

2. **ZOTA 2015-1: MOBILE FOOD UNIT VENDORS AS ACCESSORY USES IN THE P-1 ZONE** – petition for a Zoning Ordinance text amendment to Article 8-15(o) to allow mobile food unit vendors (aka food trucks) as an accessory use in a Professional Office Project, as permitted within the Professional Office (P-1) zone. The proposed text amendment also requires such vendors to locate at least 500 feet from any residentially zoned property.

INITIATED BY: Urban County Council

PROPOSED TEXT: Underlined text indicates an addition to the current Zoning Ordinance.

## ARTICLE 8: SCHEDULE OF ZONES

### 8-15 PROFESSIONAL OFFICE (P-1) ZONE

#### 8-15(o) Special Provisions

1. A Professional Office Project may be permitted by the Planning Commission for a tract of land with a minimum of ten (10) acres, upon the approval of a preliminary development plan and a final development plan as provided in Article 21, and subject to the P-1 zone regulations.

Subdivision of land in a Professional Office Project is permitted, subject to the following regulations:

- a. There shall be no minimum lot size, lot frontage, yard or open space, nor maximum lot coverage or height requirements for each subdivided lot; however, all said requirements for the approved final development plan shall be applicable to the subdivision.
- b. Each subdivided lot shall have access to adjacent streets or joint parking areas, as provided by appropriate easements shown on the final development plan and the final record plan.

In addition to the uses otherwise permitted in the Professional Office zone, the following uses shall be permitted in the Professional Office Project:

#### As a principal permitted use:

1. Extended-Stay Hotels.
2. Mail Service Facilities.

#### As accessory uses:

1. Receiving, shipping, and storage of new fixtures, equipment and other non-perishable materials for distribution to corporate or affiliated units subsidiary to the tenant(s) of a principal structure. Such activity, including loading and unloading, shall be conducted entirely within the walls of the principal structure and shall be limited to a maximum of twenty percent (20%) of the total floor area of said principal structure.
2. Shoe repair, clothing alteration or tailoring services.
3. Mobile food unit vendors to serve employees and visitors of a permitted principal or conditional use, provided that the requirements of Section 15-11 of the Code of Ordinances are met and that the mobile food unit is located no closer than five hundred (500) feet from any property zoned residential.

#### As conditional uses:

1. Helistops and heliports, provided such facilities conform to the requirements of all appropriate Federal, State and local regulations.
2. Beauty shops and barber shops, with no restrictions.

In addition to the uses otherwise permitted in the Professional Office zone, the following accessory use shall be permitted in a P-1 area of at least twenty (20) contiguous acres:

Restaurant(s), with or without a cocktail lounge, entertainment, dancing, and sale of alcoholic beverages, provided it meets the following conditions:

- a. It shall be located in an office building containing a minimum of 40,000 square feet of floor area.
- b. It shall occupy not more than twenty-five percent (25%) of the building in which it is located.
- c. It shall have no more than one public entrance and one service entrance directly to the outside of the building, and that this use shall be at least one hundred fifty (150) feet from any residential zone.
- d. It shall have no drive-in or drive-through food service.
- e. There shall be no more than two restaurants within an office building, provided that the 25% limitation is not exceeded.
- f. Signs permitted per office building may be used to identify the restaurant and/or the office use.

2. Where dwelling units are provided and the Planning Commission has approved a final development plan, the re-

quired parking spaces may be reduced, when specific permission is given by the Commission to reduce said required parking by not more than one percent (1%) for each one percent (1%) of additional useable open space that is provided over the minimum. Also, for every one percent (1%) of the dwelling units that will be provided as a mixed-income housing unit, the Commission may decrease the required parking by one percent (1%). In any case, the maximum parking reduction shall not exceed the minimum parking otherwise required in the zone by more than ten percent (10%) by only providing additional open space or only providing mixed-income housing, or twenty-five percent (25%) by using a combination of mixed-income housing and additional open space.

The Zoning Committee Recommended: Approval, for the reasons provided by staff.

The Staff Recommends: Approval, for the following reasons:

1. The text amendment to the Professional Office (P-1) zone will allow mobile food unit vendors (i.e., food trucks) as an accessory use within a Professional Office Project of 10 acres or larger, which may provide improved access to food options during working hours and may reduce vehicle trips to areas outside of a Project for meals.
2. The amendment will establish a minimum buffer distance of 500 feet from any residential zone in order to minimize any potential negative impacts of mobile food unit vendors upon adjacent neighborhoods or residences.

Staff Presentation: Ms. Wade stated that the proposed text amendment was initiated by the Urban County Council in December of 2014, and forwarded to the Planning Commission for their consideration. It proposes a modification to Article 8-15 of the Zoning Ordinance, which regulates the P-1 zone, to add language to the Special Provisions section related to Professional Office Projects.

Ms. Wade explained that Professional Office Projects are only permitted in the P-1 zone; they must be located on a 10-acre contiguous area of P-1 zoning, and must be approved by the Planning Commission. She referred to a map, prepared by the staff, of all of the existing P-1 zoning in Lexington-Fayette County, with an overlay indicating those areas that have been approved as Professional Office Projects. There are approximately 10 to 15 existing Professional Office Projects, some of which appear to be grouped together, such as the St. Joseph East Hospital area, but are actually depicted on separate development plans.

Ms. Wade stated that the Council proposed to add an accessory use to allow mobile food unit vendors to serve, on a temporary basis, within Professional Office Projects. In reviewing the proposed text as part of the Council committee process, Mr. King indicated that there was some concern among the Planning staff about copying text that had been used in a similar text amendment for the B-4, I-1, and E-D zones for use in the P-1 zone. The Council then reviewed the text and made some changes, the result of which is the text as it is currently proposed. It would allow mobile food unit vendors in the P-1 zone only in Professional Office Projects, with a requirement that they be located at least 500' from any adjacent residential zone. Ms. Wade stated that the staff and the Zoning Committee recommended approval of this request, for the reasons as listed in the staff report and on the agenda.

Citizen Comment: There were no citizens present to comment on this proposal.

Action: A motion was made by Mr. Brewer, seconded by Ms. Richardson, and carried 10-0 (Penn absent) to approve ZOTA 2015-1, for the reasons provided by staff.