

B. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

1. **ZOTA 2014-6: AMENDMENT TO ARTICLE 21 TO ALLOW MINOR PLAN AMENDMENTS TO REDUCE SURPLUS PARKING** – petition for a Zoning Ordinance text amendment to Article 21-7(a)(5) to allow, as a minor amendment, the reduction of surplus parking spaces depicted on the original development plan.

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

PROPOSED TEXT: (Note: Text underlined is an addition to 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 ALTERNATIVE TEXT:

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.~~

The Zoning Committee Recommended: **Approval**, for the reason provided by staff.

The Staff Recommends: **Approval of the staff alternative text**, 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.

Staff Presentation: Mr. Emmons presented the staff report, explaining that the proposed text amendment would allow the staff to reduce any parking overage above the minimum requirements of the Zoning Ordinance on a development plan. It would not allow any staff-level approval of a reduction of parking spaces to that below the minimum requirements of the Ordinance.

Mr. Emmons said that the staff had noticed a shift in how excess parking is viewed in recent years. In the past, submission of a development plan with only the minimum required number of spaces generated concerns about the ability of the

development to meet actual parking needs. More recently, however, plans submitted with parking overages have been reviewed with the goal of determining whether or not the excess spaces were actually needed.

Mr. Emmons stated that the staff believes that the proposed text amendment is a timely modification to the Zoning Ordinance, and that it will streamline the planning process for property owners. Mr. Emmons said that the process for a typical development plan filing, which must be reviewed by the Planning Commission, takes about six weeks. The process for a minor development plan amendment, which can be approved by the staff, usually takes only one week. The staff believes that the proposed text amendment will provide the most benefit during the development of apartment complexes and shopping centers, when the number of parking spaces is often amended due to changes in easements and dumpster locations, or differences in parking generators for commercial tenants. This text amendment will allow the staff the flexibility to approve those changes as minor amendments, rather than requiring developers to send their plans back through the Planning Commission process.

Mr. Emmons said that the staff was in agreement with the petitioner's proposed text in concept, but they believe that it would be a simpler alternative to delete one of the provisions that regulates the staff's ability to approve plan amendments, rather than adding a sixth provision. He stated that the staff and the Zoning Committee recommended approval of this request, for the reasons as listed in the staff report and on the agenda.

Petitioner Representation: Jon Woodall, attorney, was present representing the petitioner. He stated that the petitioner is in agreement with the staff's recommendations, and he requested approval.

Citizen Comment: There were no other citizens present to comment on this matter.

Action: A motion was made by Mr. Berkley, seconded by Ms. Richardson, and carried 9-0 (Brewer and Wilson absent) to approve the staff alternative text for ZOTA 2014-6, for the reasons provided by the staff.