

ORDINANCE NO. 098 - 2023

AN ORDINANCE CHANGING THE ZONE FROM AN AGRICULTURAL RURAL (A-R) ZONE TO AN AGRICULTURAL BUFFER (A-B) ZONE, FOR 50.10 NET (50.68 GROSS) ACRES, FOR PROPERTY LOCATED AT 300 CANEBRAKE DRIVE. (SAYRE COLLEGE; COUNCIL DISTRICT 12).

WHEREAS, at a Public Hearing held on July 27, 2023, a petition for a zoning ordinance map amendment for property located at 300 Canebrake Drive from an Agricultural Rural (A-R) zone to an Agricultural Buffer (A-B) zone, for 50.10 net (50.68 gross) acres, was presented to the Urban County Planning Commission; said Commission recommending approval of the zone change by a vote of 10-0; and

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

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

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

Section 1 – That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a change in zone for property located at 300 Canebrake Drive from an Agricultural Rural (A-R) zone to an Agricultural Buffer (A-B) zone, for 50.10 net (50.68 gross) acres, being more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2 – That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 3 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: September 14, 2023



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: September 21, 2023-1t
0854-23:TWJ:X:\Cases\PLANNING\23-LE0001\LEG\00789886.DOCX

Rec'd by _____

Date: _____

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

IN RE: PLN-MAR-23-00008: SAYRE COLLEGE - a petition for a zone map amendment from an Agricultural Rural (A-R) zone to an Agricultural Buffer (A-B) zone, for 50.10 net (50.68 gross) acres, for property located at 300 Canebrake Drive. (Council District 12)

Having considered the above matter on **July 27, 2023**, 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 this matter for the following reasons:

1. The requested Agricultural Buffer (A-B) zone is in agreement with the 2018 Comprehensive Plan and the 2017 Rural Land Management Plan, for the following reasons:
 - a. The request will improve the community by providing accessible community facilities and services to meet the health, safety and quality of life needs of Lexington-Fayette County's residents and visitors (Theme D, Goal #2).
 - b. The proposed project will uphold the Urban Services Area concept (Theme E, Goal #1), by ensuring that all types of development are environmentally, economically and socially sustainable to accommodate the future growth needs of all residents while safeguarding rural land (Theme E, Goal #1.b).
 - c. The plans recommend a Buffer Area land use for the subject property. The petitioner proposes Agricultural Buffer (A-B) zoning for the property, which is the zoning category intended to establish the recommended buffer. The recreational use is an appropriate buffer between agricultural and industrial land uses.
2. This recommendation is made subject to approval and certification of **PLN-MJDP-23-00038 Sayre Athletic Complex (Canebrake, Lot 24)** prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

ATTEST: This 18th day of August, 2023.



Secretary, Jim Duncan

LARRY FORESTER
CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by October 25, 2023.

Note: A conditional use was approved by the Planning Commission for recreational facilities on July 27, 2023.

Note: The corollary development plan, **PLN-MJDP-23-00038 Sayre Athletic Complex (Canebrake, Lot 24)**, was approved by the Planning Commission on July 27, 2023 and certified on August 10, 2023.

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

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (10) Bell, Barksdale, Davis, Wilson, Forester, Nicol, Meyer, Pohl, Owens,
and Worth
NAYS: (0)
ABSENT: (1) Michler
ABSTAINED: (0)
DISQUALIFIED: (0)

Motion for **APPROVAL** of **PLN-MAR-23-00008** carried.

Enclosures: Application
Justification
Legal Description
Plat
Development Snapshot
Staff Reports
Applicable excerpts of minutes of above meeting

MAP AMENDMENT REQUEST (MAR) APPLICATION

1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

Applicant: SAYRE COLLEGE, 194 N LIMESTONE ST, LEXINGTON, KY 40507
Owner(s): SAME
Attorney: NICK NICHOLSON, 300 W VINE ST, STE 2100, LEXINGTON, KY 40507

2. ADDRESS OF APPLICANT'S PROPERTY

300 CANEBRAKE DR, LEXINGTON, KY 40509

3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

Zoning	Existing Use	Zoning	Requested Use	Acreage	
				Net	Gross
A-R	SAYRE ATHLETIC CENTER	A-B	SAYRE ATHLETIC CENTER	50.10	50.68

4. COMPREHENSIVE PLAN

a. Utilizing Placebuilder, what Place-Type is proposed for the subject site?	N/A- RURAL LAND MANAGEMENT PLAN
b. Utilizing Placebuilder, what Development Type is proposed for the subject site? If residential, provide the proposed density	N/A- RURAL LAND MANAGEMENT PLAN

5. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40% of the median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing.	<input type="checkbox"/> YES <input type="checkbox"/> NO

6. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided)

Roads:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
Utilities:	<input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable





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

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

June 5, 2023

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

Zone Map Amendment Request for 300 Canebrake Drive (the "Property")
from Agricultural Rural (A-R) zone to Agricultural-Buffer (A-B) zone

Dear Members of the Planning Commission:

We represent Sayre College d/b/a Sayre School ("Sayre" or "Applicant") and on its behalf have filed a zone map amendment request for the property located at 300 Canebrake Drive. The current zoning is Agricultural Rural (A-R) zone and the requested zone is Agricultural-Buffer (A-B) zone. We also are requesting a conditional use permit for Sayre's existing 50-acre Athletic Campus. This is the next step in Sayre's multi-step process to receive permission to construct an indoor training facility for Sayre students after the recent approval for a Zoning Ordinance Text Amendment to the Agricultural Buffer zone.

Since 2005, the Sayre Athletic Campus has offered a successful way for a landlocked school in downtown Lexington to provide desired athletic facilities for its student body. As the variety of sport offerings have grown, so too has the need to provide its student with safe facilities to train and practice throughout the year and in all weather conditions. Over the past year, Sayre has been exploring the best possible route to add a new indoor facility in a manner that is least impactful to its neighbors and the agricultural community. After the recent approval of Sayre's text amendment, we now have the opportunity to rezone the property to A-B and request a conditional use permit under Zoning Ordinance Section 8-2(d)(21) for a commercial and non-commercial indoor and outdoor recreational facility with outdoor lighting, loudspeakers, and limited concession sales. The only change to the existing Athletic Complex is the addition of a new structure that is an approximately 7,200 square foot indoor weight room/training facility and showing additional onsite parking. The facility will be limited to Sayre students and does not have plumping or air conditioning. As such, there will be no impact to any of the existing utilities or other infrastructure serving the Property. This will increase the total square footage of all structures to approximately 23,000 square feet. The Zoning Ordinance authorizes up to just over 44,000 square feet for structures on the Property.

This zone change request is in agreement with the Comprehensive Plan as it upholds the Urban Service Area preservation strategy by safeguarding the rural area, fulfills the intent and recommendations of the Rural Land Management Plan as the Property is show as a Buffer Area on the Rural Land Categories map, and does not endanger the surrounding agricultural area.

The proposed project meets the following Goals and Objectives of the Comprehensive Plan:

Theme D - Improving a Desirable Community

Goal 2: Support a model of development that focuses on people-first to provide accessible community facilities and services to meet the health, safety and quality of life needs of Lexington-Fayette County's residents and visitors.

Objectives:

- b. Collaborate with educational and healthcare entities to meet the needs of Lexington-Fayette County's residents and visitors.

Theme E - Maintaining a Balance between Planning for Urban Uses and Safeguarding Rural Land

Goal 1: Uphold the Urban Service Area concept.

Objectives:

- b. Ensure all types of development are environmentally, economically, and socially sustainable to accommodate the future growth needs of all residents while safeguarding rural land.

Goal 3: Maintain the current boundaries of the Urban Service Area and Rural Activity Centers; and create no new Rural Activity Centers. To ensure Lexington is responsive to its future land use needs, this Goal shall be superseded and no longer in effect upon completion of Theme E, Goal 4, Objective D.

The Rural Land Management Plan describes the Buffer Area Category as: "This land category is designed to encompass certain areas that can serve as buffers between urban or rural uses and/or land in other jurisdictions. These areas could allow for more uses or slightly intensified uses than those recommended in the CARL and NAT categories." Specifically, the Property is adjacent to the Blue Sky Industrial Rural Activity Center. As such, the existing use and proposed conditional use modification acts as a perfect buffer between the intensity of Blue Sky and the 10-acre residential tracts along Canebrake Court and Canebrake Drive. The site only has limited activity focused on sporting events and practices. And, it certainly is a step down from the intensity of the industrial uses in Blue Sky (such as the directly adjacent UPS Freight and Transportation Center). There are existing physical and landscaping buffers between the Property and the surrounding uses as called for in the Rural Land Management Plan and the use will continue to be compatible with our agricultural and residential neighbors. As such, the proposed zone change meets the intent of the Rural Land Management's Plan desire for the Buffer Area.

The proposed conditional use will allow for approval of the existing loudspeaker system that was installed several years ago, which is believed to be non-conforming with the existing conditional use permit. While the previous Board of Adjustment minutes references the installation of a loudspeaker system, it does not appear to have been approved similar to the existing concession sales that were specifically permitted through the governing conditions. This oversight was not intentional, and Sayre fully disclosed the non-conforming nature of the site during the text amendment process. Sayre does not believe that the loudspeaker addition has had an adverse impact to the surrounding area as several of our neighbors were in support of the text amendment specifically authorizing loudspeakers as a new conditional use permitted in the A-B

Lexington-Fayette Urban County Planning Commission
June 5, 2023
Page 3

zone. All necessary public facilities and services, including roads, approved septic systems, utilities, refuse collection, police and fire protection, are available and adequate to serve the proposed use. A development plan has been submitted with this application which reflects the existing facilities, proposed new structure, existing and proposed parking, and access to the Property. Sayre's continued use of the existing facilities will not interfere with any neighboring resident, businesses, or agricultural use.

We will be at the July public hearing in order to make a complete presentation of this application and request your favorable consideration.

Sincerely,

Stoll Keenon Ogden PLLC



Nick Nicholson

NN:NN

127114.172900/8727536.1

300 Canebrake Drive
DBA Sayre College
Zone Change from A-R to A-B
Lexington, Fayette County, Kentucky

A TRACT OR PARCEL OF LAND SITUATED EAST OF AND ADJACENT TO CANEBRAKE DRIVE APPROXIMATELY 2800 FEET NORTH OF THE INTERSECTION OF CANEBRAKE DRIVE AND ATHENS BOONESBORO IN SOUTHEAST LEXINGTON, FAYETTE COUNTY, KENTUCKY AND BEING MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

BEGINNING AT A POINT in the centerline of Canebrake Drive, said point also lying in the extended southern property line of 300 Canebrake Drive as shown on Plat Cabinet M, Slide 662 of record in the Fayette County Clerk's Office; Thence with said centerline 453.17 feet along a curve to the left, having a radius of 1016.74 feet, and a chord of North 13 degrees 32 minutes 10 seconds West, 449.43 feet to a point; thence North 26 degrees 02 minutes 41 seconds West, 288.50 feet to a point; thence 54.73 feet along a curve to the right, having a radius of 843.51 feet and a chord of North 24 degrees 19 minutes 08 seconds West, 54.72 feet to a point; thence leaving said centerline and with the property line of 300 Canebrake Drive for 10 calls; North 89 degrees 33 minutes 46 seconds East, 856.87 feet to a point; thence North 00 degrees 54 minutes 09 seconds West, 418.00 feet to a point; thence South 84 Degrees 34 Minutes 13 Seconds East, 828.10 feet to a point; thence South 00 Degrees 34 Minutes 38 Seconds East, 2057.74 feet to a point; thence North 82 Degrees 34 Minutes 35 Seconds West, 895.89 feet to a point; thence North 00 Degrees 34 Minutes 54 Seconds West, 985.11 feet to a point; thence North 00 Degrees 34 Minutes 45 Seconds West, 4.92 feet to a point; thence 447.89 feet along a curve to the left, having a radius of 2894.71 feet and a chord of South 83 Degrees 32 Minutes 34 Seconds West, 447.44 feet to a point; thence 125.47 feet along a curve to the left, having a radius of 90.00 feet and a chord of South 39 Degrees 10 Minutes 15 Seconds West, 115.55 to a point in the eastern right of way of Canebrake Drive; thence South 89 Degrees 13 Minutes 57 Seconds West, 25.00 feet to the **POINT OF BEGINNING** and containing 50.68 acres gross and 50.10 acres net.

SAYRE COLLEGE

PLN-MAR-23-00008

300 CANEBRAKE DR

Rezoning the property to allow for the expansion of an existing recreational complex.

Applicant/Owner

SAYRE COLLEGE
194 N Limestone
Lexington, KY 40507
Nick.Nicholson@skofirm.com (Attorney)

Application Details

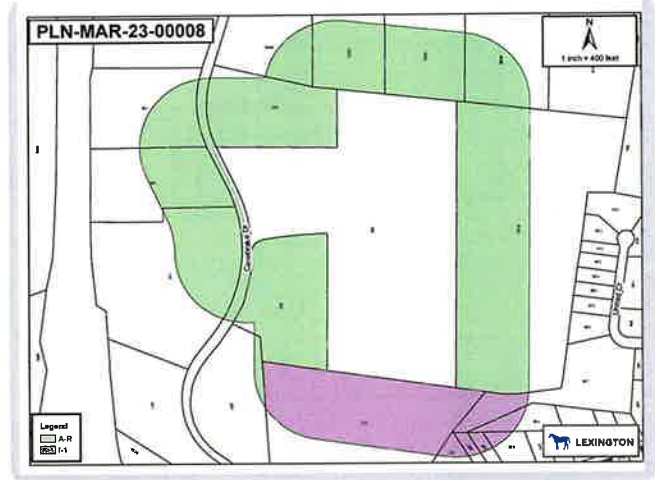
Acreage:
50.10 net (50.68 gross) acres

Current Zoning:
Agricultural Rural (A-R) Zone

Proposed Zoning:
Agricultural Buffer (A-B) Zone

Description:
The applicant is seeking to rezone the property to expand the Sayre Athletic Campus. The proposed development includes a new 7,200 square-foot training building, and additional parking areas. The existing recreational complex includes outdoor athletic fields, a locker room/ concession stand, fieldhouse, and maintenance building.

The applicant is also seeking to modify the existing conditional use permit in order to expand the existing facilities as proposed.



Public Engagement

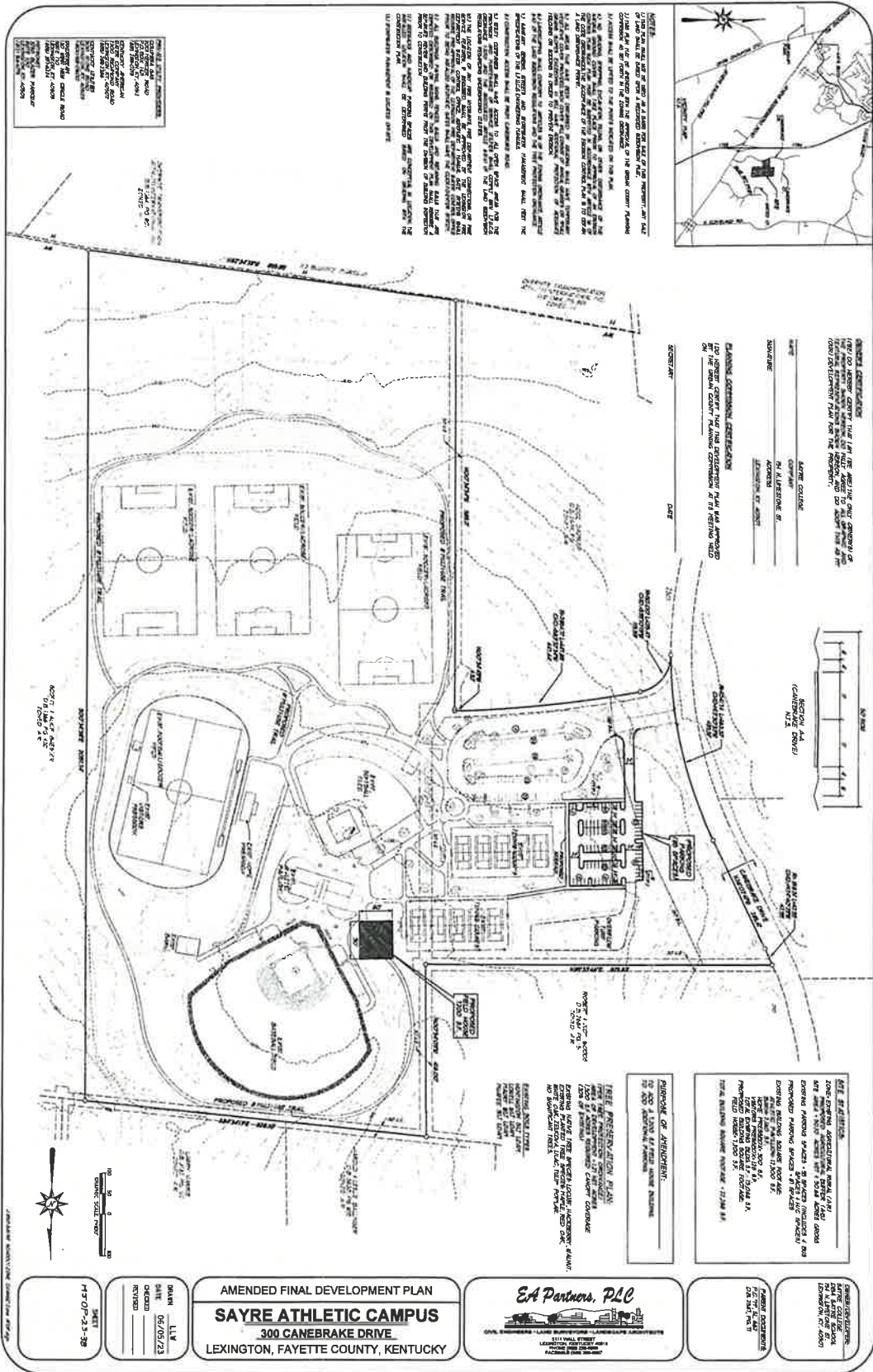
- The letter of justification does not indicate that any public engagement has taken place at this time.

Status

- Public Engagement
- Pre-Application Meeting
- Application Review
- Planning Staff Review
- Technical Review Committee
- Zoning/Subdivision Committee Meetings
- Planning Commission Hearing
- Urban County Council Meeting

DISCLAIMER: Plans are subject to change. Visit the Accela Citizen Portal (lexingtonky.gov/plans) or contact Planning for the latest information.

Development Plan



STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-23-00008: SAYRE COLLEGE

DESCRIPTION OF ZONE CHANGE

Zone Change: From a Agricultural Rural (A-R) zone
To a Agricultural Buffer (A-B) zone
Acreage: 50.10 net (50.68 gross) acres
Location: 300 Canebrake Drive

EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	A-R	Sayre Athletic Complex
To North	A-R	Residential/ Agricultural
To East	A-R	Agricultural
To South	I-1	Industrial
To West	A-R	Residential/ Agricultural



URBAN SERVICE REPORT

Roads - Canebrake Drive is a two-lane local road within the Rural Service Area. Canebrake Drive is accessible from Athens Boonesboro Road (KY 418), a five-lane major arterial roadway. Interstate 75 (I-75) runs parallel to Canebrake Drive.

Curb/Gutter/Sidewalks - Canebrake Drive has been constructed without gutters curbs, or sidewalks along this rural roadway. Rural roads typically do not have such improvements.

Utilities - All utilities, including natural gas, electric, water, phone, cable television, and internet are available in the area, and are available to serve future development.

Storm Sewers - The property is located within the Boone Creek watershed. Storm sewer facilities do not serve this area. The southern portions of the subject property contain areas of FEMA designated floodplain associated with a tributary of the Baughman Fork of Boone Creek.

Sanitary Sewers - The use is currently supported by septic systems, with any expansion to the existing system subject to permitting by the Department of Health.

Refuse - The Urban County Government does not serve the rural area. Refuse collection for the facility will need to be preformed by a private company.

Police - The nearest police station is the East Sector Roll Call Center, located approximately 5.4 miles to the west, on Centre Parkway.

Fire/Ambulance - The property is situated approximately 3 miles from Fire Stations #18 and #21. Fire Station #21, located on Mapleleaf Drive, just south of Man O War Boulevard, has first response responsibilities for the immediate area west of Interstate 75 along Athens Boonesboro Road.

Transit - There is no LexTran service available within close proximity of the subject property.

Parks - The Athens Ballfield Complex is located approximately half a mile south of the subject property, on Athens Boonesboro Road.

SUMMARY OF REQUEST

The applicant is seeking to rezone the subject property from an Agricultural Rural (A-R) zone to an Agricultural Buffer (A-B) zone to expand the existing Sayre Athletic Complex.

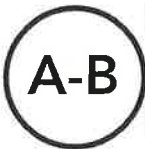
RURAL DEVELOPMENTS



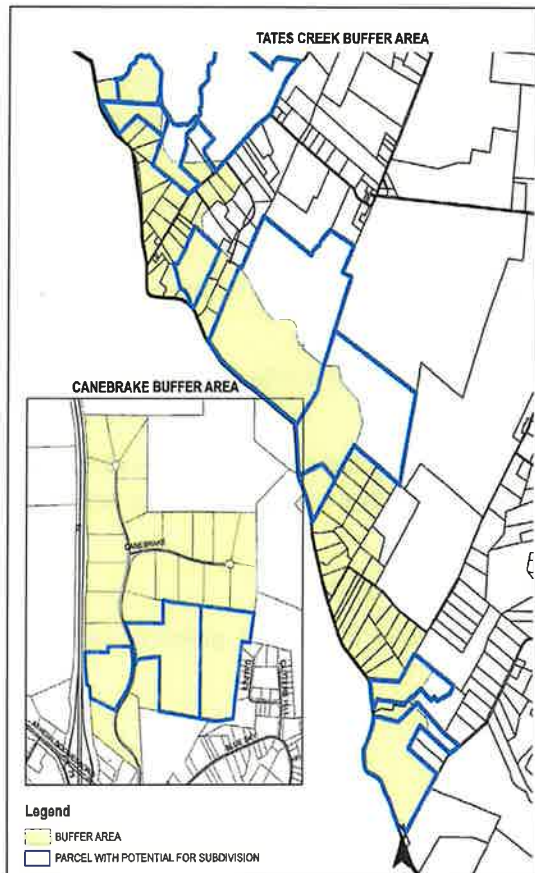
Development within the Rural Service Area (RSA) should consider the unique assets and opportunities offered by Lexington’s agricultural landscape. For this reason, the 2017 Rural Land Management Plan (RLMP), in tandem with applicable policies from Imagine Lexington, should act as the primary guide for all rural development endeavors and should be directly addressed in development proposals within the RSA.

Due to the distinct difference between urban place-types and rural area considerations, the RLMP is better suited to guide the limited development within the RSA than the criteria set out in the Placebuilder. Additionally, the numerous policies, goals, and objectives within Imagine Lexington focusing on rural development link directly to the goals and objectives laid out by the RLMP. These provide additional support for defining the intended nature of rural development and its impacts on the agricultural community.

PROPOSED ZONING



This zone is established to preserve the rural character of the agricultural service area by establishing agricultural land that can serve as buffer areas between urban uses and agricultural land, and between land outside Fayette County and agricultural uses. It is the intent of this zone to provide separation between conflicting uses by requiring appropriate landscaping, fencing, and compatible uses. The Land Use Element of the Comprehensive Plan shall be used to determine the appropriate location for the Agricultural Buffer (A-B) zone.



BUFFER AREAS

This land use category encompasses the areas that can serve as buffers between conflicting urban uses and/or between higher intensive uses in adjoining counties and agricultural land. All but one of the buffer areas are located on or near the edge of the Urban Service Area. The other buffer area is along Tates Creek Road, and it is intended to transition from possible incompatible land uses in Jessamine County. Buffer Areas are predominated by lots that are ten acres or less in size. The total land area for this category is 2,525 acres.

The Canebrake Subdivision, located off Athens Boonesboro Road is a Buffer Area wedged between the Blue Sky Industrial Park and I-75. The subdivision has 27 lots, of which 24 are 10-acre parcels. There are only nine residences built, and Sayre School has its athletic facilities on one 50-acre tract. The remaining parcels are vacant/agriculture, including one 22-acre lot and one 42-acre parcel without road frontage.

Since the adoption of the first Rural Service Area Land Management Plan in 1999, the Agriculture-Buffer (A-B) zone was created for this land use category. The intent is to separate the conflicting uses by requiring appropriate landscaping, fencing and compatible uses. The principal permitted uses for the zone are agricultural and single family dwellings. A minimum lot size of 10 acres is required.

PROPOSED USE



The applicant is seeking to rezone the subject property to the Agricultural Buffer (A-B) zone to allow for the construction of a 7,200 square-foot training room addition to the Sayre Athletic Complex. Existing facilities at this site include tennis courts, and baseball, softball, soccer, lacrosse, and football fields. The athletic functions on-site are supplemented by an existing athletic pavilion and several maintenance structures.

The applicant is also seeking a conditional use permit to allow for the existing Sayre Athletic Complex use and proposed expansion in the proposed Agricultural Buffer zone.

APPLICANT & COMMUNITY ENGAGEMENT



The applicant has not indicated that there has been any neighborhood engagement or outreach regarding the proposed zone change.

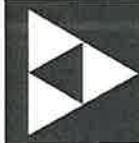
PROPERTY & ZONING HISTORY



The subject property has been zoned Agricultural Rural (A-R) since before the comprehensive rezoning of the city and county in 1969. In 2005, the Sayre School consolidated several properties into the current tract, and obtained a conditional use permit for outdoor recreational facilities at this location. The approval included various types of athletic fields as well as a 10,000 square-foot pavilion, and paved parking areas. The following year, the applicant applied for another conditional use permit to modify the layout of the proposed complex, as well as to allow for outdoor lighting.

The restrictions on structure sizes for conditional uses in the Agricultural Rural (A-R) zone did not allow for any further expansion of the current complex, and so the applicant sought a Zoning Ordinance text amendment to allow the use under the Agricultural Buffer (A-B) zone, and expand the size limitations for the zone (ZOTA-22-00019). The Zoning Ordinance text amendment was approved in early 2023, and the applicant is now seeking a zoning map amendment request to the newly amended zone to allow for the proposed expansion.

COMPREHENSIVE PLAN COMPLIANCE



The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

In 1999, the first Rural Service Area Land Management Plan was adopted as an element of the 1996 Comprehensive Plan. The document was the first extensive effort dedicated to the planning and management of land uses in the Rural Service Area and recommended minimum lot sizes, establishment of rural land use categories, utilization of greenways and Focus Areas for recreation, preservation of rural settlements and scenic roads, infill and redevelopment, considerations for potential adjustments to the Urban Service Area Boundary, buffering of the urban edge, and the recommendations for the Purchase of Development Rights Program. In 2017, the Rural Land Management Plan was adopted, updating the recommendations made within the 1999 Plan. The 2017 Rural Land Management Plan is an adopted element of the 2018 Comprehensive Plan.

The applicant opines that the proposed rezoning for the subject property is in agreement with the 2018 Comprehensive Plan and meets the recommendations of the 2017 Rural Land Management Plan.

GOALS & OBJECTIVES

The applicant opines that they are in agreement with the adopted Goals, Objectives, and Policies of the 2018 Comprehensive Plan. The applicant indicates that the proposed project will improve the community by providing accessible community facilities and services to meet the health, safety and quality of life needs of Lexington-Fayette County's residents and visitors (Theme D, Goal #2). Furthermore the applicant opines that the request will uphold the Urban Service Area concept (Theme E, Goal #1), by ensuring that all types of development are environmentally, economically and socially sustainable to accommodate the future growth needs of all residents while safeguarding rural land (Theme E, Goal #1.b).

Staff agrees that the proposed zoning expands that the proposed rezoning will allow for an expansion of the Sayre School's facilities, while also continuing to act as a buffer between the urbanized industrial uses found in the Blue Sky Rural Activity Center and the adjoining rural land uses.

RURAL LAND MANAGEMENT PLAN

The applicant also opines that the subject rezoning is in agreement with the 2017 Rural Land Management Plan. The 1999 and 2017 Rural Land Management Plans specifically delineated areas to act as buffers between more intense urban uses and agricultural uses. In this instance, the Canebrake area was specifically called out as a buffer area due to its proximity to the Blue Sky Rural Activity Center and the Interstate I-75 interchange. The Policy Emphasis and Recommendations for Buffer Areas within the Rural Land Management Plan specifically state proposed development or use must be rigorously reviewed to ensure it is compatible with any housing on the parcel, housing in its vicinity, or with surrounding agricultural activities. In this instance, the proposed use has been operating without issue at this location since 2005, and the proposed building addition is enclosed and located near the center of the site, away from residential and agricultural uses.

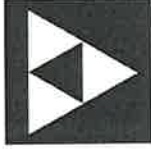
Staff finds that the proposed rezoning will not negatively impact the adjoining residential uses in the Canebrake Subdivision, nor the adjoining agricultural uses. Staff also agrees that the requested Agricultural Buffer (A-B) zoning is the zone that is intended to implement the buffer recommendation, established by the Rural Land Management Plan and carried forward by the 2018 Comprehensive Plan.

STAFF RECOMMENDS: **APPROVAL**, FOR THE FOLLOWING REASONS:



1. The requested Agricultural Buffer (A-B) zone is in agreement with the 2018 Comprehensive Plan and the 2017 Rural Land Management Plan, for the following reasons:
 - a. The request will improve the community by providing accessible community facilities and services to meet the health, safety and quality of life needs of Lexington-Fayette County's residents and visitors (Theme D, Goal #2).
 - b. The proposed project will uphold the Urban Services Area concept (Theme E, Goal #1), by ensuring that all types of development are environmentally, economically and socially sustainable to accommodate the future growth needs of all residents while safeguarding rural land (Theme E, Goal #1.b).
 - c. The plans recommend a Buffer Area land use for the subject property. The petitioner proposes Agricultural Buffer (A-B) zoning for the property, which is the zoning category intended to establish the recommended buffer. The recreational use is an appropriate buffer between agricultural and industrial land uses.
2. This recommendation is made subject to approval and certification of PLN-MJDP-23-00038 Sayre Athletic Complex (Canebrake, Lot 24) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

STAFF REPORT ON CONDITIONAL USE PERMIT REQUEST



In association with the zone change request for the property, the applicant is seeking a Conditional Use Permit within the Agricultural Buffer (A-B) zone to expand the existing recreational facilities at this location. With any zone change the Planning Commission shall have the power to hear and decide applications for conditional use permits. These permits are to allow the proper integration into the planning area of uses which are specifically named in this Zoning Ordinance, which may be suitable only in specific locations in the zone only if certain conditions are met and which would not have an adverse influence on existing or future development of the subject property or its surrounding neighborhood.

ZONING ORDINANCE

Article 6-4(c) states that the Planning Commission may hear and act upon requested conditional uses and variances associated with a zone change. If the Planning Commission should choose to hear a conditional use or variance request, the Planning Commission shall have all of the powers and responsibilities of the Board of Adjustment, as defined in Sections 7-6(a) and 7-6(b) of the Zoning Ordinance. All conditional use and variance applications shall be acted upon by the Planning Commission within ninety (90) days from the date of the application, unless postponed further by the applicant.

Article 8-2(d)(21) states that commercial and non-commercial indoor and outdoor recreational facilities (excluding golf courses), with outdoor lighting, loudspeakers, and limited concession sales; but without retail sales of merchandise, and the like; but only when located immediately adjacent to the Blue Sky Rural Activity Center defined in the adopted Comprehensive Plan are a conditional use within the Agricultural Buffer (A-B) zone.

CASE REVIEW

The applicant is requesting to continue to utilize the property located at 300 Canebrake Drive as an outdoor recreational facility. The Sayre School initially obtained conditional use approval for an athletic complex at location for up to 500 people in 2005. The school returned to the Board of Adjustment in 2006 to reconfigure the layout of the site, and adding the ability to utilize outdoor lighting. Currently, the recreational facilities on-site consist of tennis courts, baseball and softball fields, a football field, and soccer/lacrosse fields. These facilities are supplemented by an athletic pavilion that houses locker rooms and a concession stand, maintenance structures, and a paved parking area.

The proposed additions to the existing complex include an indoor training facility located near the existing athletic pavilion, as well as a parking expansion to the west. The proposed training facility will be approximately 7,200 square feet in size, and will contain a practice field area, as well as weightlifting equipment. The applicant has indicated that this will be for training purposes only, and will not be utilized for games. The parking expansion will consist of 85 new paved spaces, as well as a grass overflow parking area.

The proposed rezoning to the A-B zone affords the applicant additional flexibility relative to the site's current A-R zoning. The A-B zone allows for conditional uses to have a total structure size of up to 2% of the area of the site area, rather than a flat 10,000 square-foot limit found in the A-R zone. The conditional use in the A-B zone also allows for approval of loudspeaker systems. The site currently operates with a loudspeaker system that was installed several years ago; however, this system does not comply with the requirements of their current conditional use permit, as loudspeakers were prohibited. Due to the existing vegetative buffering and significant distance to adjoining residents, the allowance of outdoor speakers should have a minimal impact on the adjoining 10-acre residential lots to the north. The 2% limitation equates to a maximum of 43,647 square-feet of structures on the property. The applicant's expansion is well within the limitations established by the Zoning Ordinance.

In review of the applicant's submission and the historical use of the property, staff finds that the continuation of the Sayre Athletic Complex is appropriate and that the location of the property and the facilities available to the property are adequate to serve the site and land use.

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:



1. The continued use of the Sayre Athletic Complex is suitable at its current location and does not have an adverse influence on existing or future development of the subject property or its surrounding area.
2. The proposed indoor training facility will not negatively impact the adjoining residential uses, as it is located over 800 feet from the nearest residential use, and is screened by existing vegetation on adjoining properties.
3. The allowance of loudspeaker systems will not negatively impact the adjoining uses as they are oriented away from adjoining properties.
4. All necessary public facilities and services are available and adequate for the proposed use.

This recommendation of Approval is subject to the following conditions:

1. Provided the Urban County Council approves the requested zone change to the A-B zone, otherwise the requested conditional use shall be null and void.
2. The development shall be constructed in accordance with the approved Final Development Plan, or as amended by the Planning Commission.
3. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
4. Action of the Planning Commission shall be noted on the Development Plan for the subject property.
5. All outdoor speakers shall be oriented away from surrounding properties.

DAC/TLW
07/05/2023

Planning Services/Staff Reports/MAR/2022/PLN-MAR-23-00008 Sayre College.pdf

1. **SAYRE COLLEGE ZONING MAP AMENDMENT AND CANEBRAKE LOT 24 (SAYRE ATHLETIC COMPLEX) DEVELOPMENT PLAN**

- a. **PLN-MAR-23-00008: SAYRE COLLEGE** – a petition for a zone map amendment from an Agricultural Rural (A-R) zone to an Agricultural Buffer (A-B) zone, for 50.10 net (50.68 gross) acres, for property located at 300 Canebrake Drive. A conditional use permit is also requested to expand the existing recreational facilities.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The applicant is seeking to rezone the subject property to the Agricultural Buffer (A-B) zone to allow for the construction of a 7,200 square-foot training room addition to the Sayre Athletic Complex. Existing facilities at this site include tennis courts, and baseball, softball, soccer, lacrosse, and football fields. The athletic functions on-site are supplemented by an existing athletic pavilion and several maintenance structures.

The applicant is also seeking a conditional use permit to allow for the existing Sayre Athletic Complex use and proposed expansion in the proposed Agricultural Buffer zone.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval, for the following reasons:

1. The requested Agricultural Buffer (A-B) zone is in agreement with the 2018 Comprehensive Plan and the 2017 Rural Land Management Plan, for the following reasons:
 - a. The request will improve the community by providing accessible community facilities and services to meet the health, safety and quality of life needs of Lexington-Fayette County's residents and visitors (Theme D, Goal #2).
 - b. The proposed project will uphold the Urban Services Area concept (Theme E, Goal #1), by ensuring that all types of development are environmentally, economically and socially sustainable to accommodate the future growth needs of all residents while safeguarding rural land (Theme E, Goal #1.b).
 - c. The plans recommend a Buffer Area land use for the subject property. The petitioner proposes Agricultural Buffer (A-B) zoning for the property, which is the zoning category intended to establish the recommended buffer. The recreational use is an appropriate buffer between agricultural and industrial land uses.
 2. This recommendation is made subject to approval and certification of PLN-MJDP-23-00038 Sayre Athletic Complex (Canebrake, Lot 24) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. **CONDITIONAL USE** – In association with the zone change request for the property, the applicant is seeking a Conditional Use Permit within the Agricultural Buffer (A-B) zone to expand the existing recreational facilities at this location.

The Zoning Committee Recommended: Approval.

The Staff Recommends: Approval, for the following reasons:

1. The continued use of the Sayre Athletic Complex is suitable at its current location and does not have an adverse influence on existing or future development of the subject property or its surrounding area.
2. The proposed indoor training facility will not negatively impact the adjoining residential uses, as it is located over 800 feet from the nearest residential use, and is screened by existing vegetation on adjoining properties.
3. The allowance of loudspeaker systems will not negatively impact the adjoining uses as they are oriented away from adjoining properties.
4. All necessary public facilities and services are available and adequate for the proposed use.

This recommendation of Approval is subject to the following conditions:

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

1. Provided the Urban County Council approves the requested zone change to the A-B zone, otherwise the requested conditional use shall be null and void.
2. The development shall be constructed in accordance with the approved Final Development Plan, or as amended by the Planning Commission.
3. All necessary permits shall be obtained from the Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
4. Action of the Planning Commission shall be noted on the Development Plan for the subject property.
5. All outdoor speakers shall be oriented away from surrounding properties.
6. Construction of the proposed parking areas shall be completed within 5 years of the approval date.
7. Sidewalk facilities shall be provided from the site's pedestrian network to Canebrake Dr.

c. PLN- PLN-MJDP-23-00038: SAYRE ATHLETIC COMPLEX (CANEBRAKE, LOT 24) (AMD) (10/3/2023)* - located at 300 CANEBRAKE DRIVE, LEXINGTON, KY

Council District: 12

Project Contact: EA Partners

Note: The purpose of this development plan is to depict an expansion of an outdoor recreational (athletic) facility, in support if the requested zone change from an Agricultural Rural (A-R) Zone to an Agricultural Buffer (A-B) Zone.

The Technical Committee Recommends: Approval, subject to the following conditions:

1. Provided the Urban County Council approves the zone change to A-B; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm, sanitary sewers, and floodplain information
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Landscape Examiner's approval of landscaping and landscaping buffers.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree preservation plan.
7. Department of Environmental Quality's approval of environmentally sensitive areas.
8. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
9. Greenspace planner's approval of the treatment of greenways and greenspace.
10. Division of Fire, Water control Office's approval of the locations of fire hydrants, fire department connections, and fire service features.
11. Division of Waste Management's approval of refuse collection locations.
12. United States Postal Service Office's approval of kiosk locations or easement.
13. Denote floodplain and required setbacks.
14. Delete Note #12.
15. Delete "amended" from plan title.
16. Denote lot coverage and floor area ratio per Article 21.
17. Denote height of all buildings in feet in the site statistics.
18. Discuss Note #13 on off-site stormwater.
19. Discuss purpose of proposed field house.
20. Discuss Placebuilder criteria.

Staff Presentation – Mr. Daniel Crum presented the staff report and recommendations for the zone change application. He displayed photographs of the subject property and the general area. He stated that the applicant was seeking a zone map amendment from an Agricultural Rural (A-R) zone to an Agricultural Buffer (A-B) zone, for 50.10 net (50.68 gross) acres, for property located at 300 Canebrake Drive. Mr. Crum indicated that the application was to allow for the expansion of the existing Sayre Athletic Complex (SAC). Additionally, Mr. Crum indicated that the applicant is also seeking a conditional use to allow for the proposed expansion. Mr. Crum also noted an absence of a place-type and development-type because the subject property is in the Rural Service Area and subject to the Rural Land Management Plan.

Mr. Crum stated that the Rural Land Management Plan calls out this location as an area designated for buffer land uses to step down the intensity of zoning to create a buffer between the more industrial and urban zones from the agricultural areas.

Mr. Crum continued, stating that the applicant is seeking an expansion, because they reached the square footage maximum established for the A-R zone of 10,000 sq feet and need the A-B to allow for the expansion they desire. He showcased the development plan and noted the addition of a training facility and expanded parking.

Mr. Crum concluded his presentation stating that Staff was recommending approval of the application and could answer any questions from the Planning Commission.

Development Plan Presentation – Mr. Tom Martin oriented the Planning Commission to the location and characteristics of the subject property. Mr. Martin highlighted the expanded parking and overflow areas, as well as the proposed fieldhouse. Additionally, Mr. Martin indicated that with the expansion, a small amount of land on the property is in the floodplain. Mr. Martin noted a few clean up items, but indicated that the applicant had fulfilled them.

Mr. Martin concluded his presentation by stating that Staff is recommending approval and could answer any questions from the Planning Commission.

Commission Questions – Ms. Worth asked if conditions #18 and #20 should be removed and Mr. Martin indicated that conditions #18, 19, and 20 could be deleted.

Conditional Use Presentation – Mr. Crum indicated that because the applicant is applying for this new zone, a conditional use request is necessary to allow for the operations of this site. Mr. Crum stated that the facility will be utilized in the exact way that it has been but since the use is a conditional use in the A-B zone, the conditional use request is necessary. Additionally, Mr. Crum indicated that the applicant had been using loudspeakers in a zone where it was not allowable, but with this zone change, the speakers are an allowable use.

Mr. Crum concluded his conditional use presentation stating that Staff is recommending approval with seven Staff conditions, and two additional conditions since the agenda was published, and could answer any questions from the Planning Commission.

Applicant Presentation – Mr. Nick Nicholson, attorney for the applicant stated that they were in agreement with Staff recommendations and all conditions on the conditional use permit. Mr. Nicholson gave a brief overview of the dimensions of the proposed fieldhouse, as well as some renderings of the inside of the facility, and reiterated it is meant for training Sayre athletes only. Mr. Nicholson concluded his remarks by stating he could answer any questions from the Planning Commission.

Action – A motion was made by Mr. Davis, seconded by Ms. Barksdale and carried 10-0 (Michler absent) to approve PLN-MAR-23-00008: SAYRE COLLEGE for reasons provided by Staff.

Action – A motion was made by Mr. Davis, seconded by Ms. Barksdale and carried 10-0 (Michler absent) to approve the conditional use permit for reasons provided by Staff., with the seven conditions.

Action – A motion was made by Mr. Davis, seconded by Ms. Barksdale and carried 10-0 (Michler absent) to approve PLN-MJDP-23-00038: SAYRE ATHLETIC COMPLEX (CANEBRAKE, LOT 24) and deleting conditions #18, 19, and 20.