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April 2, 2012

Lexington-Fayette Urban County Planning Commission
200 East Main Street
Lexington, KY 40507

RE: Text Amendment

Dear Members of the Planning Commission:

We represent C Brothers, LLC and on their behalf submit this application for a zoning text amendment. Specifically, we request that the definition of "banquet facility" be amended to delete the requirement that the use must take place within a building currently or formerly used as a residence. The full text of the revised definition is attached.

Our client owns property located at 2370 Sandersville Road occupied by a brick warehouse which was previously owned and used for many years by the Hillenmeyer family as part of their garden center and landscaping business. C Brothers, LLC, whose members include Doug and Kerry Cauthen, purchased the property in 2007 and rezoned it to the High Density Apartment (R-4) zone in order to convert the warehouse into loft apartments. However, due to the downturn in the residential market, the project did not go forward and the Cauthens have been seeking alternative uses for the building. They recently received a proposal from a local caterer who would like to use a portion of the building as a catering and banquet facility.

The applicant met with the staff to explore whether a zone change would be necessary to convert a portion of the warehouse into a banquet facility, and what zone classification would be required. The staff advised the Cauthens that the R-4 zoning of the property would have to be changed because banquet facilities are principal uses in the B-1, B-2, B-2A and B-6P zones and also are permitted in the Mixed Use (MU) zone. However, the Cauthens also learned that the definition of "banquet facility" would preclude conversion of the warehouse into a banquet facility, regardless of the zone, because such facilities can only operate as a principal use in a building currently or formerly used as a residence. The only exception to this requirement is in the B-4 zone which allows a warehouse to be converted to a banquet facility if it otherwise qualifies as an "Adaptive Reuse Project." But, that option is only available to properties in the Infill and Redevelopment Area. Consequently, the only route available would be a two-step process including a text amendment modifying the definition of "banquet facility" and a zone map amendment. Furthermore, the property does not meet the locational criteria for the Mixed Use zone thereby requiring a change to a business zone. Therefore, we are filing this request for

the text amendment, and will subsequently file a map amendment to change the property to the B-1 zone.

The amendment would allow all buildings in business zones, including but not limited to residences, to be converted into banquet facilities. One of the long-standing planning principles of our community has been to encourage reuse and adaption of existing buildings as one tool to efficiently use land within the Urban Service Area. Expanding the definition is consistent with that principle.

Prior to 2007, banquet facilities were not specifically listed as a principal or accessory use in any zone but had been allowed in most of the business zones as an accessory use to hotels, churches and private clubs, and similar uses. A text amendment was approved in 2007 which created a definition for banquet facility and added it as a principal permitted use in the B-1 zone which carries over to the B-2, B-2A, B-6P, and Mixed Use (MU) zones. The applicant for the text amendment wished to convert a historic building, which had been built as a home, into a banquet facility. As a result, the definition as approved included the provision that the use be operated in a building currently or formerly used as a residence.

It is our understanding that, since 2007, the staff has received several inquiries about converting existing structures, other than residences, into banquet facilities but have had to advise that such use is prohibited because of the definition. Therefore, it appears there is a need to expand the definition. Furthermore, the restriction on banquet facilities is not imposed on any other permitted use in the business zones. For example, an existing building in a B-1 zone, regardless of its original function, may be converted into a restaurant, grocery store, hair salon or any other permitted use in that zone. There are numerous examples of this taking place throughout the community. Finally, it has already been found that banquet facilities are comparable to other uses allowed in the B-1 zone such as restaurants and private clubs. The amendment merely makes it possible to convert all types of buildings to that use.

Based on these reasons, we request that the proposed text amendment be approved by the Commission. We will be at the May public hearing in order to make a complete presentation of this request.

Very truly yours,

Stoll Keenon Ogden PLLC



Rena G. Wiseman

RGW

cc: Doug Cauthen
Kerry Cauthen