

ORDINANCE NO. 16 -2017

AN ORDINANCE CHANGING THE ZONE 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 (HAYMAKER DEVELOPMENT CO., LLC; COUNCIL DISTRICT 10).

WHEREAS, at a Public Hearing held on December 15, 2016 a petition for a zoning ordinance map amendment for property located at 3101 Wall Street 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, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of the zone change by a vote of 7-1; 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 herein by reference.

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

Section 1 - That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 3101 Wall Street 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, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 - That the granting of this zone change is made subject to the following use restrictions as conditions of granting the zone change:

Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be prohibited on the subject property via conditional zoning:

- a. Establishment and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
- b. Indoor amusement, such as billiard or pool halls, dancing halls, skating rinks, miniature golf or putting courses, theatres, or bowling alleys.


- c. Self-service laundry.
- d. Shoe repair, clothing alteration, tailoring services and tattoo parlors.
- e. Carnivals, even on a temporary basis.
- f. Taxidermy establishments.
- g. Pawnshops.
- h. Commercial parking lots and structures, pay for parking.
- i. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
- j. Advertising signs (and billboards) as defined in Article 17-7(3)(b)(1) of the Zoning Ordinance.
- k. Free-standing signs taller than 10' in height.

Section 3 - That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: February 9, 2017

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

Published: February 16, 2017-1t

0093-17:TWJ: X:\Cases\PLANNING\17-LE0001\LEG\00562720.DOCX



MAYOR

3101 Wall Street
Haymaker Development Co., LLC Property
Land Use Change for the B-3 Zone
Lexington, Fayette County, Kentucky

A TRACT OR PARCEL OF LAND SITUATED AT THE INTERSECTION OF BEAUMONT CENTRE CIRCLE AND LAKECREST CIRCLE INSIDE THE BEAUMONT CENTRE DEVELOPMENT IN SOUTHWEST LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

BEGINNING AT A POINT in the centerline intersection of Beaumont Centre Circle and Lakecrest Circle as shown on the Easement Amended & Consolidated Minor Subdivision Plat of Beaumont Farm, Unit 3-B, of record in Plat Cabinet K, Slide 286 in the Office of the County Clerk of Fayette County, Kentucky; Thence 231.83 feet along a curve to the left having a radius of 760.00 feet and a chord which bears North 26 Degrees 04 Minutes 19 Seconds East, a distance of 230.93 feet to a point; Thence South 58 Degrees 02 Minutes 39 Seconds East, a distance of 145.13 feet to a point; Thence South 89 Degrees 33 Minutes 03 Seconds East, a distance of 155.53 feet to a point; Thence South 01 Degrees 18 Minutes 02 seconds East, a distance of 26.95 feet to a point; Thence 141.63 feet along a curve to the right having a radius of 218.86 feet and a chord which bears South 17 Degrees 14 Minutes 17 Seconds West, a distance of 139.17 feet to a point; Thence South 35 degrees 46 Minutes 36 Seconds West, a distance of 173.78 feet to a point; Thence North 54 Degrees 13 Minutes 24 Seconds West, a distance of 293.27 feet to the **POINT OF BEGINNING** and containing 1.85 acres gross and 1.44 acres net.

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

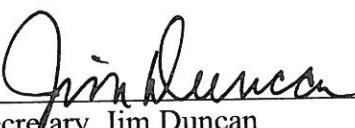
IN RE: PLN-MAR-16-00017: HAYMAKER DEVELOPMENT CO, LLC– a petition for a zone map amendment from a Highway Service Business (B-3) zone, with conditions to a Highway Service Business (B-3) zone, with modified conditions, for 1.44 net (1.85 gross) acres, for property located at 3101 Wall Street. (Council District 10)

Having considered the above matter on **December 15, 2016**, at a Public Hearing, and having voted **7-1** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reasons:

1. The requested Highway Service Business (B-3) zone is appropriate, and the existing Highway Service Business (B-3) zone is inappropriate at this location, for the following reasons:
 - a. 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.
 - b. 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.
 - c. 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.
 - d. 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.
2. This recommendation is made subject to the approval and certification of **PLN-MJDP-16-00044: BEAUMONT FARM, UNIT 3-B LOT 1 (AMD)**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be prohibited on the subject property:
 - a. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
 - b. Indoor amusements, such as billiard or pool halls, dancing halls, skating rinks, miniature golf or putting courses, theatres, or bowling alleys.
 - c. Self-service laundry.
 - d. Shoe repair, clothing alteration, tailoring services and tattoo parlors.
 - e. Carnivals, even on a temporary basis.

- f. Taxidermy establishments.
- g. Pawnshops.
- h. Commercial parking lots and structures, pay for parking.
- i. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
- j. Advertising signs (and billboards) as defined in Article 17- 7(3)(b)(1) of the Zoning Ordinance.
- k. Free-standing signs taller than 10' in height.

ATTEST: This 13th day of January, 2017.


 Secretary, Jim Duncan

WILLIAM WILSON
 CHAIR

Note: The corollary development plan, PLN-MJDP-16-00044: BEAUMONT FARM, UNIT 3-B LOT 1 (AMD) was approved by the Planning Commission on December 15, 2016 and certified on December 22, 2016.

K.R.S. 100.211(7) requires that the Council take action on this request by March 15, 2017.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Glen Hoskins, attorney.**

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (7) Berkley, Cravens, Mundy, Owens, Penn , Smith, and Wilson

NAYS: (1) Plumlee

ABSENT: (3) Brewer, Drake, and Richardson

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **CONDITIONAL APPROVAL** of **PLN-MAR 16-00017** carried.

Enclosures: Application
 Plat
 Staff Report
 Applicable excerpts of minutes of above meeting

MAP AMENDMENT REQUEST (MAR) APPLICATION

1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

Applicant: HAYMAKER DEVELOPMENT CO LLC, 3120 WALL ST STE 300, LEXINGTON, KY 40513
Owner(s): HAYMAKER DEVELOPMENT CO LLC 3120 WALL ST STE 300 LEXINGTON KY 40513
Attorney:

2. ADDRESS OF APPLICANT'S PROPERTY

3101 WALL ST LEXINGTON KY

3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
B-3 with Cond. Zoning Restrictions	Vacant	B-3 with Modified Cond. Zoning Restrictions	Office & Parking	1.44	1.85

4. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40% of the median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing.	<input type="checkbox"/> YES <input type="checkbox"/> NO

5. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided)

Roads:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	Private
Utilities:	<input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable



EA Partners, PLLC

CIVIL ENGINEERS • LAND SURVEYORS • LANDSCAPE ARCHITECTS
3111 WALL STREET
LEXINGTON, KENTUCKY 40513
PHONE (859) 296-9889
FACSIMILE (859) 296-9887

October 31, 2016

Mr. William Wilson, Chairman
Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, Kentucky 40507

RE: Beaumont Farm Unit 3-B, Lot 1
 3101 Wall Street
 Application to revise conditional zoning in the B-3 Zone

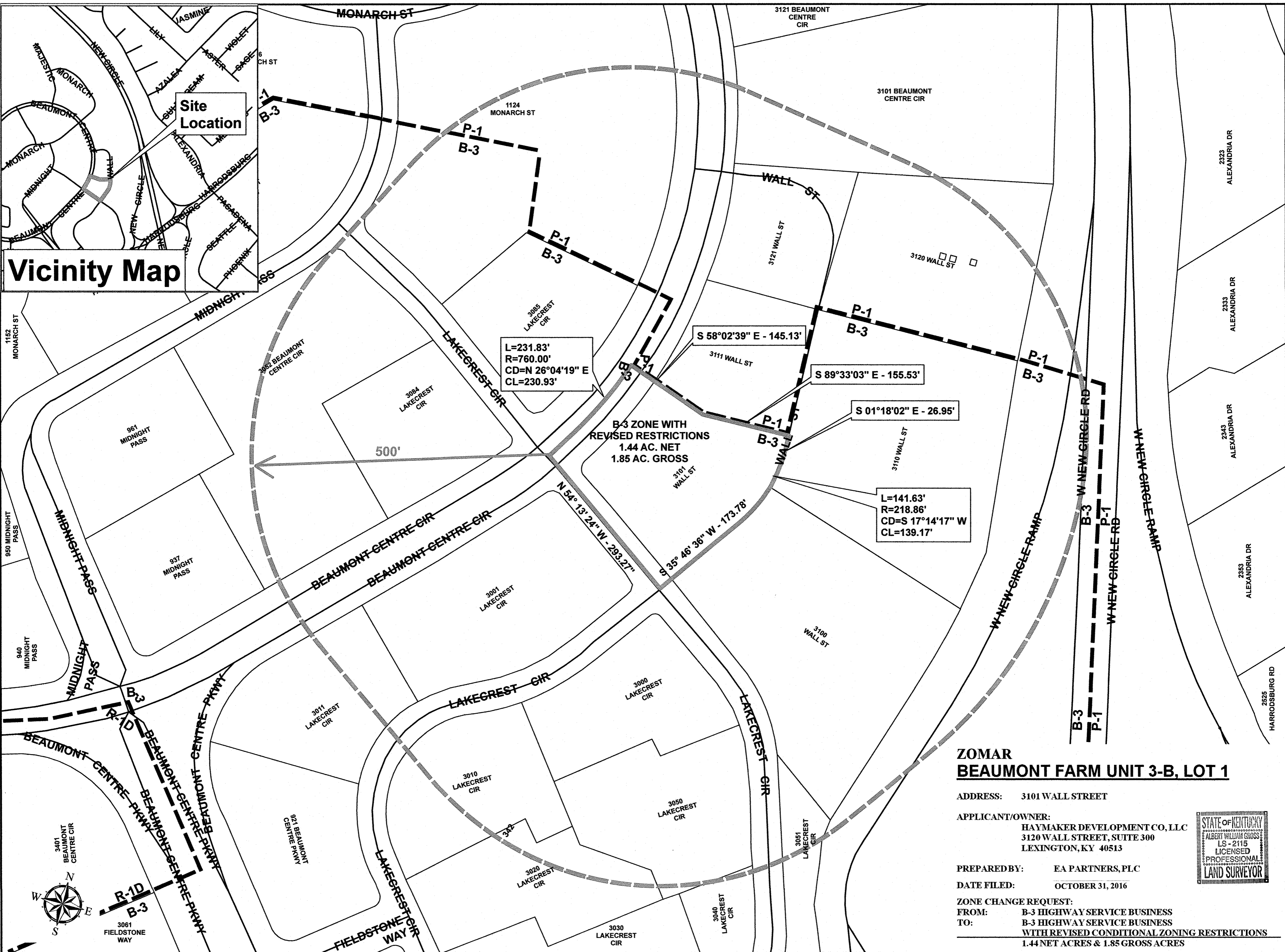
Dear Chairman Wilson:

This zone change application is to clarify one issue with the previously adopted conditional zoning restrictions. Within the B-3 zone, parking lots and parking structures are principle uses. This language does not differentiate between private and commercial "pay to park" uses. This lot has an approved Final Development Plan that reflects a medical office building and parking. The purchaser and applicant is Baptist Health. They want to clarify their ability to occupy the lot for parking purposes prior to occupying the building. Our proposed revised conditional zoning restriction will clearly prohibit the construction of a commercial "pay to park" parking lot. It will permit the construction of their private parking lot prior to the construction building. Baptist Health has another facility diagonally across Beaumont Centre Circle at 3084 Lakecrest Circle.

Sincerely,



Rory Kahly, R.L.A.



Vicinity Map

Site Location

Notification Map



**ZOMAR
BEAUMONT FARM UNIT 3-B, LOT 1**

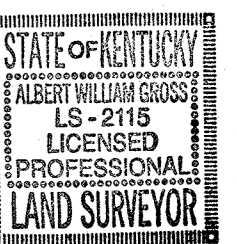
ADDRESS: 3101 WALL STREET

APPLICANT/OWNER:
HAYMAKER DEVELOPMENT CO, LLC
3120 WALL STREET, SUITE 300
LEXINGTON, KY 40513

PREPARED BY: EA PARTNERS, PLC

DATE FILED: OCTOBER 31, 2016

ZONE CHANGE REQUEST:
FROM: B-3 HIGHWAY SERVICE BUSINESS
TO: B-3 HIGHWAY SERVICE BUSINESS
WITH REVISED CONDITIONAL ZONING RESTRICTIONS
1.44 NET ACRES & 1.85 GROSS ACRES



STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-16-00017: HAYMAKER DEVELOPMENT CO., LLC

DESCRIPTION

Zone Change: From a Highway Service Business (B-3) zone, with conditions
To a Highway Service Business (B-3) zone, with modified conditions

Acreeage: 1.44 net (1.85 gross) acres

Location: 3101 Wall Street

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	B-3	Vacant
To North	P-1	Professional Offices
To East	B-3	Hotels
To South	B-3	Commercial & Hotels
To West	B-3	Professional Offices

URBAN SERVICES REPORT

Roads – Beaumont Centre Circle forms a ring road within the Beaumont Farm development – northwest of the Harrodsburg Road interchange with New Circle Road. Beaumont Centre Parkway, a wide boulevard, connects this ring road to Harrodsburg Road (US 68), and provides access to the existing commercial uses on either side. Lakecrest Circle and Wall Street are local streets that provide access to the subject property, as well as other commercial and office uses in the area. No additional public or private streets are proposed with the current request to modify the existing conditional zoning restrictions.

Curb/Gutter/Sidewalks - Curbs, gutters and sidewalks exist within the Beaumont Centre development. Any additional sidewalks or cross-walks required for the development of the subject lot will need to be constructed by the developer.

Storm Sewers - The property is within the South Elkhorn watershed. There are no known flooding issues in the immediate vicinity of the subject property. No new storm water basins are expected to be constructed by the developer for this proposed change to conditional zoning restrictions.

Sanitary Sewers - The subject property is located within the South Elkhorn sewershed and is served by the West Hickman Treatment Plant, located in northeastern Jessamine County, near the Jessamine/Fayette County line. There is currently some sanitary sewer capacity in the Mint Lane sewershed, but the subject property has a “grandfathered” capacity of about 4,000 gpd under the provisions of the Capacity Assurance Program.

Refuse - Trash pickup is currently provided in this portion of the Urban Service Area on Mondays. Oftentimes, office and commercial developments hire private contractors to either replace or supplement the service provided by the Urban County Government. According to the application submitted with this zone change request, “other” private trash pickup will be provided to the proposed development in addition to service by the LFUCG.

Police - The nearest police station is the West Sector Roll Call Center, located on Old Frankfort Pike at its interchange with New Circle Road, a little more than three miles to the northwest of the subject property.

Fire/Ambulance - Fire Station #20 is located just ¼ mile south of this location across Harrodsburg Road, at the corner of Arrowhead Drive.

Utilities - Electric, gas, water, telephone, and cable television service are all available in the immediate area and can be easily extended to serve the subject property.

LAND USE 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.

CASE REVIEW

The petitioner has requested to modify conditional zoning restrictions, which prohibit several uses, including surface parking lots and/or parking structures as a principal use. Conditional zoning restrictions were first put in place portions of the Beaumont Farm development by the Urban County Council in 1990; however, the restrictions applicable to the subject property were first established in 2008 and later modified in 2014.

The subject property is about 1.5 acres in size and is located at the intersection of Lakecrest Circle and Beaumont Centre Circle, which forms an identifiable ring road within the Beaumont Farm development. The subject property also has frontage along Wall Street, which is a private roadway in the Beaumont Office Park. Beaumont Centre Circle connects to many other local streets serving residential and commercial development in Beaumont Farm, and provides access to the many existing commercial uses located between Harrodsburg Road and the subject property. The Beaumont Farm development is comprised of restricted B-3, B-6P, P-1 and R-3 zoning.

The Beaumont development has a long history of zone changes and development plan amendments since the first zone change was approved in 1990. When it was first re-zoned from an Agricultural Urban (A-U) zone, the 1988 Comprehensive Plan had a mixture of land use recommendations for Beaumont Farm. Prior to the adoption of the 1996 Comprehensive Plan, a sub-committee was formed, consisting of neighborhood residents representing the nearest neighborhood association in the area at the time; Planning Commission members; Planning staff; the developer of the property; attorneys and design professionals. Its purpose was to discuss future development within the Beaumont area. The group met from late 1995 to early 1996, and a lengthy report (with recommendations) was forwarded to the Planning Commission at its conclusion. That ended a two-year period where the amount of commercial acreage that should be provided in the Beaumont Farm development was reviewed in detail by the Planning Commission. In 2005, this issue was revisited, in essence, when about 1/3 of the land inside Beaumont Centre Circle was rezoned to B-3, despite disapproval recommendations from the Planning Commission and the staff because the 2001 Plan had recommended Professional Services land use for all of the land inside Beaumont Centre Circle.

The subject parcel was not originally a part of the restricted B-3 zoned property until the applicant requested a zone change "swap" of B-3 and P-1 land in 2008. At that time, the site and two larger properties adjacent to New Circle Road were rezoned to B-3, while land inside Beaumont Centre Circle was downzoned to a P-1 zone. Like all of the other B-3 zoned property in Beaumont, the subject property was conditionally zoned "to limit the B-3 uses for all of the properties fronting on Lakecrest Drive in a consistent and similar manner, and to ensure that the integrity of the Beaumont Farm commercial area is maintained in the future." A subsequent zone change request in 2014 proposed modifying the conditional zoning restrictions for eight B-3 zoned lots that were held by the developer and remained vacant in hopes or encouraging their development. This application is now the fourth zone change request for the subject property, according to the Division of Planning records.

Since the appellant is requesting a change in the conditional zoning restrictions, agreement with the 2013 Comprehensive Plan is not a required part of the typical evaluation by the staff and Planning Commission, rather, Article 6-7(c) of the Zoning Ordinance requires that a finding be made that there have been unanticipated changes of an economic, physical, and social nature in the immediate area *since the time the conditional zoning restrictions were imposed* that have substantially changed the basic character of the area, in order to alter these limitations.

The appellant's development plan is contemplating a new building, surrounded by a surface parking lot, to be occupied by Baptist Health, which also owns the parcel located kitty corner from the subject property across Beaumont Centre Circle and Lakecrest Circle. The petitioner proposes to modify the conditional zoning restriction from "parking lots and structures" to "commercial parking lots and structures, pay for parking." They hope to clarify that the proposed user, Baptist Health, can construct a stand-alone parking lot prior to building their office building on the lot, so long as they do not operate a commercial parking lot. A commercial parking lot is a parking area where people pay per space or per hour to occupy a space in the parking lot. Stand-alone commercial parking lots or structures are rather rare outside of downtown Lexington or near the University of Kentucky campus since there is hardly ever a need for such a use and they are not an efficient use of the land we have inside the Urban Service Area.

Conditional zoning restrictions have limited development of this lot since 2008, but those that currently apply to the subject property are only two years old, having been adopted by the Urban County Council on September 25, 2014. In fact, the set of restrictions were brought forward by the applicant two years ago, when they stated that the "proposed restrictions are more appropriate." At that time, five restrictions were carried forward from 2008, five new restrictions were offered and one restriction for free-standing signs was changed. One of the five restrictions offered was the one being requested for change today.

Article 6-7(c)(1)(a) of the Zoning Ordinance states that a request to modify conditional zoning restrictions may be granted “ only if it is found that there has been a major change of an economic, physical or social nature on the subject property or within the area in which the subject property is located, which was not anticipated at the time the binding restriction or condition was imposed, and which has substantially altered the basic character of such area making the restriction or condition inappropriate or improper.” The Zoning Ordinance goes on to state that “the burden shall be on the applicant to establish said finding by a clear preponderance of the evidence.” The applicant has provided no evidence about any such change since the conditional zoning restriction was put in place, only statements about wanting to construct a parking lot to serve their nearby use, prior to constructing the structure depicted on the corollary development plan. With no evidence to support that required finding, legally the staff and Planning Commission cannot support this request.

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.

TLW/WLS

11/22/16

Planning Services/Staff Reports/MAR/2016/PLN-MAR-16-00017.doc

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

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

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.

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

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 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.

