



STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

PLN-ZOTA-22-00019: AMENDMENT TO ARTICLE 8-2(C) TO ALLOW OUTDOOR AND INDOOR RECREATION FACILITIES WITH LIGHTS AND LOUDSPEAKERS, AND INCREASE THE ALLOWABLE STRUCTURE SIZE IN THE AGRICULTURAL BUFFER (A-B) ZONE

APPLICANT: SAYRE SCHOOL

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

8-2(d) Conditional Uses. (Permitted only with Board of Adjustment approval.)

...

For any of the following conditional uses established after January 26, 1995, except where the A-B zone is adjacent to the county boundary, and the property is a minimum of ten (10) acres ~~and has frontage on a state highway~~, a total of 2% of the square footage of the property ten thousand (10,000) square feet shall be the maximum allowable for all structures proposed for such uses:

...

21. 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.

STAFF REVIEW:

The petitioner, Sayre School, is requesting a text amendment to the Zoning Ordinance in order to make three changes to the Agricultural Buffer (A-B) zone. First, the applicant is seeking to match the language for the commercial and non-commercial outdoor recreational facilities conditional uses currently allowable in the Agricultural Rural (A-R) zone. Next, the applicant is seeking to allow commercial and non-commercial *indoor* recreational facilities as conditional uses. Finally, the applicant is seeking to increase the allowable size of structures associated with a conditional use in the A-B zone from 10,000 square feet to 2% of the lot size.

The Agriculture Buffer (A-B) zone was created in 1999 shortly after the adoption of the Rural Service Area Land Management Plan and reaffirmed with the adoption of the 2017 Rural Land Management Plan. The intent of the zone is 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. The zone calls for the separation between conflicting uses by requiring appropriate landscaping, fencing, and compatible uses. The principal permitted uses for the zone are agricultural and single family dwellings with a 10-acre minimum size requirement.



Within Fayette County there are only 22 parcels located within the A-B zone; all are currently located along Tates Creek Road. The Rural Land Management Plan indicates three areas recommended for the A-B zone: the entirety of the rural area along the eastern edge of Tates Creek Road; the Canebrake Buffer Area, along Canebrake Drive and Canebrake Court north of the Blue Sky Rural Activity Center (RAC) and around Hume Road, north of Winchester Road. The property of concern regarding the proposed text amendment is located within the Canebrake Buffer Area, but remains located within an Agricultural Rural (A-R) zone.

Currently, there are twenty conditional uses within the A-B zone, which range in intensity and association with agricultural land uses. Conditional use number 20 is commercial and non-commercial outdoor recreational facilities (without outdoor lighting, loudspeakers, retail sales of merchandise, restaurants or food service, and the like), including zoological gardens; sportsmen's farms (including outdoor rifle and other firearm ranges); native animal game preserves; outdoor rodeos; hunting and trapping; primitive campgrounds; and fishing lakes; including private clubs for only these uses. In 2005, the Urban County Council passed an Ordinance which modified the same language in the A-R zone to allow the inclusion of lighting and outdoor loudspeakers for properties adjacent to the Blue Sky RAC. The applicant's request of indoor recreational facilities would be an increase of intensity of land uses, but is also in agreement with the 2017 RLMP, as the zone is meant to act as a transition from more intense land uses to the less intense A-R zone. Staff agrees that matching the language from the A-R zone in the A-B zone meets the intent of the A-B zone and allows for greater use of land specifically designated as agricultural buffer areas in agreement with previous decisions of the Planning Commission and Urban County Council.

Furthermore, by limiting the location of the proposed facilities, the applicant is situating the potential development in a portion of the Urban County that is adjacent to an area recommended for industrial development and Interstate 75. The proximity to roadways with the capacity to handle anticipated traffic, while also not promoting movement through lesser capacity roadways ensures that the development of the area is appropriate.

The applicant is also seeking to increase the size of allowable structures in the A-B zone from 10,000 square feet to 2% of the developable land. The 10,000 square foot limitation restricts the development of 17 of the 20 conditional uses within the A-B zone. The limitation was added to the Zoning Ordinance in 1999 (Ord. 208-99; ZOTA 99-5) to limit the construction of large structures in the agricultural zones (A-B, A-N, A-R). The size requirement was developed through the review of the typical size of places of religious assembly in the agricultural zones, which is the most common conditional use in the agricultural zones. The applicant posits that by increasing the allowable square footage, the Zoning Ordinance would better reflect the intent of the zone, which is distinct from the A-R and A-N zones. The applicant states that by tying the square footage to the total acreage of the property, they will ensure that the increase does not result in adverse impacts on its neighbors, while also not impacting the less intense A-R and A-N zones.

Staff agrees with the applicant's justification, and observes a potential advantageous aspect of the proposed regulation. Currently, the A-B zone would allow for the subdivision of a property into 10 acre lots. The proposed text amendment would promote keeping larger lot configurations within the A-B zone. Any future reuse of the site for more agricultural land uses would therefore be more easily rectified with the demolition of the structure. Additionally, with the current text should an applicant



seek to subdivide and place structures on each of the 10 acre lots, the total square footage would exceed the potential square footage as proposed by the applicant.

In addition to the justification provided, the applicant indicates that the proposed modifications to the Zoning Ordinance are in agreement with the adopted 2018 Comprehensive Plan as the text will provide amenities associated with educational entities within the community (Theme D, Goal #2.b). Furthermore, the applicant indicates that the modification will maintain the balance between urban uses and safeguard the rural land by ensuring the needs of future growth are safeguarded (Theme E, Goal #1.b).

One element of the applicant's proposal that is problematic is that it limits those properties with 10 acres to a structure size of 8,712 square feet. Staff recommends that the Planning Commission consider a modification to the language as follows:

8-2(d) Conditional Uses. (Permitted only with Board of Adjustment approval.)

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...

21. 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.

The proposed staff alternative would be in keeping with the allowable size of conditional uses within the other agricultural zones.

The Staff Recommends: Approval of the staff alternative, for the following reasons:

1. The proposed amendment is reflective of the intent of the Agricultural Buffer (A-B) zone and allows for greater conformity with the allowable conditional uses within the Agricultural Rural (A-R) zone. Conditional uses near Blue Sky would have less impact because of development in existence along the Interstate interchange.
2. This text amendment is very limited in scope, and will not threaten the agricultural economy in the Rural Services Area.
3. The proposed amendment promotes the retention of larger lots within the Agricultural Buffer (A-B) zone, which would allow for an easier transition back to a traditional agricultural land used should a conditional use no longer be active.

HB/TLW

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