

5. HAYMAKER DEVELOPMENT CO., LLC, ZONING MAP AMENDMENT & BEAUMONT FARM, UNIT 3-B LOT 1 (AMD)

- a. PLN-MAR-16-00017: HAYMAKER DEVELOPMENT CO, LLC (1/29/17)* – petition for a zone map amendment from a Highway Service Business (B-3) zone, with conditions to a Highway Service Business (B-3) zone, with modified conditions, for 1.44 net (1.85 gross) acres, for property located at 3101 Wall Street.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that 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 proposes alteration of the existing conditional zoning restrictions on the subject property to permit a surface parking lot or structure as a principal use in the existing B-3 zone.

The Zoning Committee Recommended: Postponement.

The Staff Recommends: Disapproval, for the following reasons:

1. In accordance with Article 6-7(c) of the Zoning Ordinance, there have been no unanticipated changes of an economic, physical, and social nature in the immediate area since the time the conditional zoning restrictions were imposed in 2014 that have substantially changed the basic character of the area of the subject property.
2. The applicant has provided no evidence to support the requested modification to the conditional zoning restrictions, which were offered by the applicant only two years ago.

- b. PLN-MJDP-16-00044: BEAUMONT FARM, UNIT 3-B LOT 1 (AMD) (1/29/17)* - located at 3101 Wall Street.
(EA Partners)

The Subdivision Committee Recommended: Approval, subject to the following conditions:

1. Provided the Urban County Council rezones the property B-3 and revise conditional zoning restrictions; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Department of Environmental Quality's approval of environmentally sensitive areas.
5. Clarify purpose of amendment note (delete or revise last sentence).

Staff Zoning Presentation – Ms. Wade presented and summarized the staff report and recommendations on the modification of conditional zoning restrictions. She displayed some photographs of the subject property. She said the applicant would like to build a parking lot prior to building a principal structure on the lot. The applicant hasn't confirmed with the staff the timing of the building construction. This is in direct violation of the conditional zoning restrictions, which were offered by the applicant and have been in place for only two years. The applicant has offered no legal justification that meets KRS 100 or Article 6 of the Zoning Ordinance. She stated that the Zoning Committee recommended Postponement and the staff recommended Disapproval.

Development Plan Presentation – Ms. Gallt presented the staff report on the corollary zoning development plan, and a rendering of that plan.

Commission Comments – There was a question regarding the building shown on the development plan. Ms. Gallt replied that the staff reviews the plan as if it is already approved to meet the conditions. Mr. Owens asked if the Development Plan should reflect the parking spaces, if the building isn't going to be built. Ms. Gallt said that at this current time the applicant only wants to build the parking spaces and not the building, but they do need to have a final development plan with a building depicted in order to construct the building at a later date..

Petitioner Presentation – Glen Hoskins, attorney, was present representing the petitioner. He handed out a justification for this application, as well as proposed findings of fact and letters of support. The handout included these findings, as follows:

1. The office space industry in general has shifted since 2014 to a more dense use of interior space. Because of the use of shared and open spaces, as well as advances in, and additional uses of, cubicles, less space is needed for walls and hallways. The old "rule of thumb" of 1 employee per 25 square feet of office space has shrunk since 2014.
2. The same shift is true of medical office space since 2014. Computerization and advances in technology have reduced the need for space to store files. As laboratory equipment technology has advanced, the physical machinery has gotten smaller. Efficiency in the way medical practices schedule and see patients has allowed for

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smaller waiting rooms. This allows more space to be utilized for patient exam rooms – which means more patients and more employees. The Lexington Clinic Building, adjacent to the Baptist Healthcare Building, has recently eliminated a “patient drop off area” and reconfigured its lot to add 7-8 parking spaces, addressing the same “lack of parking” issue that Baptist Healthcare System, Inc. is facing.

3. The Lexington Clinic Building at 3085 Lakecrest Circle opened to the public on or about November 19, 2015, which was after the imposition of the subject conditional zoning restriction.
4. The Baptist Healthcare Building at 3084 Lakecrest Circle opened to the public on August 1, 2012, but the extent of their parking shortage was not manifested until after the 2014 zone change. Previously, Baptist Healthcare was using the access drive behind its building on Lakecrest Circle for overflow parking. With the completion of the Stantec Building earlier this year, that access drive has been opened all the way through and is no longer available for overflow parking. This has the overall effect of encouraging their patrons to park on the adjoining public street.
5. The Stantec Building at 3052 Beaumont Centre Circle opened to the public on September 10, 2016, two (2) years after the 2014 zone change. The company now has an “employee/area” ratio of approximately 1 employee per 180 square feet of office area.
6. The Lexington Clinic and Stantec office building openings, and new demands all three (3) new buildings imposed on the need for vehicular parking spaces, occurred after the 2014 zone change request was approved, and the increased density of employees and parking space demand was not anticipated when the 2014 conditional zoning restrictions were imposed.

Tim Haymaker, Haymaker Development Co, LLC, said that the conditions placed at the last rezoning were believed to have prohibited paid parking lots. He said that there are no conditions that state a building must be built before the parking lot. He handed out a letter of commitment from the President of Baptist Health Lexington. He also submitted a photograph of vehicles parked on the street due to the lack of parking.

Commission Comments – There was a comment stating that the petitioner needs a parking lot now and will build the building within the next two years. Mr. Haymaker replied that is correct. It was also asked if the parking lot will be used exclusively for Baptist Health. Mr. Haymaker replied that the intent is for staff parking. There was concern that the employees will be crossing street. There was also a question regarding the need for parking for the new building that is to be constructed. Mr. Haymaker stated that the minimum parking for this building has already been considered.

Mr. Hoskins described six reasons of justification for this zone change, which were in his handout. He said that this will be a temporary situation and the office building will be built.

Commission Comments – There was a question of how the new building will be built after the parking lot; with the parking lot being used by employees from another building, where will the employees for the new building be parking. Mr. Hoskins replied that the development plan depicts the new building only requires 25 parking spaces, leaving an excess of 55 spaces. Mr. Penn expressed concern that the need for parking will increase with the medical facility across the street at the same time as the building is being built.

Dr. Sid Hopkins, Baptist Healthcare, said that the current building has been more successful than expected and the need for more parking is needed, not just for the patients but for the supporting staff. The intent is for the staff to park on this new lot to allow the patients to park closer to the office building. The new building will be specialty care, which is a much smaller volume.

Citizen Comments – There were no citizens present to comments on this application.

Petitioner Rebuttal – Mr. Hoskins said that he has set his examples of evidence of things that have significantly changed in the character of the area.

Staff Rebuttal – Ms. Wade said that if medical offices are utilizing more technology, which would require less office space per employee. She said that the staff suggests the Planning Commission to not adopt findings related to industry wide changes because they are not related to this specific property. She said the staff doesn't believe that there has been a significant change in this area and that findings numbers 1 and 2 (provided by the petitioner) not should not apply.

Commission Discussion – There were comments that this could be built right now with the intention of the building being built within two years. There were concerns of the safety of the employees crossing the street, which will not be pedestrians that are unfamiliar with the area. There were concerns with the findings provided by the petitioner and the new building being built after a parking lot. There was a comment that the petitioner hasn't shared these reasons with the staff prior to the meeting. Ms. Wade replied that the applicant's attorney did contact the staff that they had drafted a justification and this justification is not the same that was presented to the staff.

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Zoning Action – A motion was made by Mr. Cravens, seconded by Mr. Berkley, and carried 7-1 (Plumlee opposed; Brewer, Drake, and Richardson absent) to approve PLN-MAR-16-00017: HAYMAKER DEVELOPMENT CO, LLC, for the following reasons:

These findings demonstrate that there has been a major change of a physical nature in the area in which the subject property is located.

1. The Lexington Clinic Building at 3085 Lakecrest Circle opened to the public on or about November 19, 2015, which was after the imposition of the subject conditional zoning restriction, which provided increased use and parking.
2. The Baptist Healthcare Building at 3084 Lakecrest Circle opened to the public on August 1, 2012, but the extent of their parking shortage was not manifested until after the 2014 zone change. Previously, Baptist Healthcare was using the access drive behind its building on Lakecrest Circle for overflow parking. With the completion of the Stantec Building earlier this year, that access drive has been opened all the way through and is no longer available for overflow parking. This has the overall effect of encouraging their patrons to park on the adjoining public street.
3. The Stantec Building at 3052 Beaumont Centre Circle opened to the public on September 10, 2016, two (2) years after the 2014 zone change. The company now has an "employee/area" ratio of approximately 1 employee per 180 square feet of office area.
4. The Lexington Clinic and Stantec office building openings, and new demands at all three (3) new buildings imposed on the need for vehicular parking spaces, occurred after the 2014 zone change request was approved, and the increased density of employees and parking space demand was not anticipated when the 2014 conditional zoning restrictions were imposed.

Development Plan Action – A motion was made by Mr. Cravens, seconded by Ms. Mundy, carried 8-0 (Brewer, Drake, and Richardson absent) to approve PLN-MJDP-16-00044: BEAUMONT FARM, UNIT 3-B LOT 1 (AMD), for the reasons provided by the staff.

