

**C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMEMENDMENTS**

1. **PLN- ZOTA-25-00002: LOT COVERAGE IN THE CORRIDOR BUSINESS(B-3) ZONE** – a text amendment to amend the 30% lot coverage requirement in the B-3 zone.

INITIATED BY: URBAN COUNTY PLANNING COMMISSION

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Approval of the Staff Alternative Text.**

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

1. The proposed text amendment allows for greater flexibility in meeting the requirements of the Corridor Business (B-3) zone, while remaining consistent with the intent of the zone.
2. The proposed text amendment provides for a minimum threshold of utilization that is in agreement with the following adopted goals, objectives, policies contained within *Imagine Lexington 2045 for the following reasons*:
  - a. Theme E, Goal#1, Objective d: Emphasize redevelopment of underutilized corridors
  - b. Theme E, Goal#1, Objective e: Maximize development on vacant land within the Urban Service Area and promote redevelopment of underutilized land in a manner that enhances existing urban form and/or historic features.

Staff Presentation – Mr. Chris Taylor presented the Staff recommendation on the proposed text amendment. Mr. Taylor gave a brief explanation on how this text amendment came to be and noted the changes to the B-3 zone that took place last year to address the newly adopted Comprehensive Plan. Mr. Taylor stated that during the public input portion of the Comprehensive Plan, increasing density and using existing properties for growth was an area of focus for Staff and lead to a recommendation of a 30% lot coverage requirement in the B-3 zone. In Staff's assessment, this was to nudge development into a higher utilization of the land then what was typical before. Mr. Taylor stated that due to changes in land use and development patterns brought on by the COVID 19 pandemic, this 30% building utilization has become an issue. Mr. Taylor explained that in the January 2025 Planning Commission public hearing, a text amendment was initiated by the Planning Commission to eliminate the 30% lot coverage requirement. Additionally, Staff was asked to find alternatives to eliminating the 30% requirement.

Mr. Taylor stated that after discussions with Staff and members of the Planning Commission, Staff looked into the relationship between the amount of buildings and vehicular use area on the lot. Mr. Taylor explained that Staff's compromise was to create a vehicular use area ratio requirement of 0.30. Mr. Taylor demonstrated how the calculation was performed, and stated that doing this was not eliminating a threshold, but it was lowering one to make it easier for developments. Additionally, Mr. Taylor stated that after discussions with community businesses, Staff added that a ratio may be reduced by the amount of VUA that is covered by a canopy and square footage of UVA constructed with allowable permeable materials. Mr. Taylor stated that this would allow for more options for a commercial property to reach that recommended VUA and allow more flexibility than there is currently.

Mr. Taylor stated that Staff was recommending approval of the Staff alternative text and could answer any questions from the Planning Commission.

Commission Comments and Questions – Ms. Worth asked what types of canopy would be allowable. Mr. Taylor stated that it would be canopy that would be placed over the vehicular use and not tree canopy.

Mr. Davis asked what types of permeable materials that would be allowable and what would be the minimum. Mr. Taylor stated that it was a one-to-one ratio, that if you had 500 square feet of permeable material, it would reduce their VUA calculation by 500 square feet.

Ms. Molly Davis asked what types of materials could they be built with. Mr. Taylor stated that it was already defined in Article 16 of the Zoning Ordinance.

---

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

Mr. Nicol stated that he was having issues with this because the intention for the initiation was to get rid of a requirement completely, and now there is a new requirement proposed. Additionally, Mr. Nicol stated he thought this compromise was counterproductive, that there would be unintended consequences, and that we should not be limiting vehicular use area.

Mr. Michler stated that he thought that the Staff alternative was an improvement from the initially proposed text and allows a lot more flexibility and are easy to calculate and figure out the cost.

Public Comment – Dick Murphy, attorney for Anderson Communities, stated their opposition for the Staff alternative because it would in effect impose a maximum parking requirement that would make things difficult for potential development. Mr. Murphy concluded by asking the Planning Commission to adopt the text amendment in its original form and get rid of the minimum lot coverage requirement.

Commission Comments and Questions – Mr. Zach Davis asked what was the math and reason that Staff went with the 0.3 VUA ratio. Mr. Taylor stated that in Staff's research they looked at many properties on the corridors and many businesses just had the 0.3 number and that ratio worked very well in corridor businesses.

Public Comment – Brenden Gross, attorney for Goodwill, stated their opposition and contended that there was no correlation between building and vehicular use area.

Commission Comments and Questions – Mr. Zach Davis asked why covering VUA square footage with a canopy should be a way to reduce the VUA. Mr. Taylor stated that a canopy does not create the heat island effect that asphalt and concrete does.

Public Comment – Amy Clark, 628 Kastle Road, stated she thought this should be postponed because it needed more work in her assessment.

Commission Comments and Questions – Mr. Zach Davis stated he was having issues with this and pointed to the minutes of the January 30, 2025 meeting where the intent of the text amendment was to eliminate lot coverage in the B-3 zone and it has lead to this alternative text.

Ms. Molly Davis stated that she thought it was the environmental benefits of permeable materials that speaks to the Comprehensive Plan and she thought it was a great compromise to what was asked, but it might be worthwhile to take more time so other members could understand the changes better.

Mr. Nicol stated that he thought a lot of good work was done in 2022 when the Planning Commission and Staff eliminated parking minimums and that he wanted to do this with lot coverage in the B-3 zone in order for the market to determine how much lot coverage is appropriate.

Action – A motion was made by Mr. Bruce Nicol and seconded by Ms. Barksdale to approve PLN- ZOTA-25-00002: LOT COVERAGE IN THE CORRIDOR BUSINESS (B-3) ZONE to remove the 30% lot coverage requirement in the B-3 zone.

Commission Comments and Questions – Mr. Michler stated that if the Planning Commission voted to approve the language proposed by Mr. Nicol they would be eliminating a de-facto parking maximum and would enable larger parking lots. Mr. Michler stated he thought it was important that the dominant feature of our corridor businesses should not be parking lots. Mr. Michler ended by urging the Planning Commission to approve the Staff alternative text instead.

Ms. Worth stated to Mr. Nicol that an applicant can apply for a waiver with the Staff alternative text and if there was a compelling case, then could be granted one.

Mr. Nicol stated that he thought that the Staff alternative text penalizes businesses and the waiver process is to burdensome for most businesses.

Ms. Barksdale stated she thought every alternative is another cost to business and that she is in favor of Mr. Nicol's motion.

Mr. Owens stated that he could not vote for the motion on the floor right now and that he supports the Staff alternative language.

Action – Chair Forester called the question. The motion carried 6-5 (Penn, Worth, Michler, Owens, and M. Davis opposed) to approve PLN- ZOTA-25-00002: LOT COVERAGE IN THE CORRIDOR BUSINESS(B-3) ZONE to remove the 30% lot coverage requirement in the B-3 zone as originally proposed during from the January 30, 2025, public hearing.