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September 3, 2013

Lexington Fayette Urban County Planning Commission  
200 East Main Street  
Lexington, KY 40507

Re: Application for Text Amendment to Allow Flex Space Projects  
In the B-4 and I-1 Zone

Dear Members of the Planning Commission:

I represent The Howser Group, LLC, which owns property on Moore Drive in Lexington. We have encountered a situation in which additional flexibility in the B-4 and I-1 zones would assist in the growth of small businesses, without adversely affecting surrounding areas. In discussions with the Planning staff, the staff has indicated that as part of the Comprehensive Plan process, it has been noticed that some areas in Lexington have "underperformed" in job creation and economic development, and that additional flexibility may be helpful to turn these areas into business incubation areas. This need is illustrated by the Moore Drive/Regency Road area. That area has a mixture of Comprehensive Plan categories in close proximity, including retail trade and personal services, wholesale and warehousing, highway commercial, and professional services. It also has a mixture of zoning categories, most notably B-3, B-4 and I-1. Two buildings in the area are actually split by a B-3/B-4 zoning line.

The building which The Howser Group owns, 189-199 Moore Drive, is zoned B-4. It has four commercial spaces. Either currently or in the past, this building has been used as an outdoor outfitter store, processing and retailing of pre-owned children's clothing, a shoe store, a religious book store, a radio station, physical therapy office, and a patio store. Many of these businesses utilize a combination of warehousing, processing, storage, distribution and retail uses. The percentage of space used in each of these functions shifts over time as the business changes and matures. However, the regulations in the B-4 zone are not as flexible as the businesses are. Therefore, at some point the businesses run into the need to either limit their flexibility to conform with zoning ordinance limitations, move to another location, or go out of business. Most of the stores in this building have been locally owned entrepreneurial efforts. It is this very type of business which the community needs to encourage.



The 2012 Goals and Objectives of the Comprehensive Plan, especially Chapter C, Creating Jobs and Prosperity, emphasizes the need to support the growth of local businesses. Goal C.1. advocates the support and showcasing of local assets to further the creation of a variety of jobs. Goal C.1.a. calls for strengthening efforts to develop a variety of job opportunities that lead to prosperity for all. Goal C.2. encourages entrepreneurial spirit and identification of sectors of the economy that will flourish in Lexington. Goal C.2.b. calls for improving opportunities for small business development and workers who rely on personal technology.

Therefore, we are proposing a text amendment which will create a “flex space project” which will give small businesses the ability to change and grow. Utilizing the submission of a development plan for Planning Commission review, lots with existing buildings would be allowed a broader range of uses and more flexible parking requirements. Safeguards are provided so that the flex space project will be compatible with neighboring uses. Thus, we are requesting a new principal use in the B-4 and I-1 zones as follows:

Flex Space Project. Flex space projects may be permitted by the Planning Commission upon the approval of a final development plan subject to the following requirements:

a. The property must be the site of an existing building with substantial lot coverage which does not allow substantial expansion of the building or parking facilities.

b. The existing building must remain on the property.

c. Principal uses in flex space projects shall include:

1. Any of the principal uses permitted in the underlying zone.
2. Schools; libraries; museums, art galleries; studios for work or teaching of fine arts, metal work, photography, dance, drama or theater.
3. Community centers, churches and private clubs.
4. Establishments for the retail sale of merchandise, food and food products.
5. Restaurants.
6. Offices.
7. Health clubs, athletic clubs, and spas.

d. Accessory uses that are clearly incidental and subordinate to the principal uses.

e. Conditional uses:

1. Drive-through facilities.

f. Prohibited uses:

1. All adult uses, as listed in Section 8-16(e)(14 through 17).

g. Parking.

1. Restaurants. As set forth in the B-1 zone.
2. All other uses, one space per 600 square feet.

h. Signage, lot, yard and height requirements shall be as set forth in the underlying one.

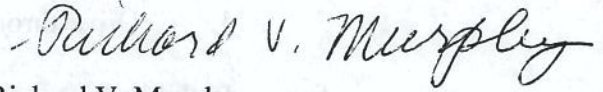
i. The applicant shall submit a statement with the development plan that shall address the compatibility of the flex space project with the surrounding area. This statement may address the following:

1. Whether restaurant uses, which require a higher number of parking spaces, will be allowed in the Project.
2. Whether the Project is located on a major arterial, and if it is, whether additional parking needs to be provided to accommodate "impulse" customers.
3. Whether the Project is located in an area of mixed uses and zones.
4. Whether the area has historically had a mixture of retail and wholesaling types of uses.
5. Whether the Project is located in a block front which contains residential zoning.

Thank you for your consideration of this text amendment request. We feel this proposal will assist the growth of locally owned small businesses.



Sincerely,



Richard V. Murphy  
Attorney for Applicant, The Howser Group

RVM/prb  
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