielded or equipped with cutoffs so that the light sources are not visible from a public street. Spotlights without shielding devices are prohibited.
2. Wall mounted light fixtures shall not extend above the height of the wall to which they are mounted.
3. Lighting that is positioned to highlight a building shall be aimed at the object to be illuminated and not directly aimed into the sky.
4. Any light fixture intended to illuminate walkways or other outdoor areas shall not exceed fifteen (15) feet in height unless specifically used to light an outdoor recreation facility such as a tennis court, ball field, or similar use.
5. Any light fixture intended to illuminate a parking area shall not exceed twenty-five (25) feet in height, and shall be shielded or equipped with cutoffs so as to prevent undue light spill onto adjoining properties.

12-8(h) MULTI-MODAL ACCOMMODATION – The applicant shall, on the submitted development plan or on a separate exhibit, provide a proposed multi-modal improvement plan designed to accommodate all users for the entirety of the property, as well as connecting to any planned and/or existing public facilities. For redeveloping or infill sites, the multi-modal improvement plan shall also be a guide for future improvements as redevelopment occurs.

12-8(i) TRANSIT FACILITIES – For all commercial centers located along a transit route, a transit shelter and seating shall be required and indicated clearly on the development plan to the approval of the local transit authority. Adequate pedestrian facilities to serve the required transit infrastructure, both along the right-of-way and internal to the site, shall be to the approval of the Metropolitan Planning Organization (MPO). It will be strongly encouraged that the development plan afford appropriate facilities and accommodations for additional ridesharing services.

No zoning compliance permits shall be issued for the commercial center until all approved transit infrastructure is constructed in accordance with the approved Final Development Plan.

12-9 DESIGN GUIDELINES FOR “BIG-BOX” RETAIL ESTABLISHMENTS - It is in the best interest of Lexington-

ZOTA 2018-3: Amendment to Allow Hotels and Extended-Stay Hotels as a Principal Permitted Use in the Commercial Center (B-6P) Zone

Fayette County to minimize the possible “blighting” effect that abandoned shopping centers and large retail establishments can have on the larger area or neighborhood in which they are located. By imposing additional standards in the form of design guidelines for such centers, these effects can be minimized, and future redevelopment and reuse of vacant retail buildings encouraged through proper facility design, without expenditure of public funds. For this reason, the Planning Commission has adopted design guidelines for commercial centers containing a single “big-box” establishment larger than 80,000 square feet in size. These additional standards are listed in “Design Guidelines for ‘Big-Box’ Establishments” incorporated by reference, and are consistent with guidelines which have been established in other cities and counties across the United States for such facilities. These design guidelines are intended to provide professional designers and the Planning Commission with direction for improved development plans which address the following issues:

- (a) Variation in building heights and identifiable customer service entrances and pedestrian entryways;
- (b) Uninterrupted facades, windows, allowance for smaller stores or departments having exterior entrances, and back or side facades;
- (c) Landscaping and/or screening of outdoor display of building materials or other similar bulky products, and of trash collection and loading areas;
- (d) Pedestrian circulation in relation to vehicular movement and common open spaces for pedestrians;
- (e) Parking lot orientation adjacent to public streets.

The guidelines are to be met in the design of a planned commercial center containing a single “big-box” establishment larger than 80,000 square feet in size, unless waived by the Planning Commission through its approval of a final development plan for a property in a B-6P zone.

12-10 PROCEDURE - The procedure for obtaining a zoning map amendment to the B-6P zone shall be the same as provided in Article 6 herein above, in addition, as follows:

12-10(a) PRELIMINARY DEVELOPMENT PLAN REQUIRED - A preliminary development plan shall be submitted with the application for a Zoning Map Amendment, with the information as specified in Article 21; and, in addition, approximate total gross floor area of anticipated retail facilities; the approximate total gross floor area of anticipated office and service facilities; the approximate number of anticipated off-street parking spaces; and the stages which will be followed in the construction of the proposed commercial center.

12-10(b) FINAL DEVELOPMENT PLAN REQUIRED - Within two (2) years of final approval by the Urban County Council of any B-6P Zoning Map Amendment, unless an extension is granted by the Commission, the applicant shall submit a final development plan to the Commission for its review and action; otherwise, an application to change the B-6P zone to its previous zone or other appropriate zone may be filed by the Commission as provided under Article 6 herein above.

The final development plan shall show the information as specified by Article 21: Development Plans. The Commission shall approve, conditionally approve, or disapprove a final development plan within ninety (90) days after the applicant submits his development plan.

12-10(c) BUILDING PERMIT REQUIRED - No building permit shall be issued until a final development plan has been approved by the Commission and certified to the Division of Planning, after which a permit for construction may be issued by the Division of Building Inspection. The approved final development plan shall limit and control the issuance of all building and occupancy permits, and shall restrict the construction, location, and use of all land and structures to all conditions set forth in the plan. Amendments to the plan can be made only as permitted in Article 21: Development Plans.

**ADDENDUM TO THE MINUTES
URBAN COUNTY PLANNING COMMISSION
ZONING ITEMS PUBLIC HEARING**

September 27, 2018

A. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMEMENDMENTS

1. **ZOTA 2018-3: AMENDMENT TO ALLOW HOTELS AND EXTENDED-STAY HOTELS IN THE COMMERCIAL CENTER (B-6P) ZONE** - petition for a Zoning Ordinance text amendment to permit hotels and extended-stay hotels as principal permitted uses in the B-6P zone.

INITIATED BY: Justice Plaza, LLC

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval of the Staff Alternative text amendment, for the following reason:

1. The proposed text amendment will enhance the viability of existing Commercial Center (B-6P) zone developments by permitting a complementary use to traditional retail sales uses. In addition, allowing hotels, extended-stay hotels and motels will allow for higher floor area ratios to be reached, thus encouraging more dense development along corridors and within suburban areas of the community.

Staff Text Amendment Presentation – Ms. Wade presented and summarized the staff report and recommendations for this text amendment, and said that the applicant, Justice Plaza, LLC, has filed a Zoning Ordinance text amendment to allow hotels, extended-stay hotels and motels as principal permitted uses in the Commercial Center (B-6P) zone. Under the current regulations, hotels of any type are not permitted within the Commercial Center (B-6P) zone.

Ms. Wade said that the staff did evaluate the existing Commercial Center (B-6P) zone, with the idea of adding hotels as a principal permitted use. There are over 30 existing sites that are already zoned B-6P. She then said that 10 of those sites have some vacant space. When reviewing those sites it became clear that the smaller sites are generally located within neighborhoods, while the larger sites that are above 10 acres in size had frontage on arterial roads. She said that having a hotel within a neighborhood could become a nuisance, so the staff recommends that this change only be applied to properties that are 10 acres or greater. Ms. Wade said that the applicant had requested for this change to be across the board, but to ensure the most appropriate siting of hotels within the community, the staff suggests additional text to allow the proposed uses within B-6P sites that are 10 acres or greater, and to incorporate a 10-foot rear and 10-foot side yard setback for all buildings within the B-6P zone. These restrictions will ensure that building scale is factored into all B-6P developments, and that hotels are, - due to the potential externalities, - allowed within the community and regional commercial centers, but not the existing neighborhood-oriented centers that are less than 10 acres in size.

Ms. Wade said that the staff is recommending approval because the proposed text will enhance the viability of the existing commercial centers, and hotels are a complementary use to traditional retail. In addition, permitting hotels would allow for a higher floor area ratio and allow more density along the corridors within suburban areas of the community.

Ms. Wade said that the staff is recommending approval of the Staff Alternative Text, for the following reason:

1. The proposed text amendment will enhance the viability of existing Commercial Center (B-6P) zone developments by permitting a complementary use to traditional retail sales uses. In addition, allowing hotels, extended-stay hotels and motels will allow for higher floor area ratios to be reached, thus encouraging more dense development along corridors and within suburban areas of the community.

Commission Question – Mr. Owens asked for clarification with the proposed restriction for areas that area 10-acres or more near or adjacent to residential neighborhoods. Ms. Wade explained that the mass of a hotel near residential areas can become incompatible.

Applicant – Darby Turner, attorney representing the applicant said that this will open new possibilities for commercial areas, making them a destination. He said they are in agreement with the staff recommendation.

Citizen Comment – Mr. Walt Gatfield, president of the Fayette County Neighborhood Council, said that he believes that this is out of order because the new B-6P zone, as proposed, calls for multi-family housing and growth of commercial uses, which is not in the Zoning Ordinance yet. He said that this is adding hotels before the authority to get more intense residential has been added. He said that he agrees with the side and rear setbacks, but would like them to be greater for hotels when on a residential boundary.

Amy Clark, 628 Kastle Road, said that there is a deficiency of affordable housing and employment opportunities. The B-6P zone was recently revised to allow high density residential to increase the opportunity for affordable housing and an opportunity for more employment options. She said that she doesn't believe that hotels provide good jobs. She asked if the zone

is amended, will the downtown area suffer as a result. She added that she agrees with the side and rear setbacks and would also like it to be increased.

Applicant Rebuttal – Mr. Turner said that the setback requirements will be determined on the development plan. He added that this proposal will add tremendous opportunity to efficiently use these larger parcels and he believes that it is compatible with the existing B-6P uses and will not impact the downtown area.

Citizens Rebuttal – Ms. Clark submitted the intent statement of the zone into the record, which highlights the housing need and how the B-6P zone could meet it.

Mr. Gatfield said the he would like to guide the development by design so that it isn't directly on the property line.

Staff Rebuttal – Ms. Wade clarified the intent that Ms. Clark submitted. She said that there is one section that mentions affordability, but the intent is not to create opportunities for affordable housing. She quoted the text, "increasing the supply and mixture of housing types available throughout Lexington thereby improving overall housing affordability." She said that the intent is not affordable housing, it's to increase housing opportunities, which would make housing across the community more affordable.

Commission Questions - There were no questions at this time.

Zoning Action – A motion was made by Mr. Owens, seconded by Mr. Forester, and carried 8-0 (Brewer and Plumlee absent) to approve ZOTA 2018-3: AMENDMENT TO ALLOW HOTELS AND EXTENDED-STAY HOTELS IN THE COMMERCIAL CENTER (B-6P) ZONE, for the reasons provided by the staff.