

STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

**ZOTA 2016-2: AMENDMENT TO ARTICLE 23A-5: SCHOOLS FOR ACADEMIC INSTRUCTION
IN THE EXPANSION AREA RESIDENTIAL 1 (EAR-1) ZONE**

REQUESTED BY: Christian Academy of the Bluegrass, Inc.

PROPOSED TEXT: (Note: Text underlined is an addition, and text ~~stricken through~~ is a deletion to the current Zoning Ordinance.)

ARTICLE 23A – EXPANSION AREAS ZONING CATEGORIES AND RESTRICTIONS

23A-5 EXPANSION AREA RESIDENTIAL 1 (EAR-1) ZONE

23A-5(b) Principal Uses

1. Single family, two-family, multi-family, and town- house dwellings.
2. Community Residences.
3. Golf Courses and common open spaces.
4. Churches and Sunday schools, with or without associated child care, in locations where the Comprehensive Plan recommends semi-public uses.
5. Schools for academic instruction

STAFF REVIEW:

The Christian Academy of the Bluegrass, Inc., a non-profit organization, is planning to open a school starting at the beginning of the next academic year this fall. The school is being hosted by the North Lexington Church of Christ, which is currently located at 2280 Hume Road. The church is located in Expansion Area 2A, and is an Expansion Area Residential 1 (EAR-1) zone.

Churches and Sunday schools, with or without day care facilities, are currently principal permitted uses in the EAR-1 (and therefore also in the EAR-2 & EAR-3 zones), but only in those locations specifically designated on the Comprehensive Plan for semi-public uses (which were a small number of specifically noted areas on the land use maps of the 2001 and 2007 Comprehensive Plans).

The 2013 Comprehensive Plan does not have a land use map, which makes the existing Zoning Ordinance reference outdated and cumbersome, should an existing church wish to expand or is a new church attempts to locate in the Expansion Area. One of the guiding principles of development, or the building blocks if you will, of the 1996 Expansion Area Master Plan (EAMP) was to organize land uses around community centers in an attempt to foster place-making and places, utilizing the greenways and new boulevards as the backbones for new neighborhoods to be developed around. It was recognized that commercial, public and semi-public uses designed around these community centers can become the center of social, cultural, and economic activities. Churches, schools, and other civic uses were planned to be in close proximity to these neighborhood centers, and were planned to be allowed in the CC zones or in the transitional areas connected to these community centers by way of vehicular and pedestrian community design features. There were only three such areas recommended to be community centers by the 1996 EAMP.

Now, 20 years later, most of the proposed boulevards have been constructed and they do serve as one backbone of these developments, connecting neighborhoods and providing a unique but unifying feature for the Expansion Areas. However, the concept of the community centers becoming the central location, or heart of their respective expansion areas, has not yet come to fruition. The key design element of these areas was developed around the idea of a walkable mix of uses organized around places of public and private assembly.

Religious and educational uses can provide these civic and cultural activities anticipated by the EAMP. The primary question is where and how can the community best accommodate these uses in the Expansion Areas. Promoting churches to be located along the collector/boulevard roads and where adjacent to existing arterials is an appropriate use of the Expansion Area Residential lands, and therefore the staff recommends utilizing the opportunity of the applicant's proposed text amendment to update the Zoning Ordinance to be relevant to the current Comprehensive Plan, while still accomplishing the guiding principles of the EAMP.

The staff is concerned about making schools for academic instruction a stand-alone principal permitted use in the least intense EAR-1 zone, as requested by the petitioner. Churches, where currently allowed, can have a child care facility as an accessory use. The applicant contends that it is ironic that a church can have a child care use without limitation on the number of children, but it cannot accommodate children in an academic environment. While the staff is in agreement with the petitioner's proposal to add some portion of this use to the EAR-1 zone, the staff disagrees with the applicant's assertion that a school would not have a greater impact than a daycare center. For instance, a high school, which generates more traffic and typically has more outdoor recreational fields can, (and usually does), have a much greater impact in terms of traffic, noise, lights, and hours of operation on the surrounding neighborhood than an elementary or middle school does.

If the proposed schools for academic instruction are limited as accessory to existing (or new) church facilities located along the appropriate collector and arterial streets, the resulting development pattern could be a positive change for the Expansion Areas as a whole. As such the staff recommends an alternative text that would allow the applicant's school to be developed as proposed, but would also make churches and other schools in the area a possible focal point for neighborhoods along Expansion Area collector and arterial roadways.

Staff Alternative Text:

23A-5(b) Principal Uses

1. Single family, two-family, multi-family, and town house dwellings.
2. Community Residences.
3. Golf Courses and common open spaces.
4. Churches and Sunday schools, ~~with or without associated child care, in locations where the Comprehensive Plan recommends semi-public uses~~ when located adjacent to a street that has the functional classification of collector/boulevard or arterial.

23A-5(c) Accessory Uses

7. Child care facilities and schools for academic instruction (kindergarten through eighth grade) when accessory to a church on the same property.

The Staff Recommends: Approval of the Staff Alternative Text, for the following reasons:

1. The proposed text amendment to the Expansion Area Residential 1 (EAR-1) zone is a timely revision to update the ordinance to be consistent with the 2013 Comprehensive Plan which no longer recommends "semi-public" landuses.
2. The amendment will also permit more flexibility and encourage dual and efficient use of church properties, when they are in close proximity to larger collector/boulevard or arterial streets, as designated by the Expansion Area Master Plan.
3. By allowing schools for academic instruction as an accessory use to a church on the same property, the proposed text amendment would allow for a church or other religious assembly use to efficiently utilize their facilities throughout the week without increasing any burden on the public infrastructure directly adjacent to a collector street, which will promote a safe and a more desirable development.

JWE/TLW/WLS

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