

STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

ZOTA 2014-6: AMENDMENT TO ARTICLE 21-7(a)
PERTAINING TO MINOR DEVELOPMENT PLAN AMENDMENTS

REQUESTED BY: RBHV Lexington, LLC and RBHV Lexington Retail, LLC

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

21-7(a) MINOR AMENDMENTS DEFINED

Minor amendments are intended to expedite approval in those situations where amendments are of minor significance and generally relate to the shifting of previously approved spaces. Such amendments **(1)** shall not decrease the overall land area in yards, or other open spaces; **(2)** shall not increase building ground area coverage, floor area, or height, or increase the number of dwelling units; **(3)** shall not increase the number or size of signs; **(4)** shall not change the location or cross-section of any street and shall not increase the number, or change the location of street access points, except that shifts in the approved access location not exceeding twenty-five (25) feet may be approved as a minor amendment where the access point is not located on an arterial street and the Divisions of Traffic Engineering and Planning concur that such relocation will not have a negative effect on traffic safety and movement; **(5)** may include a reduction in parking spaces only when an associated reduction in floor area or number of dwelling units would permit a lesser number of minimum required off-street parking spaces than required for the original development plan. To qualify as a minor amendment, this reduction may be equal to but not exceed the difference in minimum required parking between the original plan and the proposed minor amended plan. ~~For any case where parking in excess of the minimum requirement was provided on the original development plan, that same number of spaces shall be provided in excess of the minimum requirement for the proposed minor amendment plan.~~ **(6)** the number of required spaces depicted on the original final development plan or on a subsequent amended final development plan, as applicable, may be reduced by the approval of a minor development plan, provided that such amendment does not reduce the number of parking spaces below the required minimum depicted on the development plan that is being amended.

STAFF REVIEW:

The owners of the French Quarter Square retail complex anchored by the Double Tree Suites Hotel on Richmond Road, near the intersection of New Circle Road and Richmond Road, have requested a Zoning Ordinance text amendment to allow a reduction of any excess parking approved by the Planning Commission on a staff-approved minor amendment to the development plan.

Article 21-7 of the Zoning Ordinance defines the types of development plan amendments that can be approved by staff, and, by inverse, which need to be approved by the Planning Commission. In general, there are 5 provisions to this regulation that essentially allow the staff to approve amendments that shift the approved buildings and parking areas, but do not allow an increase to the intensity of the approved plans. This regulation has remained essentially unchanged since 1983.

Over the last 20 years, there has been a paradigm shift in how the overall planning profession views excess parking. In particular, Lexington's focus on infill & redevelopment in the last 10 years has changed the viewpoint on parking from questioning those proposals that only met the bare minimum required to questioning those that exceed the minimum requirements by more than 50%. In fact, Metro Louisville-Jefferson County has enacted parking maximums into their development codes.

In 2008, the Infill & Redevelopment Steering Committee recommended several changes related to reducing the amount of parking, and simultaneously recommended that the development process be streamlined to accommodate development. Although many of the parking reduction regulations have been implemented, the recommendation that staff have more authority to approve minor amended development plans has not. The process for major development plan amendments typically takes about six weeks to complete, whereas the minor amendment process usually involves about one week of staff review.

The applicant's proposal is intended to expedite the review and approval process for existing properties that are subject to development plan controls. The proposal would allow the staff to approve a minor development plan that reduces the parking to the minimum required by the Zoning Ordinance. The staff is agreeable, in concept, to the applicant's proposal, but believes a simpler version of this text change may be more appropriate. The staff's primary concern with the proposed text amendment is that provision #6 essentially negates provision #5. Deleting provision #5 in its entirety accomplishes the same goal, with less complicated language needed in Article 21-7.

Deleting provision #5 would adequately address the government's interest in ensuring that the minimum required parking will still be provided for each development. However, it will allow property owners a faster and less expensive means to adjust their development plans when leased spaces changes use, or if there is a need to re-design off-street parking area to better accommodate landscaping, utilities and/or dumpsters.

The applicant contends that final development plans that depict excess parking have become problematic to the property owners as they attempt to change their tenant mix or make small-scale improvements to their shopping centers or apartment complexes that would otherwise remove or reduce the excess parking. Removing provision #5 from the current language will allow staff the opportunity to review changes to plans more quickly and efficiently. Problematic plans may still be referred to the Planning Commission, should the staff have any issue with any aspect of zoning compliance.

STAFF ALTERNATIVE TEXT:

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

1. The proposed text amendment is a timely change to the Zoning Ordinance and will lessen the time and expense required to review minor changes to developments, while still ensuring that the Zoning Ordinance's minimum parking requirement is met.