

AN ORDINANCE AMENDING ARTICLE 8-15 OF THE ZONING ORDINANCE TO ALLOW HOTELS AS A PRINCIPAL PERMITTED USE WHEN LOCATED IN PROFESSIONAL OFFICE PROJECTS IN THE PROFESSIONAL OFFICE (P-1) ZONE. (PWM REAL ESTATE HOLDINGS, LLC).

WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered a text amendment to Article 8-15 of the Zoning Ordinance to allow hotels as a Principal Permitted Use when located in Professional Office Projects in the Professional Office (P-1) zone. Planning Commission did recommend APPROVAL of the alternative text by a vote of 10-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated by reference herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Article 8-15 of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended as follows:

8-15 PROFESSIONAL OFFICE (P-1) ZONE

8-15(n) Off-Street Parking

Hotels - One (1) space per suite with a minimum of five (5) spaces.

8-15(o) Special Provisions

1. A Professional Office Project may be permitted by the Planning Commission for a tract of land with a minimum of ten (10) acres, upon the approval of a preliminary development plan and a final development plan as provided in Article 21, and subject to the P-1 zone regulations.

Subdivision of land in a Professional Office Project is permitted, subject to the following regulations:

- a. There shall be no minimum lot size, lot frontage, yard or open space, nor maximum lot coverage or height requirements for each subdivided lot; however, all said requirements for the approved final development plan shall be applicable to the subdivision.
- b. Each subdivided lot shall have access to adjacent streets or joint parking areas, as provided by appropriate easements shown on the final development plan and the final record plan.

In addition to the uses otherwise permitted in the Professional Office zone, the following uses shall be permitted in the Professional Office Project:

As a principal permitted use:

1. Hotels, but only when located more than two hundred (200) feet from a residential zone; and the total number of hotels shall not exceed one (1) hotel for every twenty (20) acres of the Professional Office Project.

2. Extended-Stay Hotels.
3. Mail Service Facilities.

As accessory uses:

1. Receiving, shipping, and storage of new fixtures, equipment and other non-perishable materials for distribution to corporate or affiliated units subsidiary to the tenant(s) of a principal structure. Such activity, including loading and unloading, shall be conducted entirely within the walls of the principal structure and shall be limited to a maximum of twenty percent (20%) of the total floor area of said principal structure.
2. Shoe repair, clothing alteration or tailoring services.

As conditional uses:

1. Helistops and heliports, provided such facilities conform to the requirements of all appropriate Federal, State and local regulations.
2. Beauty shops and barber shops, with no restrictions.


In addition to the uses otherwise permitted in the Professional Office zone, the following accessory use shall be permitted in a P-1 area of at least twenty (20) contiguous acres:

Restaurant(s), with or without a cocktail lounge, entertainment, dancing, and sale of alcoholic beverages, provided it meets the following conditions:

- a. It shall be located in an office building containing a minimum of 40,000 square feet of floor area.
- b. It shall occupy not more than twenty-five percent (25%) of the building in which it is located.
- c. It shall have no more than one public entrance and one service entrance directly to the outside of the building, and that this use shall be at least one hundred fifty (150) feet from any residential zone.
- d. It shall have no drive-in or drive-through food service.
- e. There shall be no more than two restaurants within an office building, provided that the 25% limitation is not exceeded.
- f. Signs permitted per office building may be used to identify the restaurant and/or the office use.

Section 2 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: January 30, 2018


MAYOR

ATTEST:



Clerk of Urban County Council

Published: February 6, 2018-1t

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Recd by TW
Date: 1/5/18

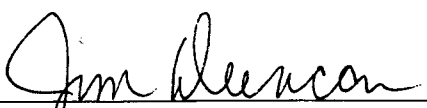
RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: ZOTA 2017-7: AMENDMENT TO ALLOW HOTELS AS A PRINCIPAL PERMITTED USE WHEN LOCATED IN PROFESSIONAL OFFICE PROJECTS IN THE PROFESSIONAL OFFICE (P-1) ZONE – petition for a Zoning Ordinance text amendment to Article 8-15(o)(1) of the Zoning Ordinance to allow hotels as a Principal Permitted Use when located in Professional Office Projects in the Professional Office (P-1) zone.

Having considered the above matter on **November 30, 2017**, at a Public Hearing and having voted **10-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of alternate text for this matter for the following reasons:

1. The proposed text amendment will allow hotels within Professional Office Projects, which are permitted within the Professional Office (P-1) zone for ten contiguous acres of P-1 zoned land, as approved by the Planning Commission. The text amendment will allow for employment centers, including the Professional Office Projects, to provide support services in close proximity, with minimal impact to established residential neighborhoods or reduction in available “jobs land.”

ATTEST: This 5th day of January, 2018.



Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

At the Public Hearing before the Urban County Planning Commission, this petition was represented by **Nick Nicholson, attorney.**

OBJECTIONS _____
● None

OBJECTORS _____
● None

VOTES WERE AS FOLLOWS:

AYES: (10) Bell, Berkley, Cravens, Forester, Mundy, Owens, Penn, Plumlee, Richardson, and Wilson

NAYS: (0)

ABSENT: (1) Brewer

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **Approval** of **ZOTA 2017-7** carried.

Enclosures: Recommended Text
Application
Staff Report
Applicable excerpts of minutes of above meeting.

GENERAL INFORMATION - Zoning Ordinance Text Amendment Application

1. APPLICANT INFORMATION:

Name: PWM Real Estate Holdings, LLC
Address: PO Box 12128
City, State, Zip Code: Lexington, KY 40508
Phone Number: 859-299-1515

2. ATTORNEY (Or Other Representative) INFORMATION:

Name: Nick Nicholson, Stoll Keenon Ogden PLLC
Address: 300 W. Vine St., Ste. 2100
City, State, Zip Code: Lexington, KY 40507
Phone Number: 859-231-3000

3. DESCRIBE YOUR REQUESTED TEXT CHANGE:
Date of Pre-Application Conference: 10/2/15

Zoning Ordinance Article 8-15(o)(1). Specific text change proposed:
(See attached)

4. DESCRIBE THE JUSTIFICATION FOR MAKING THIS CHANGE: (Use attachment if necessary.)
(See attached letter)

5. SIGN THIS APPLICATION:
I do hereby certify that, to the best of my knowledge and belief, all application materials are herewith submitted, and the information they contain is true and accurate.

APPLICANT: [Signature]
ATTORNEY (or other representative): [Signature] Attorney For PWM Real Estate
LFUCG EMPLOYEE/OFFICER, if applicable: _____

NOTE: Attorneys may submit a formal letter instead of this form; otherwise, fill in all box information requested above.



NICK NICHOLSON
DIRECT DIAL: (859) 231-3950
DIRECT FAX: (859) 246-3649
Nick.Nicholson@skofirm.com

300 WEST VINE STREET
SUITE 2100
LEXINGTON, KY 40507-1801
MAIN: (859) 231-3000
FAX: (859) 253-1093

October 2, 2017

Lexington Fayette Urban County Planning Commission
Lexington-Fayette Urban County Government
101 East Vine Street
Lexington, KY 40507

Re: Professional Office (P-1) Zone Text Amendment

Dear Members of the Planning Commission:

The applicant, PWM Real Estate Holdings, LLC, requests a text amendment to Zoning Ordinance Section 8-15(o)(1) applicable to Professional Office Projects in the Professional Office (P-1) zone to allow Hotels as a principal permitted use. Currently, Extended Stay Hotels are allowed as a principal permitted use, this text amendment simply adds regular hotels to the similar use already allowed in a Professional Office Project.

This request is not truly adding a new use in the P-1 Zone as the requested use is the same as the allowed use – temporary occupancy of transient guests. This request only adds a use slightly less restrictive over what is currently permitted in Professional Office Projects. The Zoning Ordinance defines an extended stay hotel as “Multiple family dwelling(s) with rental or lease of less than one week, provided such rentals or leases of less than one week shall comprise less than 50% of the total dwelling units within the structure(s)” and a hotel as “A building or group of buildings containing individual sleeping or living units, designed for the temporary occupancy of transient guests; and including hotels, tourist courts, motor lodges, motor hotels or auto courts, but not including boarding or lodging houses.” The main difference between a Hotel and an Extended Stay Hotel can be broken down to the 50% requirement for a rental period lasting at least one week.

This request is in compliance with the existing Comprehensive Plan as well as the 2018 Goals and Objectives recently approved by the Planning Commission earlier this month. Both Goals and Objectives can be viewed as encouraging our community to find ways to aid in vacant and underutilized property development while ensuring we promote tourism and increasing the existing employment centers effectiveness while preserving the Bluegrass Region.

This text amendment will add a use focusing on tourism, business travel, and even job recruitment efforts without having an adverse impact on the unique Bluegrass landscape. It will allow for hotels to be located around those employment centers to focus on work travelers, potential employees, and even tourists regardless of their intended occupancy duration, while also providing basic amenities normal business and tourism travelers demand from their hotels, like food service, conference space, or lounge area not typical in extended stay hotels. In short, this proposal really gets at the heart of the Comprehensive Plan’s Theme C and enhances

Lexington's ability to attract potential employees and tourists alike while adding a feature to the surrounding employment center in professional office projects.

The Applicant recognizes a regular hotel's possible traffic impact is different than an extended stay hotel due to occupancy length. As such, Vision Engineering completed a Trip Generation Rate Comparison between the two uses and found a relatively small difference – especially during AM and PM peak periods. The hotel generally has 15-20% more trips than an extended stay business hotel throughout the day and only a 12% during peak hours. To put these figures into context, you are looking at approximately 6 more trips in AM-PM peak hours for a hotel with 75 occupied rooms over an extended stay hotel.

Land Use	Occupied rooms	Daily Traffic	AM Peak Hour	PM Peak Hour
Hotel	75	669	50	53
Extended Stay Hotel (Business Hotel)	75	545	44	47

A key point in this request is it only pertains to properties located in a professional office project, not every P-1 zoned property throughout Lexington. These projects require at least 10 contiguous acres zoned P-1. As such, these projects tend to be in the larger commercial activity areas such as Beaumont Centre, Corporate Center, Paragon Center, Hamburg, and St Joseph East. There are only 11 Professional Office Parks currently in town and average approximately 43.5 acres in size. Due to the typical surrounding uses and proximity to major arterials/collectors with a large office park, there is less concern any increased traffic or other unintended consequence would impact surrounding properties by simply allowing hotels without an occupancy time limit.

As the potential impact for the requested use is minor over the already allowed use, the Applicant feels any potential impact can certainly be mitigated through the typical Planning Commission methods such as zone-to-zone screenage or possibly a required distance from a residential zone on a case-by-case basis. We are open to discussing these possibilities with the Planning Staff throughout the application process.

The Comprehensive Plan charges LFUCG to give our community more tools to help craft solutions to our jobs need – this text amendment will be an excellent tool to aid the existing employers in professional office projects as well as a feature to attract additional jobs by fostering the Professional Office zone with needed travel infrastructure appealing to new employers. The proposed text amendment will provide a benefit to the diversified professional uses in professional office projects, without having an adverse impact in surrounding zones and will do so in a manner complying with both the letter and the spirit of the Comprehensive Plan and Zoning Ordinance governing professional office projects. For the foregoing reasons, the proposed text amendment is appropriate under the Zoning Ordinance, the Subdivision Regulations, and the Comprehensive Plan. The applicant, therefore, respectfully submits the text amendment described above is entirely appropriate and should be approved.

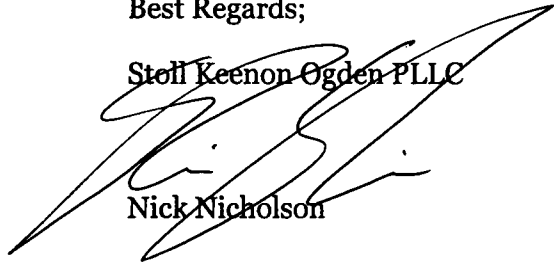
Lexington-Fayette Urban County Planning Commission

October 2, 2017

Page 3

Best Regards;

Stoll Keenon Ogden PLLC

A handwritten signature in black ink, appearing to read 'Nick Nicholson', is written over the typed name below.

Nick Nicholson

NN:NN

121236.158317/4705275.1

STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

ZOTA 2017-7: AMENDMENT TO ALLOW HOTELS AS A PRINCIPAL PERMITTED USE WHEN LOCATED IN PROFESSIONAL OFFICE PROJECTS IN THE PROFESSIONAL OFFICE (P-1) ZONE

REQUESTED BY: PWM Real Estate Holdings, LLC

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

ARTICLE 8-15: PROFESSIONAL OFFICE (P-1) ZONE

8-15(o) Special Provisions

1. A Professional Office Project may be permitted by the Planning Commission for a tract of land with a minimum of ten (10) acres, upon the approval of a preliminary development plan and a final development plan as provided in Article 21, and subject to the P-1 zone regulations.

Subdivision of land in a Professional Office Project is permitted, subject to the following regulations:

- a. There shall be no minimum lot size, lot frontage, yard or open space, nor maximum lot coverage or height requirements for each subdivided lot; however, all said requirements for the approved final development plan shall be applicable to the subdivision.
- b. Each subdivided lot shall have access to adjacent streets or joint parking areas, as provided by appropriate easements shown on the final development plan and the final record plan.

In addition to the uses otherwise permitted in the Professional Office zone, the following uses shall be permitted in the Professional Office Project:

As a principal permitted use:

1. Hotels and Extended-Stay Hotels.
2. Mail Service Facilities.

As accessory uses:

1. Receiving, shipping, and storage of new fixtures, equipment and other non-perishable materials for distribution to corporate or affiliated units subsidiary to the tenant(s) of a principal structure. Such activity, including loading and unloading, shall be conducted entirely within the walls of the principal structure and shall be limited to a maximum of twenty percent (20%) of the total floor area of said principal structure.
2. Shoe repair, clothing alteration or tailoring services.

As conditional uses:

1. Helistops and heliports, provided such facilities conform to the requirements of all appropriate Federal, State and local regulations.
2. Beauty shops and barber shops, with no restrictions.

In addition to the uses otherwise permitted in the Professional Office zone, the following accessory use shall be permitted in a P-1 area of at least twenty (20) contiguous acres:

Restaurant(s), with or without a cocktail lounge, entertainment, dancing, and sale of alcoholic beverages, provided it meets the following conditions:

- a. It shall be located in an office building containing a minimum of 40,000 square feet of floor area.
- b. It shall occupy not more than twenty-five percent (25%) of the building in which it is located.
- c. It shall have no more than one public entrance and one service entrance directly to the outside of the building, and that this use shall be at least one hundred fifty (150) feet from any residential zone.
- d. It shall have no drive-in or drive-through food service.
- e. There shall be no more than two restaurants within an office building, provided that the 25% limitation is not exceeded.
- f. Signs permitted per office building may be used to identify the restaurant and/or the office use.

STAFF REVIEW:

The petitioner, PWM Real Estate Holdings, LLC, has filed a Zoning Ordinance text amendment to allow hotels as a principal permitted use within designated Professional Office Projects. Professional Office Projects are allowed under the Professional Office (P-1) zoning category for ten contiguous acres of P-1 zoned land, as approved by the Planning Commission.

Under the current regulations, extended-stay hotels are a permitted conditional use in the P-1 zone and principal uses within a Professional Office Project. These specialized types of hotels were added to the P-1 zone in 2008 to cater to the professional business traveler. It was determined at that time that locating extended-stay hotels in a Professional Office Project would be a natural progression in land use, given the residential character of this specialized hotel use. Hotels in general are only permitted in the downtown business zones (B-2, B-2A and B-2B), the Highway Service Business (B-3) zone, the Interstate Service Business (B-5P) zone, the University Research Park (P-2) zone, the Mixed-Use 3: "Mixed-Use Community" (MU-3) zone for mixed-use entertainment projects only, and most recently they were added as a supportive use to the Economic Development (ED) zone in the Expansion Area.

Hotels often have the following characteristics, which make land use regulation imperative, as the externalities (possible impacts outside of the property itself) can be both positive and negative:

- transient populations (less concern about impacting the surrounding environment, i.e. leave trash, hold loud gatherings, safety);
- traffic impacts spread throughout the day;
- typically 100 rooms/suites or more;
- typically three or more stories in height;
- operated 24-hour a day, 7 days a week;
- well-lit parking areas;
- support other industries (tourism, general business, healthcare, airport); and
- activity outside of typical business hours.

The proposal to modify the P-1 zone, and specifically the special provisions for Professional Office Projects to allow hotels, should be given serious consideration. The P-1 zone is the lowest intensity commercial zone within the community, and it is often located adjacent to residential neighborhoods. When considering the existing Professional Office Projects throughout the community (there are 11 established), the proximity to residential zoning and land use is a concern. Some of the externalities of hotels mentioned above would be a major concern for residential neighbors. While many of the existing projects do not have any vacant land available for development, the possibility of individual site redevelopment should be a consideration.

In addition to the concerns about the proximity of hotels to residential neighborhoods, the staff is also concerned about the conversion of standard "jobs land" to a land use that may provide far fewer employment opportunities. The staff is also concerned about the percentage of land within a Professional Office Project that may be converted to a hotel use. The ED and P-2 zones limit the ratio in different but effective ways to ensure that the development does not lose its intended focus on job creation. Lastly, if hotels are added to the P-1 zone, a parking requirement should be added to Section 8-15(n). Typically hotels require one (1) space per suite with a minimum of five (5) spaces.

The Staff Recommends: Postponement for the following reasons:

1. The staff would like to engage the petitioner to discuss possible locational criteria and maximum ratio of hotels within any Professional Office Project, prior to formulating a substantive recommendation to the Planning Commission.

TLW/dw
11/2/17

Planning Services/Staff Reports/ZOTA/2017/ZOTA 2017-7 Hotels in Professional Office Projects.doc

**SUPPLEMENTAL STAFF REPORT ON AMENDED PETITION FOR
ZONING ORDINANCE TEXT AMENDMENT**

**ZOTA 2017-7: AMENDMENT TO ALLOW HOTELS AS A PRINCIPAL PERMITTED USE WHEN
LOCATED IN PROFESSIONAL OFFICE PROJECTS IN THE PROFESSIONAL OFFICE (P-1) ZONE**

REQUESTED BY: PWM Real Estate Holdings, LLC

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

ARTICLE 8-15: PROFESSIONAL OFFICE (P-1) ZONE

8-15(n) Off-Street Parking

Hotels - One (1) space per suite with a minimum of five (5) spaces.

8-15(o) Special Provisions

1. A Professional Office Project may be permitted by the Planning Commission for a tract of land with a minimum of ten (10) acres, upon the approval of a preliminary development plan and a final development plan as provided in Article 21, and subject to the P-1 zone regulations.

Subdivision of land in a Professional Office Project is permitted, subject to the following regulations:

- a. There shall be no minimum lot size, lot frontage, yard or open space, nor maximum lot coverage or height requirements for each subdivided lot; however, all said requirements for the approved final development plan shall be applicable to the subdivision.
- b. Each subdivided lot shall have access to adjacent streets or joint parking areas, as provided by appropriate easements shown on the final development plan and the final record plan.

In addition to the uses otherwise permitted in the Professional Office zone, the following uses shall be permitted in the Professional Office Project:

As a principal permitted use:

1. Hotels, but only when located more than two hundred (200) feet from a residential zone; and the total number of hotels shall not exceed one (1) hotel for every twenty (20) acres of the Professional Office Project.
2. Extended-Stay Hotels.
3. ~~2.~~ Mail Service Facilities.

As accessory uses:

1. Receiving, shipping, and storage of new fixtures, equipment and other non-perishable materials for distribution to corporate or affiliated units subsidiary to the tenant(s) of a principal structure. Such activity, including loading and unloading, shall be conducted entirely within the walls of the principal structure and shall be limited to a maximum of twenty percent (20%) of the total floor area of said principal structure.
2. Shoe repair, clothing alteration or tailoring services.

As conditional uses:

1. Helistops and heliports, provided such facilities conform to the requirements of all appropriate Federal, State and local regulations.
2. Beauty shops and barber shops, with no restrictions.

In addition to the uses otherwise permitted in the Professional Office zone, the following accessory use shall be permitted in a P-1 area of at least twenty (20) contiguous acres:

Restaurant(s), with or without a cocktail lounge, entertainment, dancing, and sale of alcoholic beverages, provided it meets the following conditions:

- a. It shall be located in an office building containing a minimum of 40,000 square feet of floor area.
- b. It shall occupy not more than twenty-five percent (25%) of the building in which it is located.

- c. It shall have no more than one public entrance and one service entrance directly to the outside of the building, and that this use shall be at least one hundred fifty (150) feet from any residential zone.
- d. It shall have no drive-in or drive-through food service.
- e. There shall be no more than two restaurants within an office building, provided that the 25% limitation is not exceeded.
- f. Signs permitted per office building may be used to identify the restaurant and/or the office use.

STAFF REVIEW:

The staff identified several externalities in the initial staff report that could be both positive and negative when considering the addition of hotels within any zoning category, and several more substantial concerns. Specifically, the concerns were (1) proximity of hotels to residentially-zoned land, (2) loss of standard "jobs land," (3) the ratio of hotels to other employment land use in order to maintain the intended focus on job creation; and (4) providing a parking generator for any new use listed in the Zoning Ordinance. These concerns prompted a recommendation of postponement in order that possible locational criteria and a maximum ratio of hotels within any Professional Office Project be considered by the petitioner.

The petitioner, PWM Real Estate Holdings, LLC, has amended their Zoning Ordinance text amendment filing to provide both a spacing requirement for hotels from residentially-zoned property and a requirement that a Professional Office Project must have a minimum of twenty (20) acres of land in order to be eligible to have a hotel (and one hotel may be added for each additional 20 acres of land within the Project). The petitioner also added a parking generator as listed elsewhere in the Ordinance.

Since the petitioner has addressed the staff's concerns with an amended submission to limit the impact of hotels, the staff can now support the petitioner's amended text amendment.

The Staff Recommends: Approval, for the following reason:

1. The proposed text amendment will allow hotels within Professional Office Projects, which are permitted within the Professional Office (P-1) zone for ten contiguous acres of P-1 zoned land, as approved by the Planning Commission. The text amendment will allow for employment centers, including the Professional Office Projects, to provide support services in close proximity, with minimal impact to established residential neighborhoods or reduction in available "jobs land."

TLW/dw

11/2/17, 11/27/17 rev

Planning Services/Staff Reports/ZOTA/2017/ZOTA 2017-7 Hotels in Professional Office Projects Revised.doc

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

1. **ZOTA 2017-7: AMENDMENT TO ALLOW HOTELS AS A PRINCIPAL PERMITTED USE WHEN LOCATED IN PROFESSIONAL OFFICE PROJECTS IN THE PROFESSIONAL OFFICE (P-1) ZONE** - petition for a Zoning Ordinance text amendment to Article 8-15(o)(1) of the Zoning Ordinance to allow hotels as a Principal Permitted Use when located in Professional Office Projects in the Professional Office (P-1) zone.

REQUESTED BY: PWM Real Estate Holdings, LLC

PROPOSED TEXT: Copies are available from the staff.

ARTICLE 8-15: PROFESSIONAL OFFICE (P-1) ZONE

8-15(o) Special Provisions

1. A Professional Office Project may be permitted by the Planning Commission for a tract of land with a minimum of ten (10) acres, upon the approval of a preliminary development plan and a final development plan as provided in Article 21, and subject to the P-1 zone regulations.

Subdivision of land in a Professional Office Project is permitted, subject to the following regulations:

- a. There shall be no minimum lot size, lot frontage, yard or open space, nor maximum lot coverage or height requirements for each subdivided lot; however, all said requirements for the approved final development plan shall be applicable to the subdivision.
- b. Each subdivided lot shall have access to adjacent streets or joint parking areas, as provided by appropriate easements shown on the final development plan and the final record plan.

In addition to the uses otherwise permitted in the Professional Office zone, the following uses shall be permitted in the Professional Office Project:

As a principal permitted use:

1. Hotels and Extended-Stay Hotels.
2. Mail Service Facilities.

As accessory uses:

1. Receiving, shipping, and storage of new fixtures, equipment and other non-perishable materials for distribution to corporate or affiliated units subsidiary to the tenant(s) of a principal structure. Such activity, including loading and unloading, shall be conducted entirely within the walls of the principal structure and shall be limited to a maximum of twenty percent (20%) of the total floor area of said principal structure.
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1. Helistops and heliports, provided such facilities conform to the requirements of all appropriate Federal, State and local regulations.
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In addition to the uses otherwise permitted in the Professional Office zone, the following accessory use shall be permitted in a P-1 area of at least twenty (20) contiguous acres:

Restaurant(s), with or without a cocktail lounge, entertainment, dancing, and sale of alcoholic beverages, provided it meets the following conditions:

- a. It shall be located in an office building containing a minimum of 40,000 square feet of floor area.
- b. It shall occupy not more than twenty-five percent (25%) of the building in which it is located.
- c. It shall have no more than one public entrance and one service entrance directly to the outside of the building, and that this use shall be at least one hundred fifty (150) feet from any residential zone.
- d. It shall have no drive-in or drive-through food service.
- e. There shall be no more than two restaurants within an office building, provided that the 25% limitation is not exceeded.
- f. Signs permitted per office building may be used to identify the restaurant and/or the office use.

The Zoning Committee Recommended: Postponement.

The Staff Recommends: Postponement, for the following reasons:

1. The staff would like to engage the petitioner to discuss possible locational criteria and maximum ratio of hotels within any Professional Office Project, prior to formulating a substantive recommendation to the Planning Commission.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Staff Presentation – Ms. Wade presented and summarized the staff report and recommendations for this text amendment. She indicated that a supplemental staff report had been prepared and was available. She said that Professional Office Projects have to be approved by the Planning Commission and must have 10 acres of contiguous P-1 zoning. She said the county's average Professional Office Project is about 40 acres and they get a reduction in parking requirements. She depicted, on a map, the 11 Professional Office Projects designated within the community.

Ms. Wade said that the staff had a few concerns with hotels as a principal use within the P-1 zone. She said the major concerns were the proximity to residentially-zoned land (lighting and noise); loss of standard "jobs land;" percentage of land dedicated to hotels; and lack of a parking generator. She said that the applicant amended their application to address these concerns, however, they are still providing hotels as a principal permitted use but providing a distance setback from residentially-zoned land of 200' and limiting hotels to one (1) for every twenty (20) acres of land within the Professional Office Project. She said that these changes had fully met the staff's concerns and they are now recommending approval of the amended application.

Commission Questions – Ms. Mundy asked if 200' from residentially-zoned will be enough for a very large hotel. Ms. Wade said that the distance will be greater than the height of a 5-6 story building.

Applicant Presentation – Mr. Nicholson, attorney representing the petitioner, said the applicant is in agreement with the staff's recommendations and is available for questions. He said that the applicant also believes that a 200' setback from residentially-zoned land is appropriate because that requirement doesn't exist for a professional office building that could be constructed there now. He said the maximum height for buildings in the P-1 zone is 3:1 ratio.

Citizen Comment – There were no citizens present to speak to this application.

Discussion – There was none.

Action – A motion was made by Mr. Penn, seconded by Ms. Richardson, and carried 10-0 (Berkley absent) to approve ZOTA 2017-7: AMENDMENT TO ALLOW HOTELS AS A PRINCIPAL PERMITTED USE WHEN LOCATED IN PROFESSIONAL OFFICE PROJECTS IN THE PROFESSIONAL OFFICE (P-1) ZONE, for the reasons provided by the staff.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.