

STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

ZOTA 2017-2: BANQUET FACILITIES IN THE COMMUNITY CENTER (CC) ZONE

REQUESTED BY: Joel Brown

PROPOSED TEXT: (Note: Underlined text indicates an addition to the current Zoning Ordinance; and ~~strikethrough text~~ indicates a deletion from the current Zoning Ordinance.)

23A-9 COMMUNITY CENTER (CC) ZONE

23A-9(b) PRINCIPAL USES

31. Banquet facilities.

STAFF REVIEW:

A property owner of land located on Newtown Pike within a Community Center (CC) zone, has requested a Zoning Ordinance text amendment to add banquet facilities as a principal permitted use in the zone.

The land uses permitted in the CC zone generally date back to the time shortly after the 1996 Expansion Area Master Plan was adopted by the Planning Commission. The EAMP "master planned" all of the 5,400 acres added to the Urban Service Area as part of the 1996 Comprehensive Plan update. As part of that effort, Community Center zones were intended to establish a more mixed-use approach to commercial development than had previously been seen in the Urban County. The Community Center (CC) land use category was initially defined to include a mixture of retail, office, residential and civic uses, as well as cultural and religious institutions integrated around public spaces. Transition areas for institutional, religious, and public land uses were also planned adjacent to these CC land uses.

Following adoption of the EAMP, the Zoning Ordinance was amended late in 1996 to create the only zoning categories that would be utilized in the Expansion Areas, including the Community Center (CC) zone. The intent of the CC zone, as stated in Article 23A-9 of the Zoning Ordinance, is to provide a "mixture of residential uses and non-residential uses which serve the needs of the surrounding neighborhoods." A small number of uses have been added to the CC zone since its inception, often in conjunction with changes made to the Neighborhood Business (B-1) zone, which serves a similar purpose for land inside the remainder of the Urban Service Area, but not within the Expansion Area.

Article 1-11 of the Zoning Ordinance defines a banquet facility as follows:

BANQUET FACILITY - a building made available to the public for holding meetings and social events. This use may include the sale of alcoholic beverages; indoor live entertainment; and may also include, as an accessory use, events conducted outside the main building in tents or other temporary facilities, subject to the issuance of a permit by the Division of Building Inspection.

The term "banquet facility" was first introduced in the LFUCG Zoning Ordinance in response to a land owner's request in 2007. Prior to that, banquet facilities and/or meeting rooms were normally considered accessory uses to hotels, private clubs, country clubs, restaurants, museums, and even churches. Until 2007, the use was permitted as an accessory use where appropriate, and had been granted approval by the Board of Adjustment at least once (ACV-2002-21: Events, Inc.) having been interpreted as a principal use in a Neighborhood Business (B-1) zone.

In 2007, the requested Zoning Ordinance text amendment was approved by the Urban County Council that formally defined "banquet facilities," established off-street parking requirements, and designated zoning

districts in which the new use would be allowed. At that time banquet facilities were established as a principal permitted use in the Neighborhood Business (B-1) zone, which carries forward to the B-2, B-2A, B-6P and Mixed Use (MU) zones. Additionally, banquet facilities are listed as an allowed in an Adaptive Reuse Project (B-4, I-1 and I-2 zones) and have been permitted in warehouse structures. However, banquet facilities were not allowed in any of the Expansion Area zones.

The applicant contends that by adding the banquet facilities to the CC zone, it will allow the adaptive reuse of the historical structures located on Providence Place property along Newtown Pike (north of Interstates 64 & 75). The applicant believes this will allow for a commercial use of the land, and also promote the continued preservation of the existing structures. Ironically, the original text amendment in 2007 defined banquet facilities in a way that required reuse of a historic residence, which significantly limited the number of appropriate locations for such uses. In 2014, a subsequent text amendment modified the definition to remove this limitation because there appeared to be a need and/or demand to expand the definition, and no other neighborhood business use had a similar restriction.

The staff believes that the request to add banquet facilities to the CC zone is appropriate, as long as outdoor live entertainment is not pursued. Although outdoor live entertainment is possible as a conditional use in the B-1 zone, the applicant and staff agree that it is not appropriate in the CC zone, which requires a mixture of uses, including residential land use. This change may encourage development of other land zoned CC in the community.

The Staff Recommends: **Approval**, for the following reason:

1. The proposed text amendment will add banquet facilities as a principal permitted use in the Community Center (CC) zone. As long as outdoor live entertainment is not included, the use will complement the other principal permitted uses that are allowable in the zone.

TLW/WLS

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