

10/21/2010

Ordinance

172-2010

AN ORDINANCE AMENDING ARTICLE 8-20(n) OF THE ZONING ORDINANCE TO REDUCE THE OFF-STREET PARKING REQUIREMENTS FOR BOWLING ALLEYS AND THEIR ACCESSORY SNACK BAR.

WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered a text amendment to Article 8-20(n) of the Zoning Ordinance to reduce the parking requirements for bowling alleys and their accessory snack bar; and

WHEREAS, the Planning Commission did hold a public hearing on this proposed text amendment on September 23, 2010; and

WHEREAS, the Planning Commission did recommend APPROVAL of this proposed text amendment by a vote of 7-0; 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 8-20(n) of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

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

As for B-1.

Establishments for display, rental, sale, service or repair of farm implements, contractor equipment, automobiles, motorcycles, boats, travel trailers, mobile homes, or supplies for such items – One (1) space for every six hundred (600) square feet of floor area, with a minimum of five (5) spaces.

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

Bowling Alleys – Four (4) spaces per alley, however, snack bars and food service provided primarily to patrons shall not require additional parking.

Offices of Veterinarians, Animal Hospitals or Clinics, and Kennels – One (1) space for every two hundred (200) square feet of floor area.

Billiard or Pool Halls, Arcades, Dance Halls, Indoor Athletic Facilities, and other amusement places without fixed seats – One (1) space for every one hundred (100) square feet of floor area, plus one space for every three (3) employees.

Skating Rinks – One (1) space for each four hundred (400) square feet of floor area, plus one (1) space for every employee.

Theaters – One (1) space for every five (5) seats.

Indoor and Outdoor Athletic Facilities, Horse Race Tracks, and other amusement places with fixed seats – One (1) space for every five (5) seats, plus one (1) space for every three employees.

Garden Centers – One (1) space for every four hundred (400) square feet of floor area; plus one (1) space for each employee, with a minimum of five spaces.

Adult Arcades and Massage Parlors – As for retail uses in the B-1 zone (with a minimum of three (3) spaces) or one (1) space for every five (5) seats, whichever is greater.

Adult Bookstores or Adult Video Stores – As for retail uses in the B-1 zone (with a minimum of three (3) spaces.)

Adult Cabarets, Adult Dancing Establishments, Adult Entertainment Establishments, and Sexual Entertainment Centers – As for retail uses in the B-1 zone (with a minimum of three (3) spaces), or one (1) space for every three (3) seats, whichever is greater.

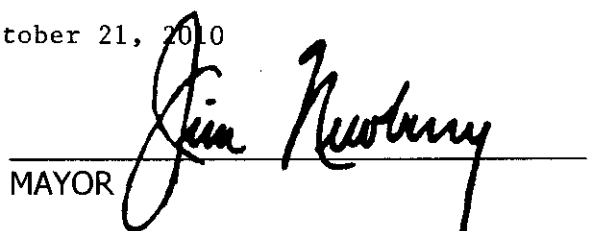
Conditional Uses – Parking requirements for conditional uses shall be minimum requirements; the Board of Adjustment may require additional parking, as needed.

Combinations – Combined uses shall provide parking equal to the sum of individual requirements.

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

PASSED URBAN COUNTY COUNCIL: October 21, 2010

MAYOR

A handwritten signature in black ink, appearing to read "Jim Newberry", is written over a horizontal line. The signature is fluid and cursive.

ATTEST:



Clerk of Urban County Council

PUBLISHED: October 28, 2010–1t

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Recd by [Signature]
Date: 10/7/10

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

IN RE: **ZOTA 2010-2: AMENDMENT TO ARTICLE 8-20(n): PARKING REQUIREMENTS FOR BOWLING ALLEYS** – petition for a Zoning Ordinance text amendment to reduce the off-street parking requirements for bowling alleys and their accessory snack bar.

Having considered the above matter on **September 23, 2010**, at a Public Hearing and having voted **7-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL**, for the following reasons:

1. The proposed text amendment will allow for a parking requirement for bowling alleys to be similar to many other communities around the country. Reducing the required parking for this use is reasonable, and is consistent with the APA's *Parking Standards* and the *ITE Trip Generation Manual* (7th Edition).
2. This text amendment will not create any non-conformities, as it will reduce the parking requirement for bowling alleys; and there are no foreseeable negative consequences to the proposed text amendment. One benefit of this amendment will be a more efficient use of the urban land within our community.

ATTEST: This 7th day of October, 2010.

[Signature]
Secretary, Christopher D. King

CAROLYN RICHARDSON
CHAIR

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Mr. Richard Murphy**, attorney.

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (7) Beatty, Blanton, Brewer, Cravens, Paulsen, Roche-Phillips, Wilson

NAYS: (0)

ABSENT: (4) Copeland, Holmes, Owens, Richardson

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **Approval** of **ZOTA 2010-2** carried.

Enclosures: Application
Staff Report
Applicable excerpts of minutes of above public hearing

tw/wls/src

RICHARD V. MURPHY, PLC

ATTORNEY AT LAW

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RICHARD V. MURPHY

August 2, 2010

Members of the Lexington-Fayette
Urban County Planning Commission
200 East Main Street
Lexington, Kentucky 40507

Re: Proposed Text Amendment regarding parking requirements for bowling alleys.

Dear Ladies and Gentlemen:

I represent Collins Bowling Centers, Inc., 205 Southland Drive, Lexington. Daniel M. Collins is the president of this family-owned business.

We are requesting a text amendment to reduce the required parking for bowling alleys.

Collins Bowling Centers, Inc. operates two bowling lanes in Lexington, at Eastland and Southland. Both these bowling facilities have large parking lots which never have been fully used. Current plans to add a miniature golf facility at Southland have led us to review the parking requirements.

The miniature golf facility would strengthen Southland's appeal as a family entertainment center. However, additional parking would be needed. While there is unpaved land available to supply this parking, that land is now being utilized by the Southland Jamboree, a popular Bluegrass music venue, which meets every Tuesday night during warm weather. Southland Jamboree has been a major stimulus to the Southland Drive area and has been very popular.

Thus, we would prefer not to pave the remaining grassy area on the Southland Bowling Lanes site. We have carefully examined parking patterns at the site and based on 50 years of experience, the parking lot has never been fully utilized. Also, we have looked at parking requirements in other cities. Lexington requires five parking spaces per lane. With 40 lanes, Southland is required 200 spaces for its bowling facilities. The minimum requirements in other cities vary. For example, Louisville, Covington and Columbus, Ohio require four spaces per lane. St. Louis, Missouri requires a minimum of two spaces per lane. Knoxville, Tennessee and Cincinnati, Ohio require five spaces per lane. Nashville, Tennessee and Chattanooga, Tennessee require one space per 200 square feet of gross leasable area. Bowling Green, Kentucky requires one space per 400 square feet for bowling alleys. We are proposing a reduction from five to four spaces per lane.

Also, we are requesting an elimination of the requirement to provide additional parking for snack bars associated with bowling alleys. Southland Lanes has a snack bar for bowlers, and it also has a night club. We are **not** requesting any reduction in parking for the night club. However, the snack bar is contained within the bowling center, with no separate walls. Bowlers walk back and forth to buy food. It has very little walk in traffic from people who are not utilizing the bowling alley. Thus, we see no need for separate parking for the snack bar facility.

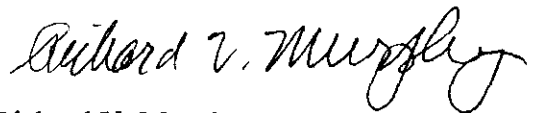
Therefore, we are requesting an amendment to the parking requirements for bowling alleys as follows:

The **current** parking requirements for bowling alleys are set forth in Article 8-20(n): "Bowling alleys – five (5) spaces per alley."

We are proposing the following **new** language: "Bowling alleys – four (4) spaces per alley. Snack bars and food service provided primarily to patrons shall not require additional parking."

Thank you for your consideration of this text amendment request. We feel this request is reasonable in light of parking patterns observed over the 50 years that Southland Lanes has been in operation. Also, it will eliminate the need for additional paving on the lot.

Sincerely,



Richard V. Murphy
Attorney for Collins Bowling Centers, Inc.

RVM/sgs

cc: Daniel M. Collins, President

Andy Holmes, Midwest Engineering

susan\collins bowling\text amendment-ltr

STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

ZOTA 2010-2: AMENDMENT TO ARTICLE 8-20(n).
PARKING REQUIREMENTS FOR BOWLING ALLEYS

REQUESTED BY: Collins Bowling Centers, Inc.

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

B-3 HIGHWAY SERVICE BUSINESS ZONE

8-20(n) Off-Street Parking

Bowling Alleys — ~~Five (5)~~ Four (4) spaces per alley, however, snack bars and food service provided primarily to patrons shall not require additional parking.

STAFF REVIEW:

Collins Bowling Centers has requested an amendment to the text of the Zoning Ordinance to allow for a reduction in the minimum off-street parking standards for bowling alleys in the B-3 zone.

This request results from the petitioner's desire to diversify their entertainment opportunities by adding a miniature golf course at their Southland Bowl location. In order to do so, the petitioner has considered all of the following options: (1) pave an area of the site now dedicated to the Southland Jamboree, a local weekly outdoor event held on the site in the summer months; (2) reduce the parking generator (reduce the size of the snack bar or the number of bowling lanes); or (3) modify the parking requirement in the Zoning Ordinance for bowling alleys.

Reducing the existing building is infeasible, and paving additional land is not preferred by the petitioner (or the neighborhood); thus the most feasible option, in the opinion of the petitioner, is to modify the minimum parking requirement in the Zoning Ordinance. In the justification for the text amendment the applicant reports that their parking "lot has never been fully utilized," with the exception of special events such as the "Bowl for Kids' Sake" fundraiser. Therefore, the applicant contends that our existing parking requirement for bowling alleys is too stringent, based on their experience with the actual number of customers that typically use the bowling alley and its accompanying uses (a nightclub, restaurant, snack bar, video game arcade and/or retail sales). In addition to reducing the parking requirement by 20%, the petitioner is also asking for some relief from the requirement of the Zoning Ordinance that states: "combined uses shall provide parking equal to the sum of the individual uses." Bowling alleys often have accessory or complementary uses within the same building. Southland Bowl, for example, has both a nightclub/bar and a snack bar. The petitioner has proposed language that would eliminate the separate parking generator for snack bars since they are intended to serve only the bowling alley customer and not to attract outside patrons.

In reviewing the most recent edition of *Parking Standards*, prepared by the American Planning Association (PAS 510/511), most other jurisdictions regulate bowling alley parking in a manner very similar to Lexington-Fayette County; that is, a minimum number of spaces per bowling alley. Of the

examples included, the lowest number of spaces per lane is two (2) (Ithaca, New York; St. Louis, Missouri) and the highest per lane is five (5) (Knoxville, Tennessee; Cincinnati, Ohio; Raleigh, North Carolina). A few examples from *Parking Standards* require parking for employees or gross floor area dedicated to assembly or amusement in addition to a number per alley. According to a PAS Memo report from 1958, prepared by the American Society of Planning Officials, using lanes or alleys as a generator is the most logical way to calculate parking for bowling alleys. Several examples from that report, as well as the petitioner's research, show that four (4) parking spaces per bowling alley is a reasonable requirement and rather common across the United States (Burbank, California; Gresham Oregon; Covington and Louisville, Kentucky; Columbus, Ohio, Lancaster Co., Pennsylvania). In support of the petitioner's proposed parking requirement of four (4) spaces per alley, the *ITE Trip Generation Manual* (7th Edition) indicated that the weekday PM peak hour generated 4.5 trips per bowling lane (with 83% entering the site and 17% exiting the site). This traffic generation confirms that about 3.75 parking spaces are needed per lane during this peak time.

In terms of the petitioner's request to eliminate the required parking for their snack bar, the staff agrees that such an accessory use does not typically attract additional trips to a bowling alley, thereby requiring additional parking spaces. Currently, the snack bar use is generally considered similar to a restaurant use, which has a requirement of one (1) space per four (4) seats or one (1) space for every 200 square feet of floor area. Typically a snack bar would have limited seating and would likely have a rather small kitchen and counter area; thus, it would generate only a handful of parking spaces in any case. The staff would not agree with a similar reduction for the nightclub use, which is not being proposed by the applicant.

The staff does not believe there will be any negative consequences to the proposed text amendment. In fact, it could allow for a more efficient use of urban land within our community.

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

1. The proposed text amendment will allow for a parking requirement for bowling alleys to be similar to many other communities around the country. Reducing the required parking for this use is reasonable, and is consistent with the APA's *Parking Standards* and the *ITE Trip Generation Manual* (7th Edition).
2. This text amendment will not create any non-conformities, as it will reduce the parking requirement for bowling alleys; and there are no foreseeable negative consequences to the proposed text amendment. One benefit of this amendment will be a more efficient use of the urban land within our community.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENT REQUESTS

1. ZOTA 2010-2: PARKING REQUIREMENTS FOR BOWLING ALLEYS – petition for a Zoning Ordinance text amendment to reduce the off-street parking requirements for bowling alleys and their accessory snack bar.

REQUESTED BY: Collins Bowling Centers, Inc.

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

B-3 HIGHWAY SERVICE BUSINESS ZONE**8-20(n) Off-Street Parking**

Bowling Alleys —~~Five (5)~~ Four (4) spaces per alley, however, snack bars and food service provided primarily to patrons shall not require additional parking.

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

The Staff Recommends: Approval, for the following reasons:

1. The proposed text amendment will allow for a parking requirement for bowling alleys to be similar to many other communities around the country. Reducing the required parking for this use is reasonable, and is consistent with the APA's *Parking Standards* and the *ITE Trip Generation Manual* (7th Edition).
2. This text amendment will not create any non-conformities, as it will reduce the parking requirement for bowling alleys; and there are no foreseeable negative consequences to the proposed text amendment. One benefit of this amendment will be a more efficient use of the urban land within our community.

Staff presentation: Ms. Wade presented the staff report on this request for an amendment to Article 8-20 (n) of the Zoning Ordinance. She said that Article 8-20(n), which is part of the regulations for the B-3 zone, currently requires five parking spaces for each lane in a bowling alley. The petitioner is proposing to reduce that number to four spaces per alley, and to add a phrase that would eliminate the additional parking requirement for snack bars located in bowling alleys.

Ms. Wade stated that the petitioner is requesting this amendment to the Zoning Ordinance because they believe that their parking lot is not being fully utilized for parking, and they would like to add a miniature golf course at their Southland Drive location. The staff agrees with the petitioner's assessment of the use of their parking area, with the exceptions of some special events that are held at the facility. The petitioner is requesting a 20% reduction in parking, as it is their contention that the existing parking requirements are too stringent.

Ms. Wade said that, in considering this request, the staff used the American Planning Association's "Parking Standards" report to review parking regulations for other communities around the country. Most communities require a minimum number of spaces per alley; the lowest number of required spaces per alley was two, in Ithaca, New York; and St. Louis, Missouri. The highest requirement was five parking spaces per alley, in Knoxville; Cincinnati; and Raleigh, North Carolina. The APA's report also identified a large number of communities that require four parking spaces per alley. The staff also considered the ITE Trip Generation Manual, which outlines trip generation figures for bowling alleys. That publication indicates that the weekday peak hours for bowling alleys are in the evening. At that time, traffic generation is about 3.75 vehicles per lane. Therefore, the four parking spaces proposed per lane are very consistent with this resource. The staff is therefore in agreement with the petitioner's request to reduce the required number of parking spaces per lane from five to four. Ms. Wade noted that a snack bar in a bowling alley is typically oriented to serve patrons, not outside customers, which also added to the staff's opinion that a snack bar does not add many additional cars to the bowling alley parking area. The staff would not be comfortable, however, with allowing the same parking calculation for nightclubs or bars located in bowling alleys.

Ms. Wade stated that the staff is recommending approval of this request, for the reasons as listed in the staff report and on the agenda.

Petitioner representation: Richard Murphy, attorney, was present representing the petitioner. He said that the petitioner's business is family-owned, and has been in operation since 1959. The petitioner would like to have the opportunity to increase the family entertainment options at their Southland Drive location. In order to do that, they must be able to provide 27 additional parking spaces in order to meet the parking requirements for the additional use. Mr. Murphy noted that there is a large open area on the petitioner's property that could be used for additional parking, but it is currently the location for the Southland Jamboree outdoor music concerts during the summer months. Those concerts have been very popular, and the organizers of the events have indicated that, should that portion of the property be paved, they will have to move elsewhere.

Mr. Murphy stated that it was the petitioner's contention that the parking area has never been fully utilized, so they knew that they did not need to maintain that number of spaces. They believe that the proposed four spaces per alley is justified, based on the other cit-

* - Denotes date by which Commission must either approve or disapprove request.

ies' regulations as outlined during Ms. Wade's presentation. Mr. Murphy noted that the snack bar patrons are bowlers, not outside customers; and that the nightclub has its own parking spaces, so no additional traffic will be generated. For those reasons, he requested approval of the proposed text amendment.

Citizen Comment: No citizens were present to speak to this request.

Action: A motion was made by Mr. Paulsen, seconded by Mr. Wilson, and carried 7-0 (Copeland, Holmes, Owens, and Richardson absent) to approve ZOTA 2010-2, for the reasons provided by staff.

* - Denotes date by which Commission must either approve or disapprove request.

Recd by YRZ
Date: 10/7/10

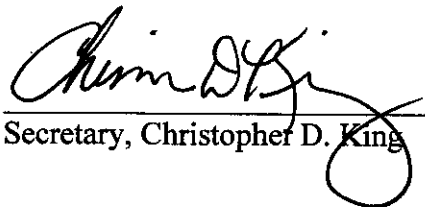
RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON-FAYETTE COUNTY, KENTUCKY

IN RE: **ZOTA 2010-2: AMENDMENT TO ARTICLE 8-20(n): PARKING REQUIREMENTS FOR BOWLING ALLEYS** – petition for a Zoning Ordinance text amendment to reduce the off-street parking requirements for bowling alleys and their accessory snack bar.

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ATTEST: This 7th day of October, 2010.


Secretary, Christopher D. King

CAROLYN RICHARDSON
CHAIR

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Mr. Richard Murphy**, attorney.

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (7) Beatty, Blanton, Brewer, Cravens, Paulsen, Roche-Phillips, Wilson

NAYS: (0)

ABSENT: (4) Copeland, Holmes, Owens, Richardson

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **Approval** of **ZOTA 2010-2** carried.

Enclosures: Application
Staff Report
Applicable excerpts of minutes of above public hearing

tw/wls/src

RICHARD V. MURPHY, PLC

ATTORNEY AT LAW

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RICHARD V. MURPHY

August 2, 2010

Members of the Lexington-Fayette
Urban County Planning Commission
200 East Main Street
Lexington, Kentucky 40507

Re: Proposed Text Amendment regarding parking requirements for bowling alleys.

Dear Ladies and Gentlemen:

I represent Collins Bowling Centers, Inc., 205 Southland Drive, Lexington. Daniel M. Collins is the president of this family-owned business.

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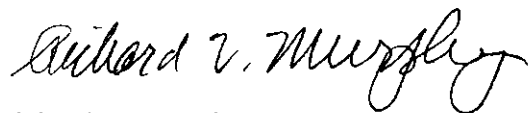
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We are proposing the following **new** language: "Bowling alleys – four (4) spaces per alley. Snack bars and food service provided primarily to patrons shall not require additional parking."

Thank you for your consideration of this text amendment request. We feel this request is reasonable in light of parking patterns observed over the 50 years that Southland Lanes has been in operation. Also, it will eliminate the need for additional paving on the lot.

Sincerely,



Richard V. Murphy
Attorney for Collins Bowling Centers, Inc.

RVM/sgs

cc: Daniel M. Collins, President
Andy Holmes, Midwest Engineering
susan\collins bowling\text amendment-ltr