



STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

**PLN-ZOTA-22-00002: AMENDMENT TO ARTICLE 23A-9 TO PERMIT HOTELS/MOTELS
IN THE COMMUNITY CENTER (CC) ZONE**

APPLICANT: JASON L. JUSTICE

PROPOSED TEXT: (Note: Text underlined indicates an addition to the existing Zoning Ordinance; text ~~stricken through~~ indicates a deletion.)

ARTICLE 23A-9 COMMUNITY CENTER (CC) ZONE

(b) Principal Uses.

35. ~~Hotels and Motels~~

(d) Prohibited Uses.

~~17. Hotels and Motels~~

~~18. 17.~~ Wholesale establishments.

~~19. 18.~~ Greenhouses, nurseries, hatcheries.

~~20. 19.~~ Establishments offering live entertainment in which a person simulates any sexual act or in which a person is unclothed, or in such attire, costume, or clothing as to expose to view any portion of the female breast below the top of the areola, the male or female genitalia, or the buttocks.

~~21. 20.~~ Establishments at which any employee is unclothed or in the attire, costume or clothing described above, or is clothed in such a manner as to simulate the breast, genitalia, buttocks, or any portion thereof.

~~22. 21.~~ Establishments having as a substantial or significant portion of their stock in trade for sale, rent or display, pictures, books, periodicals, magazines, appliances and similar material which are distinguished or characterized by their emphasis on matter depicting, describing or relating to such sexual activities as: (a) Depiction of human genitals in a state of sexual stimulation or arousal; (b) Acts of human masturbation, sexual intercourse or sodomy; or (c) Holding or other erotic touching of human genitals, pubic region, buttocks or breasts.

~~23. 22.~~ Indoor motion picture theaters having as a substantial or significant portion of their use the presentation of material having as a dominant theme or characterized or distinguished by an emphasis on matter depicting, describing or relating to such sexual activities as: (a) Depiction of human genitals in a state of sexual stimulation or arousal; (b) Acts of human masturbation, sexual intercourse or sodomy; or (c) Holding or other erotic touching of human genitals, pubic region, buttocks or breasts.

~~24. 23.~~ Pool or billiard halls.

~~25. 24.~~ Primitive campgrounds; farm tours; hayrides; corn mazes; outdoor rodeos; riding stables; horse shows; fishing lakes; hunting and trapping; sportsmen's farms; and zoological gardens.



STAFF REVIEW:

The petitioner, Jason L. Justice, is requesting a text amendment to the Zoning Ordinance in order to allow hotels and motels as a principal use in the Community Center (CC) zone. The intent of the CC zone is to implement the Community Center land use designation in the Expansion Area Master Plan by providing a mixture of residential uses and nonresidential uses, which serve the needs of the surrounding residential neighborhoods. Over the course of the last 26 years, the CC zone has been modified three times, including the addition of banquet facilities and two separate applications to increase in square footage of structures. The applicant indicates that the proposed amendment would continue to make the zone more desirable for development and will add a complementary use to existing and proposed commercial developments.

The applicant opines that the request would allow an additional, but comparable, type of high-density dwellings in a CC zone. Currently, multiple family, nursing and personal care facilities, and rehabilitation homes are principal permitted uses. Additionally, boarding houses and assisted living facilities are allowed as conditional uses in a CC zone. The applicant suggests that the principal and conditional uses are substantially similar in their design and density as a hotel and motel. Additionally, the applicant indicates that they are not interested in modifying the design and sizing standards of the CC zone. They indicate that this will allow for a more seamless transition between a proposed hotel or motel, and the other uses that are allowable in the zone. They state that hotels and motels will not dominate those mixed-use developments, but will lead to a complete project area that integrates into the intended scale.

The applicant indicates that the inclusion of hotels and motels in the CC zone would provide tourists, temporary business workers and other visitors a place to stay in areas with abundant community facilities, retail, and commerce opportunities (Theme C, Goal #1.d). Furthermore, the addition of transient populations will increase the viability of the commercial uses in the CC zone and surrounding areas.

The staff agrees that the inclusion of hotels and motels within the zone can be beneficial to commercial uses and can be an added benefit to Lexington. However, the inclusion of hotels and motels must not be in conflict with the residential requirements of the zone. Hotels and motels shall not constitute any portion of the required residential requirement of forty percent (40%) of the aggregated floor area of buildings within a development in a CC zone.

The Staff Recommends: Approval of the proposed text amendment to the Zoning Ordinance, for the following reasons:

1. The proposed text amendment to allow hotels and motels within the Community Center (CC) zone will complement the commercial aspects of the zone and will conform with the size requirements for the CC zone.
2. The proposed use will provide tourists, temporary business workers and other visitors a place to stay in areas with abundant community facilities, retail, and commerce opportunities (Theme C, Goal #1.d), which will support the established commercial uses.
3. Hotels and motels shall not constitute any portion of the required residential requirement of forty percent (40%) of the aggregated floor area of buildings within a development in a CC zone.

HB/TLW

PLN-ZOTA-22-00002: Staff Report (Hotels and Motels in CC zone)

