

**STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT**

**PLN-MAR-17-00009: CALVARY BAPTIST CHURCH**

**DESCRIPTION**

<b>Zone Change:</b>	<b><u>REQUEST</u></b>		<b><u>ACREAGE</u></b>	
	<b><u>FROM</u></b>	<b><u>TO</u></b>	<b><u>NET</u></b>	<b><u>GROSS</u></b>
	B-1	B-2B	0.609	0.768
	R-4	B-2B	<u>2.053</u>	<u>2.639</u>
	<b>TOTAL.....</b>		<b>2.662</b>	<b>3.407</b>

**Location:** 100 & 150 East High Street (portions of) and 238, 240, 242, 244, 250 & 252 Rodes Avenue

**EXISTING ZONING & LAND USE**

<b><u>Properties</u></b>	<b><u>Zoning</u></b>	<b><u>Existing Land Use</u></b>
Subject Properties	R-4 & B-1	Church, Residential & Parking Lot
To North	B-2B	Commercial, Cocktail Lounge & Restaurant
To East	B-2B	Church & Parking lot
To South	P-1 & B-2A	Condominiums & Fraternity House
To West	R-4, P-1 & B-1	Residential & Offices & Parking Lot

**URBAN SERVICES REPORT**

**Roads** – The subject property is bordered by South Limestone, which is a major thoroughfare into downtown from the southwest. South Limestone is a two-lane, one-way street, which is paired with South Upper. Together, they allow major north-south traffic to flow through downtown, and both serve the University of Kentucky campus, just one block south of this location. West High Street, another two-lane, one-way street, is located about 200 feet to the northeast of the subject property. The subject site also fronts upon Rodes Avenue, a local street, and upon South Martin Luther King, Jr. Boulevard, another local street that connects the University of Kentucky campus to downtown and to the North Limestone neighborhoods. Chrysalis Court also provides frontage for the subject property, and it connects to Elkins Alley and Warrant Court.

**Curb/Gutter/Sidewalks** – South Limestone, along one of the subject property’s frontages, was improved within the last decade to include wider sidewalks, underground utilities, re-constructed curbs and gutters, and several on-street parking areas. High Street, Rodes Avenue and South Martin Luther King, Jr. Boulevard all have curb, gutter and sidewalk, although Rodes only has it on one side. No modifications are anticipated by the requested zone change.

**Storm Sewers** – The subject property is located within the Town Branch watershed and no FEMA Special Flood Hazard Area exists within this area. The existing storm sewer system will continue to be utilized to serve the church’s property. The proposed zone change from residential and business zones will not impact the drainage from the site.

**Sanitary Sewers** – This area is served by sanitary sewer lines to the Town Branch Wastewater Treatment Facility, located well to the northwest of the subject property on Lisle Industrial Avenue. The existing sanitary sewer capacity is not expected to exceed the “use of record” approved previously by the Division of Water Quality, for the land use of the church’s buildings.

**Refuse** – The Urban County Government serves the downtown area daily, but nearby neighborhoods receive collection once per week, in this case, on Mondays. Some commercial users downtown also contract for additional private collections, as necessary.

**Police** – The nearest police station is located at the Main Street Headquarters, approximately ¼ mile to the east of the subject property.

**Fire/Ambulance** – Fire Station #6 is about 1/3 mile from the subject property, at the corner of Scott Street and South Limestone, near the main entrance to the University of Kentucky campus.

**Utilities** – Electric, gas, cable television, water, and phone service, as well as street lights, all exist to serve the property at this time.

**COMPREHENSIVE PLAN AND PROPOSED USE**

The 2013 Comprehensive Plan’s mission statement is to “provide flexible planning guidance to ensure that development of our community’s resources and infrastructure preserves our quality of life, and fosters regional planning and economic development.” The mission statement notes that 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 addition to the Comprehensive Plan mission statement, the Goals and Objectives of the Plan also encourage growing successful neighborhoods (Theme A), protecting the environment (Theme B) and creating jobs and prosperity (Theme C). The petitioner proposes a B-2B zone in order to consolidate the zoning of the applicant's entire landholdings within the block, except for one property.

### **CASE REVIEW**

The petitioner has requested a zone change from a High Density Apartment (R-4) zone and from a Neighborhood Business (B-1) zone to a Lexington Center Business (B-2B) zone for approximately one half of the applicant's property located at the intersection of South Martin Luther King, Jr. Blvd. and East High Street, and also including property along South Limestone Street and Rodes Avenue.

The site is comprised of eight lots, two of which have frontage along East High Street (both of which are corner lots), two of which front on South Limestone and six of which front upon Rodes Avenue, but are through-lots to South Martin Luther King, Jr. Boulevard. The subject site is generally bounded to the north, west and east by a range of commercial land uses and zoning, including R-4, P-1, B-1, B-2A and B-2B. The church's property has a mixture of R-4, B-1 and B-2B zoning at present.

South Limestone is a mixed-use corridor that provides a direct connection between the University of Kentucky and downtown. In this vicinity, South Limestone is home to a number of bars and restaurants, retail establishments, professional offices, and the UK Good Samaritan Hospital. The corridor is primarily zoned for neighborhood business (B-1) uses to the south of the subject site, and areas to the north in the downtown core are zoned B-2B. The parallel street of Martin Luther King, Jr. Boulevard has mostly residential uses, although this petitioner owns their church sanctuary at the corner of East High Street, and a P-1 zoned property at the corner of East Maxwell, known as "the High Street Center," which is used for its UK Student Ministry. The High Street Center is across from UK's Good Samaritan Hospital, which is also situated in a P-1 zone.

The Calvary Baptist Church has not received a zone change for any of their property, since the B-2B zone was created back in the mid-1970s. That zone change (by the LFUCG, as applicant) helped create the mixture of zoning that currently exists. The church has made several trips to the Board of Adjustment over the past few decades for various Conditional Use Permits to allow construction projects on their campus, and even to the Urban County Council for the closure of a portion of Rodes Avenue. This zone change is requested in an attempt to consolidate the zoning for their landholdings, into the most permissive of the three zones currently on a portion of their land.

The applicant contends that the proposed rezoning is justified because the mixture of (existing) zoning is inappropriate, and the requested B-2B zone for almost all of their property is appropriate. There is no assertion that this zone change is in agreement with the 2013 Comprehensive Plan or any of its Goals and Objectives. However, other than the ability to simplify their future planning, and no longer requiring Conditional Use Permits, little justification is offered that the R-4 or B-1 zone is an inappropriate designation at this location.

The staff does not disagree with the applicant's justification, but a technical issue has arisen the week of the Zoning Committee meeting that warrants mention. The staff worked hard with the applicant for several weeks to correctly identify the B-2B zoning boundary from earlier Zoning Atlas information (1975 and earlier). However, the Division of GIS has informed the staff that the B-2B, R-4 & B-1 zoning boundary shown (literally) for decades on our Zoning maps do not match the legal description of the approved 1975 zone change to the B-2B zone. Thus, the applicant may need an amendment or at least supply a revision to their application to resolve this discrepancy. It is unknown whether this can be accomplished in the next three weeks, but the staff will try its best to do so.

### **The Staff Recommends: Postponement, for the following reasons:**

1. The applicant's proposed rezoning of R-4 and B-1 portions of their site does not match the legal description of the zone change that created the B-2B zone on their property more than 40 years ago. This discrepancy should be resolved in some manner prior to the Planning Commission's public hearing on this zone change.

WLS/TLW

4/5/2017

Planning Services/Staff Reports/MAR/2017/PLN-MAR-17-00009.doc