

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: _____ *Attorney for PWM Real Estate*

ATTORNEY (or other representative): _____

LFUCG EMPLOYEE/OFFICER, if applicable: _____

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



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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.

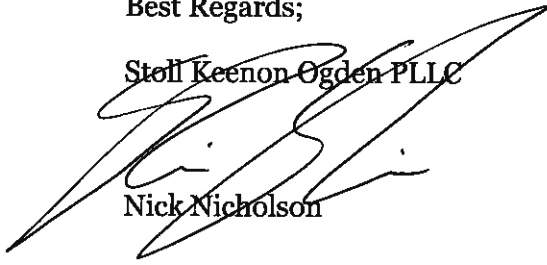
Lexington-Fayette Urban County Planning Commission

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. The signature is stylized and somewhat cursive.

Nick Nicholson

NN:NN

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8-15 PROFESSIONAL OFFICE (P-1) ZONE

8-15(a) Intent - This zone is primarily for offices and related uses. Retail sales are prohibited, except where directly related to office functions. This zone should be located as recommended in the Comprehensive Plan.

8-15(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
2. Offices for business, professional, governmental, civic, social, fraternal, political, religious, and charitable organizations, including, but not limited to, real estate sales offices.
3. Research development and testing laboratories or centers.
4. Schools for academic instruction.
5. Libraries, museums, art galleries, and reading rooms.
6. Funeral parlors.
7. Medical and dental offices, clinics, and laboratories.
8. Telephone exchanges, radio and television studios.
9. Studios for work or teaching of fine arts, such as photography; music; drama; dance and theater.
10. Community centers and private clubs, churches, and Sunday schools.
11. Hospitals, nursing homes, rest homes and assisted living facilities.
12. Computer and data processing centers.
13. Ticket and travel agencies.
14. Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
15. Cable television system signal distribution centers and studios.
16. Dwelling units, provided the units are not located on the first floor of a structure and provided that at least the first floor is occupied by another permitted use or uses in the P-1 zone, with no mixing of other permitted uses and dwelling units on any floor.
17. Business colleges, technical or trade schools or institutions.
18. Athletic club facilities, when located at least one hundred fifty (150) feet from a residential zone.
19. Beauty shops and barber shops not exceeding 2,000 square feet in floor area, which employ not more than five licensed cosmetologists, with all service provided only by licensed cosmetologists and/or barbers.

20. Rehabilitation homes, but only when more than five hundred (500) feet from a residential zone.
21. Adult day care centers.
22. Day Shelters.

8-15(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Establishments limited to the filling of prescriptions and retail sale of pharmaceutical and medical supplies.
2. Parking areas or structures.
3. Incidental retail sales or personal services, including facilities for serving food, only for employees, residents or visitors to any permitted use, and having no primary access to the exterior; and limited to a maximum of ten percent (10%) of the gross floor area of the building in which it is located, with no single such use being in excess of 5,000 square feet.
4. Sales offices for the display of merchandise and the acceptance of orders.
5. Swimming pools, tennis courts, putting greens, hiking and bicycling trails, botanical gardens, nature preserves and other similar non-commercial recreational uses.
6. Satellite dish antennas, as further regulated by Article 15-8.
7. One dwelling unit for owners, operators, or employees of a permitted use, provided that such dwelling unit shall be part of the building and located above, to the side, or to the rear of such permitted use.
8. Retail sales and storage areas accessory to internet-based businesses, for which Certificates of Occupancy are issued after November 15, 2001; provided that the retail sales and storage area occupies no more than twenty-five percent (25%) of the business area, nor more than 2,500 square feet, whichever is less; and having no display space, storage space or signs visible from the exterior of the building.
9. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein, when approved by the Planning Commission on a development plan.

8-15(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. Offices of veterinarians, animal hospitals.
2. Drive-through facilities for sale of goods or products or the provision of services otherwise permitted herein.
3. Parking lots and structures.
4. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of

Adjustment shall specifically consider and be able to find:

- a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
 - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
 - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
5. Rehabilitation homes, when located closer than five hundred (500) feet from a residential zone.
 6. Extended-stay hotels, except as permitted in a Professional Office Project.
 7. Mail service facilities, except as permitted in a Professional Office Project.
 8. Ecotourism activities to include equine or zip line trails; tree canopy tours; canoeing and kayaking launch sites; fishing clubs; and seasonal activities.

8-15(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. As for A-R, except offices, institutional uses, dwelling units, and other uses as permitted herein.
2. Any use dependent upon septic tanks or pit privies.
3. Pawn shops.
4. Golf driving ranges.
5. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas; and the above- or below-ground storage of more than five (5) gallons of gasoline. However, jet fuel may be stored only in conjunction with a heliport.
6. Greenhouses, plant nurseries, and garden centers.
7. Tattoo parlors.
8. Ecotourism activities, except as permitted herein.

Lot, Yard, and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-15(f) Minimum Lot Size - 7,500 square feet.

8-15(g) Minimum Lot Frontage - 60 feet.

8-15(h) Minimum Front Yard - 20 feet.

8-15(i) Minimum Each Side Yard - 12 feet.

8-15(j) Minimum Rear Yard - 12 feet.

8-15(k) Minimum Usable Open Space - No limitation, except where residences are provided, then 10%.

8-15(l) Maximum Lot Coverage - 35% and a floor area ratio of 1.3.

8-15(m) Maximum Height of Building - 3:1 height-to-yard ratio.

8-15(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Athletic Club Facilities - One (1) space for every two hundred (200) square feet of floor area, plus one (1) space for each employee on the maximum working shift.

Offices, Fine Arts Studios, Banks and Financial Establishments, Offices of Veterinarians, and Animal Hospitals, Medical and Dental Offices, Clinics and Laboratories, and the like - One (1) space for each two hundred (200) square feet of floor area.

Telephone Exchanges, Radio and Television Stations - One (1) space for every two (2) employees on a maximum shift; plus one (1) space for each vehicle owned by the use, with a minimum of five (5) spaces.

Elementary and Junior High Schools - One (1) space for every fifteen (15) auditorium seats; or one (1) space for each classroom, plus one (1) space for each employee, whichever is greater.

All Other Schools for Academic Instruction - One (1) space for every five (5) main auditorium seats, or one (1) space for every five (5) gymnasium seats, or one (1) space for every five (5) classroom seats, whichever is greater.

Professional Office Projects - One (1) space for every four hundred (400) square feet of floor area.

Kindergartens, Nursery Schools, and Child Care Centers - Three (3) spaces for the first twelve (12) children, plus one (1) space for every ten (10) (or fraction thereof) additional children.

Churches, Sunday Schools and Parish Houses - One (1) space for each five (5) seats in the main auditorium, with a minimum of five (5) spaces.

Libraries, Museums, Community Centers, Art Galleries and Reading Rooms - One (1) space for

each six hundred (600) square feet of floor area.

Funeral Parlors - One (1) space for every five (5) seats under maximum occupancy, plus one (1) for each vehicle owned by the use.

Dwelling Units - One (1) space for each dwelling unit.

Private Clubs - One (1) space for every four (4) members.

Accessory Retail Facilities - One (1) space for every six hundred (600) square feet of floor area for each retail use.

Restaurants - One (1) space for each two hundred (200) square feet of floor area; or one (1) for every four (4) indoor seats plus one (1) for every eight (8) outdoor seats, whichever is greater.

Hospitals, Nursing Homes, Rest Homes, and Rehabilitation Homes - One (1) space for every three (3) beds; plus one (1) space for each employee on the maximum working shift, with a minimum of five (5) spaces.

Assisted Living Facilities - Three (3) spaces for each four (4) bedrooms, plus one (1) space for each employee on the maximum shift.

Extended-Stay Hotels - One (1) space for every dwelling unit, plus one (1) space for each employee on the maximum shift.

Adult Day Care Center - One (1) space for every ten (10) persons being provided care, plus one (1) space per caregiver on the maximum shift.

Day Shelter - One (1) space for every ten (10) persons being provided services, plus one (1) space per staff member on the maximum shift.

Beauty Shops or Barber Shops - One (1) space for every 200 square feet, with a minimum of three (3) spaces.

Mail Service Facilities - One (1) space for each 200 square feet of floor area.

Other Recreational Facilities or Ecotourism activities not otherwise stated herein - Five (5) spaces, plus one (1) space for each employee for each separate use.

Conditional Uses - Parking requirements stated herein for conditional uses are minimum requirements; the Board of Adjustment may establish additional requirements as needed.

Combinations - Combined uses shall provide

parking equal to the sum of the individual requirements.

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. Heliports 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.
2. Where dwelling units are provided and the Planning Commission has approved a final development plan, the required parking spaces may be reduced, when specific permission is given by the Commission to reduce said required parking by not more than one percent (1%) for each one percent (1%) of additional useable open space that is provided over the minimum. Also, for every one percent (1%) of the dwelling units that will be provided as a mixed-income housing unit, the Commission may decrease the required parking by one percent (1%). In any case, the maximum parking reduction shall not exceed the minimum parking otherwise required in the zone by more than ten percent (10%) by only providing additional open space or only providing mixed-income housing, or twenty-five percent (25%) by using a combination of mixed-income housing and additional open space.