

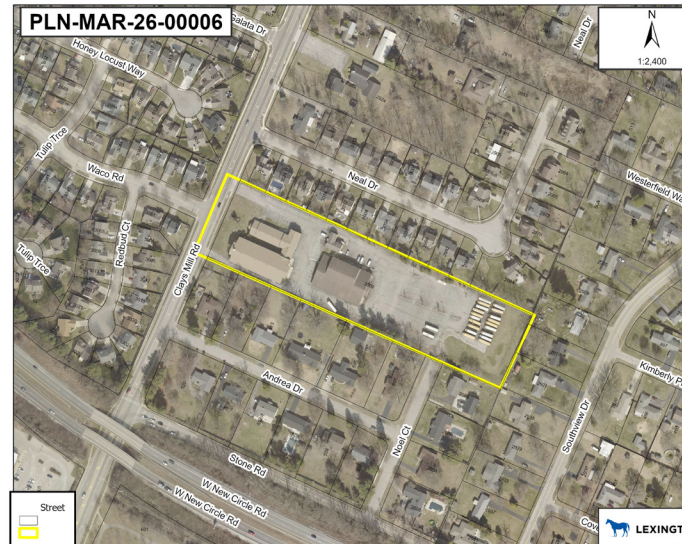
STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-26-00006: BOARD OF TRUSTEES CLAYS MILL ROAD BAPTIST CHURCH

DESCRIPTION OF ZONE CHANGE

Zone Change: From: Single Family Residential (R-1B) Zone
To: Medium Density Residential (R-4) Zone

Acreage: 5.33 net (5.58 gross) acres

Location: 3000 Clays Mill Road



EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Property	R-1B	Residential
To North	R-1C	Residential
To East	R-1C	Residential
To South	R-1C	Residential
To West	R-1C/R-1D	Residential

URBAN SERVICE REPORT

Roads - Clays Mill Road is a three-lane major arterial road that connects Harrodsburg Road (US 68) to Brannon Road in Jessamine County. A multi-year enhancement project was recently completed which widened motorized travel lanes, added a center turn lane and added sidewalks and bike lanes to most of Clays Mill Road. Noel Court terminates at the southern end of the subject property, but no connection to the parking lot has been constructed.

Curb/Gutter/Sidewalks - Clays Mill Road was improved with curb, gutter and sidewalks within the past two years. All local streets are required to install the same at the time of development.

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

Storm Sewers - The subject property is located within the South Elkhorn watershed. The developer will be required to address stormwater management on the subject property in compliance with the Engineering Stormwater Manual. There are no known flooding issues on the subject property.

Sanitary Sewers - The property located in the South Elkhorn sewershed and is served by the West Hickman Wastewater Treatment Plan located approximately 8 miles southeast of the site.

Refuse - The Urban County Government serves this portion of the Urban Service Area with refuse collection on Mondays.

Police - The nearest police station is located about 4½ miles northeast of the subject property on East Main Street.

Fire/Ambulance - The property is situated approximately 1.5 miles from Fire Station #12 on Southland Drive and approximately 1.8 miles from both Fire Stations #15 and #20 located on Shilto Park Road and Arrowhead Drive respectively.

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

Parks - Hill N Dale Park is located approximately one mile to the northeast of the subject property.

SUMMARY OF REQUEST

The applicant is seeking to rezone the subject property in order to convert a portion of an existing structure into five apartment units. In addition to the rezoning request described above, the applicant is requesting to amend their existing conditional use for a place of religious assembly and childcare center to reflect the proposed residential component . Lastly, the applicant is requesting a variance of Section 18.3(a)(1)(7) to reduce the required property perimeter landscape buffer from 8 feet to 1.7 feet.

PLACE-TYPE

ENHANCED NEIGHBORHOOD
An existing residential area to be enhanced with additional amenities, housing types, and neighborhood-serving retail, services, and employment options. Development should be context-sensitive to surrounding areas and should add to the sense of place. Incorporating multimodal connections is crucial to neighborhood success and viability.

DEVELOPMENT TYPE

MEDIUM DENSITY RESIDENTIAL
Primary Land Use, Building Form, & Design
Primarily attached and multi-family units, with interspersed single-family detached dwellings. Multi-family units should complement and enhance existing development through quality design and connections.
Transit Infrastructure & Connectivity
Nearby commercial/employment uses and greenspace should be easily accessible, and bicycle and pedestrian modes should be maximized to connect residents to destinations.
Quality of life Components
These developments should include intentional open space designed to fit the needs of area residents, and a variety of neighborhood-serving commercial/employment uses.

PROPOSED ZONING



The intent of this zone is to provide for medium to medium-high density multi-family dwellings and supporting uses. This zone should be located in areas of the community where services and facilities are/ will be adequate to serve the anticipated population. The medium to medium-high density residential uses should be located along collector and arterial streets. Where lower density development occurs in this zone, it should be located along local streets. Adequate multi-modal connections should be available to all residents. Development should be in areas of the community where necessary services and facilities will be adequate to serve the anticipated population. Medium to medium-high density multi-family dwellings should be established in accordance with the Goals, Objectives, Policies, and Development Criteria of the Comprehensive Plan.

PROPOSED USE



The applicant is proposing the rezoning of the subject property to convert a portion of an existing structure into five apartment units.

APPLICANT & COMMUNITY ENGAGEMENT



On February 23rd, the applicant held a public engagement meeting to discuss the proposal and solicit feedback. The neighborhood provided comments relating to connectivity, the number of units being proposed, and the potential for further redevelopment of the site.

PROPERTY & ZONING HISTORY



The subject property was originally zoned Single Family Residential (R-1B) prior to the comprehensive rezoning of the city and county in 1969. Since that time many of the properties in the area have been rezoned to allow for denser development; however, the subject property has remained in the R-1B zone. The site currently contains three structures, which have been approved as a place of religious assembly since the 1960s. One structure is a 1,662 square foot single family residence built in 1945. The other two structures were built in 1976, are 21,254 square and 15,288 square feet in size, and are associated with the church and daycare uses that operate at this location.

COMPREHENSIVE PLAN COMPLIANCE



The 2045 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.

GOALS & OBJECTIVES

The applicant opines that they are in agreement with the adopted Goals, Objectives and Policies of the 2045 Comprehensive Plan. The applicant indicates that their proposal will add variety and expand choice in housing type (Theme A, Goal #1.b) by increasing residential density on an underutilized parcel (Theme A, Goal #2.a and Goal #2.d). The applicant states that adding housing on this parcel will add density to meet the demand in Lexington (Theme A, Goal #2.d).

POLICIES

The applicant opines that they are in agreement with the adopted Policies of the 2045 Comprehensive Plan. The applicant has indicated where the project complies with the Multi-Family Design Standards (Design Policy #3) while being sensitive to the neighborhood context by retaining the structure's existing footprint (Design Policy #4). Additionally, the request will provide infill residential units (Density Policy #2) which are accessible to a wider range of income levels (Equity Policy #3) that are well integrated into the existing community (Equity Policy #9). Finally, the applicant opines that the proposed change will support missing middle housing (Growth Policy #9) through adaptive reuse of an existing structure (Growth Policy #9).

PLACE-TYPE, DEVELOPMENT TYPE, AND ZONE

In an effort to allow for the greatest contextual development of Lexington's Urban Service Area, applicants are asked to identify a Place-Type based on the location of the subject property. Within each Place-Type there are recommended Development Types based on the form and function of the proposed development. Based on the Place-Type and Development Type there are also several recommended zones that are most appropriate based on the Goals, Objectives, and Policies of the 2045 Comprehensive Plan. While these zones are the ideal zoning categories to develop within a specified area, other zones may be considered, provided there is an appropriate justification addressing the unique situation and provided the development is able to adequately meet the associated Development Criteria.

The applicant has indicated that the site is located within the Enhanced Neighborhood Place-Type, and the Medium Density Residential Development Type. Due to the property's location in close proximity to established neighborhoods along Clays Mill Road, staff agrees with the choice in Place-Type and Development Type. The applicant's requested Medium Density Residential (R-4) zone is recommended for the applicant's choice in Place-Type and Development Type.



DEVELOPMENT CRITERIA

The applicant has indicated that the site is located within the Enhanced Neighborhood Place-Type and is seeking to utilize the property as a Low Density Residential Development Type. Staff concurs with the applicant's assessment of the Place-Type and agrees that a can be appropriate for the subject property. Staff also agrees with the applicant's assessment that the Medium Density Residential (R-4) zone can be appropriate for this location as well. Staff has identified the following areas of Development Criteria compliance:

1. Land Use

Staff finds that this request meets the Development Criteria for Land Use. The applicant's proposal would increase density with a mixed-use infill project (A-DN2-1 & B-SU3-1).

2. Transportation and Pedestrian Connectivity

Staff finds that this request meets the Development Criteria for Transportation and Pedestrian Connectivity. The proposal calls for the residential component to use the existing parking area which would be shared by multiple uses (C-PS10-1). Although the sidewalk connecting the apartment units to Clays Mill Road provides pedestrian access (A-DS4-1), staff believes that a pedestrian connection via Noel Court would further improve the multi-modal network (D-CO2-1).

3. Environmental Sustainability and Resiliency

The proposed rezoning meets the criteria for Environmental Sustainability and Resiliency as the proposal will preserve existing greenscape and trees (B-PR7-1) and improve tree canopy (B-RE1-1) while minimizing physical land disturbance by redeveloping an existing structure (B-PR9-1).

4. Site Design

Staff finds that this request meets the requirements for Site Design as the proposal will provide a pedestrian access to Clays Mill Road (A-DS5-4) and utilize the existing parking located at the rear of the property (A-DS7-1).

5. Building Form

Staff finds that this request meets the requirements for Building Form by retrofitting an existing structure (E-GR5-1) that minimizes contrasts in scale with the surrounding neighborhood (A-DN2-2).

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



1. The requested Medium Density Residential (R-4) zone is in agreement with the 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
 - a. The addition of residential units will help meet housing demand (Theme A, Goal #1.c).
 - b. The proposal will expand housing variety and choice (Theme A, Goal #1.b).
 - c. The proposal will result in minimal environmental impact (Theme A, Goal #3.c).
 - d. The request will increase the utility of an underutilized parcel (Theme A, Goal #2.a and Goal #2.d).
2. The requested Medium Density Residential (R-4) zone is in agreement with the 2045 Comprehensive Plan's Policies, for the following reasons:
 - a. The proposal will comply with the Multi-Family Design Standards (Design Policy #3).
 - b. The project would provide infill residential units (Density Policy # 2).
 - c. The applicant stated that these units are intended to meet a wide range of income levels (Equity Policy #3).
 - d. The new use would integrate well with the existing community (Equity Policy #9).
 - e. The project would involve the reuse of an existing structure (Growth Policy #9).
3. The requested Medium Density Residential (R-4) zone is in agreement with the Development Criteria of the 2045 Comprehensive Plan for the following reasons:
 - a. The proposed rezoning meets the criteria for Land Use by increasing density with a mixed-use infill project (A-DN2-1 & B-SU3-1).

STAFF RECOMMENDS: APPROVAL FOR THE FOLLOWING REASONS:



- b. The proposed rezoning meets the criteria for Transportation, Connectivity, and Walkability by providing pedestrian access (A-DS4-1) and utilizing shared parking (C-PS10-1).
 - c. The proposed rezoning meets the criteria for Environmental Sustainability and Resiliency as the proposed plan does not require removal any trees (B-PR7-1), could be accomplished with minimal grading (B-PR9-1) and will incorporate native plants and trees (B-SU11-1) and increase the tree canopy (B-RE1-1) .
 - d. The request meets the requirements for Site Design by providing pedestrian access to Clays Mill Road (A-DS5-4) and utilizing the existing parking located at the rear of the property (A-DS7-1).
 - e. The request meets the requirements for Building Form by retrofitting an existing structure (E-GR5-1) that minimizes contrasts in scale with the surrounding neighborhood (A-DN2-2).
4. This recommendation is made subject to approval and certification of PLN-MJDP-26-00016 CLAYS MILL ROAD BAPTIST CHURCH HOUSING PROJECT 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 VARIANCE REQUEST



As part of their application, the petitioner is also seeking dimensional variances that are requesting relief from the required property perimeter screening requirements for the portions of the property that abut Single Family Residential (R-1) zone. The applicant is seeking to reduce the minimum required property perimeter requirements as regulated in of Article 18-3(a)(1)(7) of the LFUCG Zoning Ordinance.

Before any variance is granted, the Planning Commission must find the following:

- a. The granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Planning Commission shall consider whether:
 1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.
 2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
 3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- b. The Planning Commission shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

ZONING ORDINANCE

Article 6-4(c) states that the Planning Commission may hear and act upon requested variances associated with a zone change. In such cases, they may assume all of the powers and responsibilities of the Board of Adjustment, as defined in Article 7-6(b) of the Zoning Ordinance.

Article 18-3(a)(1)(7) states that for any R-1T, R-3, R-4 or R-5 zone, except when developed as buildings for single-family or two-family occupancy, abuts any R-1 or R-2 zone, then a buffer of eight feet with one tree/40 feet of linear boundary, from Group A, B, or C of Plant List plus a continuous six feet high planting, hedge, fence, wall, or earth mound is required.

CASE REVIEW

The applicant is seeking a dimensional variance to reduce the width of the required property perimeter landscape buffer from 8 feet to 1.7 feet to match the current conditions on the property. The property currently features two vehicular access points to Clays Mill Road, located along the northernmost and southernmost portions of its road frontage. These access points transition into driveways and parking areas located along the immediately adjacent to the northern and southern property lines, and extends throughout much of the site. The site's parking lot was developed prior to the adoption of the current Zoning Ordinance, and is nonconforming with respects to several interior landscaping and buffering requirements.

The applicants request to rezone the property to the Medium Density Residential (R-4) zone will result in the need for the applicant to provide property perimeter screening where their zone adjoins single-family residential zones. This would require an eight foot wide buffer along three sides of the property, including trees, shrubs, and fencing. Implementing this buffer would require relocation or modification of both access points, as well as a complete redesign of the rear parking area. In their letter of justification, the applicant states that the variance is appropriate because the he Church has operated since 1963 with the current vehicular circulation and without this screening. They further note that meeting the required zone to zone buffer would require significant redesign of the vehicular circulation for the property and would place a significant financial burden on the Church.

Staff is supportive of this request. The proposal currently does not feature any external changes to the site, and will not introduce an increase in the intensity of the use that warrants additional screening. The existing site was developed prior to the adoption of current regulations, and there has been no information provided that indicates the current layout and operations of the church have resulted in a nuisance to the adjoining residences. Additionally, the majority of adjoining properties feature existing fences and vegetation that screens the use

STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:



1. Approval of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.
2. The requested variance is due to special circumstances that do not generally apply to land in the general vicinity, or in the same zone. The site features existing circulation patterns that predate the current Zoning Ordinance.
3. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant. Providing the required buffer would necessitate significant changes to the site's access, circulation, and parking areas.
4. The circumstances of the variance request are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

This recommendation of Approval is subject to the following conditions:

1. Provided the Planning Commission and Urban County Council approve the requested zone change to the R-4 zone, otherwise the requested variances 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.

STAFF REPORT ON CONDITIONAL USE PERMIT REQUEST



In association with the zone change request for the property, the applicant is seeking to amend an existing conditional use permit within the Medium Density Residential (R-4) zone to operate a place of religious assembly with an accessory childcare center. 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 8-5(d)(6) lists places of religious assembly as a conditional use in the R-1A zone.

Article 8-5(d)(2) states that childcare centers for four (4) or more children, when accessory to a place of religious assembly, are a conditional use in the R-1A zone.

All conditional uses in the R-1A zone are also conditional uses in the R-4 zone.

CASE REVIEW

The applicant is proposing to rezone property at 3000 Clays Mill Road from R-1B to R-4 in order to convert a portion of the existing structure into five residential apartment units. The applicant has a current conditional use permit to operate a church with an accessory childcare center on the property, dating back to the 1960s, and was most recently updated in 2024 (PLN-BOA-24-00087). With this request, the applicant seeks to continue the operation of those uses while adding the residential component to the westernmost structure on the site. The applicant indicates in their letter of justification that the five proposed residential units will be affordable units, and will utilize existing parking on the site. No expansion of the structures is proposed at this time, and the addition of the residential component is not anticipated to alter any other aspect of the previously approved operations of the site.

STAFF RECOMMENDS: APPROVAL FOR THE FOLLOWING REASONS:



1. Approval of the conditional use permit will not have any negative impacts on the surrounding community. Both of the uses associated with this request have existed at this location for a number of years, and no expansion of the existing structures is proposed at this time to accommodate the new residential component.
2. There is sufficient parking present on-site to accommodate the proposed users of the site.
3. All necessary public facilities and services are available and adequate for the proposed uses.

This recommendation of approval is made subject to the following conditions:

1. The uses shall be operated in accordance with the submitted application materials and the associated Development Plan.
2. All necessary permits, shall be obtained from the Divisions of Planning and Building Inspection prior to commencement of the use.
3. The applicant shall comply with all requirements of the State of Kentucky's Cabinet for Health and Family Services.