

AN ORDINANCE CHANGING THE ZONE FROM A NEIGHBORHOOD BUSINESS (B-1) ZONE TO A DOWNTOWN CENTER BUSINESS (B-2B) ZONE, FOR 0.61 NET (0.73 GROSS) ACRE, AND FROM A HIGH DENSITY APARTMENT (R-4) ZONE TO A DOWNTOWN CENTER BUSINESS (B-2B) ZONE, FOR 1.97 NET (2.53 GROSS) ACRES, FOR PROPERTY LOCATED AT 100 AND 152 E. HIGH STREET (A PORTION OF EACH), AND 238, 240, 242, 244, 250 AND 252 RODES AVENUE. (CALVARY BAPTIST CHURCH: COUNCIL DISTRICT 3).

WHEREAS, at a Public Hearing held on April 27, 2017, a petition for a zoning ordinance map amendment for property located at 100 and 152 E. High Street (a portion of each), and 238, 240, 242, 244, 250 and 252 Rodes Avenue from a Neighborhood Business (B-1) zone to a Downtown Center Business (B-2B) zone, for 0.61 net (0.73 gross) acres, and from a High Density Apartment (R-4) zone to a Downtown Center Business (B-2B) zone, for 1.97 net (2.53 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, this 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 100 and 152 E. High Street (a portion of each), and 238, 240, 242, 244, 250 and 252 Rodes Avenue from a Neighborhood Business (B-1) zone to a Downtown Center Business (B-2B) zone, for 0.61 net (0.73 gross) acres, and from a High Density Apartment (R-4) zone to a Downtown Center Business (B-2B) zone, for 1.97 net (2.53 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: July 11, 2017

ATTEST:



CLERK OF URBAN COUNTY COUNCIL



MAYOR

Published: July 18, 2017-1t
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LEGAL DESCRIPTION

CALVARY BAPTIST CHURCH PROPERTY
Zone Change from B-1, P-1 and R-4 to B-2B
Currently known as 152 E. High St (contiguous parcels)
S. LIMESTONE: 216, 230;

Formerly known as:
E HIGH: 100, 125, 128, 132, 134, 150, 152;
RODES: 121, 222, 223, 224, 227, 229, 240, 242, 244, 250, 252
CHRYSALIS (AKA BASSETT): 115, 117, 119, 121

Excludes changes to:
S. MLK: 230; E MAXWELL: 151
Lexington, Fayette County, KY

A TRACT OF LAND SITUATED BOUNDED GENERALLY BY S. LIMESTONE, E. HIGH, RHODES, CHRYSALIS, AND MARTIN LUTHER KING JR IN LEXINGTON, FAYETTE COUNTY AND MORE FULLY DESCRIBED AND BOUNDED AS FOLLOWS:

Tract No. 1

Beginning at a point in the centerline of Rodes Avenue at the intersection with Martin Luther King Jr. Blvd.

Thence with Martin Luther King Blvd N 47°36'34" E a distance of 434.97' to a point in the center of Martin Luther King Blvd.;

Thence leaving Martin Luther King Blvd N 42°13'35" W a distance of 144.07' to a point in center of Rodes Ave.;

Thence with Rodes Avenue N 47°48'48" E a distance of 40.00' to a point;

Thence leaving Rodes Avenue N 42°07'09" W a distance of 174.03' to a point.

Thence S 48°17'38" W a distance of 60.00' to a point;

Thence N 41°42'22" W a distance of 123.00' to a point;

Thence S 47°59'18" W a distance of 110.00' to a point in center of Chrysalis Court ;

Thence S 41°47'57" W a distance of 151.10' to a point to a point center of Elkins Ave at the intersection with Chrysalis Court;

Thence S 48°12'16" W a distance of 30.14' to a point in center of Elkins Avenue;

Thence leaving Elkins Avenue S 43°11'10" E a distance of 147.62' to the center of Rodes Avenue;

Thence with Rodes Avenue S 47°58'04" W a distance of 277.48' to a point;

Thence S 42°10'20" E a distance of 145.90' to the beginning;

Having an area of 110,365 square feet, 2.53 acres gross.

Tract No. 2

Beginning at a point in the centerline of Chrysalis Court approximately 195' south of the intersection of Chrysalis Court and South Limestone Street.

Thence N 41°47'57" W a distance of 194.37' to a point in the center of South Limestone Street.

Thence with the center of South Limestone Street N 48°37'38" E a distance of 140.63' to a point;

Thence leaving South Limestone Street S 41°22'22" E a distance of 151.40' to a point;

Thence S 48°06'33" W a distance of 30.89' to a point;

Thence S 41°42'22" E a distance of 42.00' to a point;

Thence S 47°59'18" W a distance of 110.00' to the beginning.

Having an area of 26009 square feet, 0.60 acres gross

Tract No. 3

Beginning at point in the center of South Limestone Street approximately 244' west of the intersection with East High Street.

Thence with the center of South Limestone Street N 48°37'38" E a distance of 39.86' to a point.

Thence leaving South Limestone Street S 41°22'22" E a distance of 150.50' to a point;

Thence S 47°41'28" W a distance of 38.07' to a point;

Thence N 42°03'22" W a distance of 151.13' to the beginning.

Having an area of 5,837 square feet, 0.13 acres gross

Property Descriptions prepared by Abbie Jones, PLS dated April 10, 2017

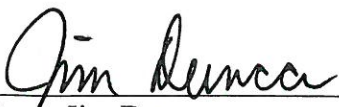
RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: **PLN-MAR-17-00009: CALVARY BAPTIST CHURCH** – a petition for a zone map amendment from a Neighborhood Business (B-1) zone to a Downtown Center Business (B-2B) zone, for 0.61 net (0.73 gross) acre, and from a High Density Apartment (R-4) zone to a Downtown Center Business (B-2B) zone, for 1.97 net (2.53 gross) acres, for property located at 100 and 152 E. High Street (a portion of each), and 238, 240, 242, 244, 250 and 252 Rodes Avenue. (Council District 3)

Having considered the above matter on **April 27, 2017**, 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 proposed Lexington Center Business (B-2B) zone is appropriate, and the existing mixture of a Neighborhood Business (B-1) zone and a High Density Apartment (R-4) zone is no longer appropriate for the subject site, for the following reasons:
 - a. The proposed B-2B zone will allow the sizeable landholdings of this church community to be combined into one zoning category. This is reasonable, and will allow the church to simplify their future planning and building processes for almost the entirety of their property.
 - b. The current High Density Apartment (R-4) zone on the property requires approval by the Board of Adjustment for any additional church buildings, parking or improvements. The zoning for the majority of the church's property has no such requirement. It also has too low of an allowance for floor-area-ratio for an entirely new residential use in the core of downtown.
 - c. The one site improvement currently contemplated a private driveway through the site as far south as Rodes Avenue, will form a superior land use separation from the applicant's property to adjacent land owned and/or controlled by the University of Kentucky.
 - d. B-2B zoning is the most appropriate single zone for the Calvary Baptist Church, since that zone currently covers the largest portion of the existing church campus.
 - e. Existing businesses in this block of South Limestone Street have front setbacks more in line with B-2B requirements than B-1 zoning restrictions.
 - f. The proposed B-2B zone allows most of the existing uses on the church's downtown campus (i.e. church, child care center, counselling office, clinic, and recreation center) as principal permitted uses.
2. This recommendation is made subject to the approval and certification of **PLN-MJDP-17-00007: Calvary Baptist Church**, 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 16th day of June, 2017.


Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

Note: The corollary development plan, PLN-MJDP-17-00007: Calvary Baptist Church was approved by the Planning Commission on April 27, 2017 and certified on June 16, 2017.

K.R.S. 100.211(7) requires that the Council take action on this request by July 26, 2017.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Abbie Jones, engineer.**

OBJECTORS

- None

OBJECTIONS

- None

VOTES WERE AS FOLLOWS:

AYES: (9) Brewer, Berkley, Cravens, Mundy, Owens, Plumlee, Richardson, Smith, and Wilson

NAYS: (0)

ABSENT: (1) Drake

ABSTAINED: (1) Penn

DISQUALIFIED: (0)

Motion for **CONDITIONAL APPROVAL** of **PLN-MAR-17-00009** carried.

Enclosures: Application
Plat
Staff Report
Supplemental Staff Report
Applicable excerpts of minutes of above meeting

MAP AMENDMENT REQUEST (MAR) APPLICATION

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

Applicant: CALVARY BAPTIST CHURCH, 150 E HIGH ST, LEXINGTON, KY 40507
Owner(s): CALVARY BAPTIST CHURCH, 150 E HIGH ST, LEXINGTON, KY 40507 CALVARY BAPTIST CHURCH BOARD OF TRUST, 150 E HIGH ST, LEXINGTON, KY 40507
Attorney:

2. ADDRESS OF APPLICANT'S PROPERTY

100 HIGH ST, LEXINGTON, KY (a portion of) 150 HIGH ST, LEXINGTON, KY (a portion of) 238 RODES AVE, 240 RODES AVE, 242 RODES AVE, 244 RODES AVE, 250 RODES AVE, AND 252 RODES AVE, LEXINGTON, KY

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

Zoning	Existing		Requested		Acreage	
		Use	Zoning	Use	Net	Gross
B-1		CHURCH	B-2B	CHURCH	0.609	0.768
R-4		CHURCH	B-2B	CHURCH	2.053	2.639

4. EXISTING CONDITIO

a. Are there any existing dwelling units on this property that will be removed if t 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 p 12 months?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
c. Are these units currently occupied by households earning under 40% of 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

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

Roads:	To Be Constructed
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

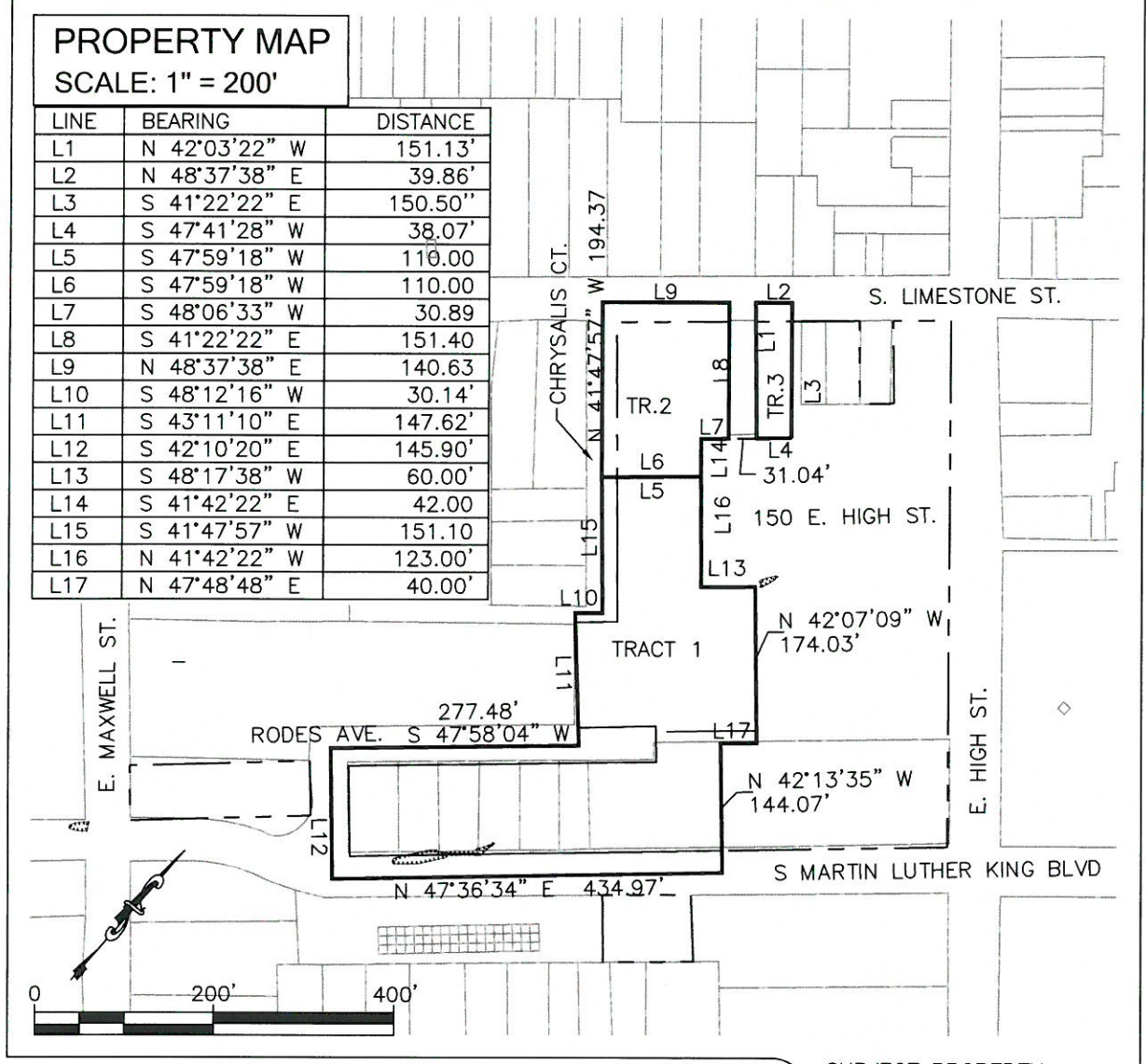


Justification for Rezoning of Calvary Baptist Church to one Zone, B2B

1. A restricted Downtown Center Business (B-2B) zone is appropriate and the existing High Density Apartment (R-4) zone is inappropriate, for the following reasons:
 - a. The proposed B-2B zone will allow the church to bring their entire property into one zoning category, which is reasonable and will simplify their planning and building processes. This will eliminate the need for the church to seek approval of a conditional use permit from the Board of Adjustment in the future.
 - b. If restricted via conditional zoning, the proposed B-2B zone will be no more intensive a land use than the existing zoning would allow, as recommended by the *Downtown Lexington Masterplan* and 2013 Comprehensive Plan.
 - c. A restricted B-2B zone allows the church property to provide for a compatible step-down of land uses between the historic Limestone and Chrysalis Ct properties and the downtown business core, and less uncertainty regarding future allowable uses than if the property remained in three zoning categories.
 - d. A church-planned Chrysalis Ct extension as a private driveway connection or roadway will create an appropriate land use separation between the existing church property and the planned UKY development (which would basically be R4).
2. B2B is the more appropriate business zoning, as compared to B1 for the following reasons:
 - a. B2B covers the largest portion of the existing church campus
 - b. The existing Limestone businesses fit into the B2B criteria for zero front setbacks.
 - c.
 - d. B1 expects vehicular traffic whereas B2B is meant for urban core areas which promote walking, cycling, and mass transit.
 - e. B1 20' front setbacks are inappropriate in downtown core areas
 - f. B2B is the zone used by the nearby First United Methodist Church as they did a similar consolidation of several zones/properties into one.
 - g. B2B provides for primary uses which match the church campus for: churches, clinic, child care center, and accessory recreation center.
3. The church considers the one P-1 property, known as the High Street Center for college students to be appropriately maintained as a P-1 property as it does not touch other parcels.

PROPERTY MAP
SCALE: 1" = 200'

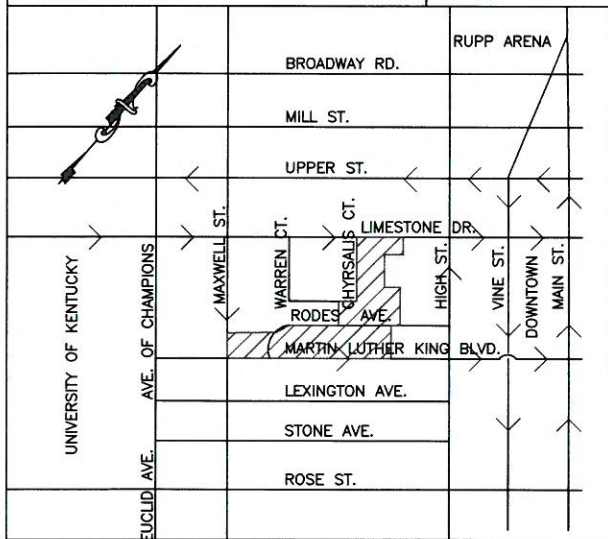
LINE	BEARING	DISTANCE
L1	N 42°03'22" W	151.13'
L2	N 48°37'38" E	39.86'
L3	S 41°22'22" E	150.50"
L4	S 47°41'28" W	38.07'
L5	S 47°59'18" W	110.00
L6	S 47°59'18" W	110.00
L7	S 48°06'33" W	30.89
L8	S 41°22'22" E	151.40
L9	N 48°37'38" E	140.63
L10	S 48°12'16" W	30.14'
L11	S 43°11'10" E	147.62'
L12	S 42°10'20" E	145.90'
L13	S 48°17'38" W	60.00'
L14	S 41°42'22" E	42.00
L15	S 41°47'57" W	151.10
L16	N 41°42'22" W	123.00'
L17	N 47°48'48" E	40.00'



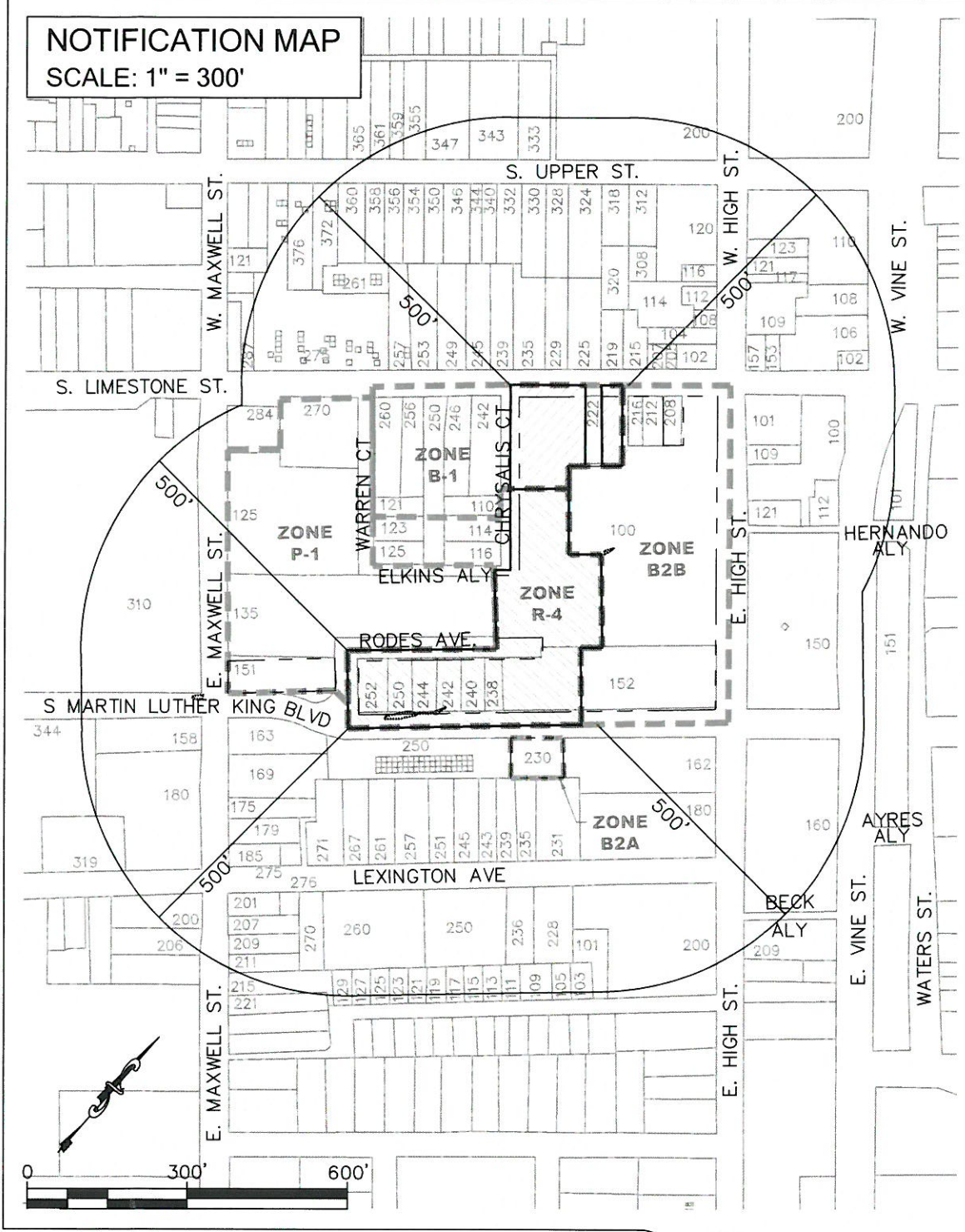
SUBJECT PROPERTY

PROJECT EXTENTS

VICINITY MAP N.T.S.



NOTIFICATION MAP
SCALE: 1" = 300'



SUBJECT PROPERTY

EXISTING ZONING

ZONE

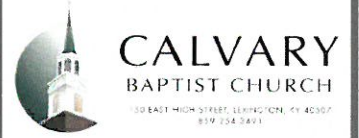
PROPOSED ZONE CHANGES

- R-4 TO B-2B
- B-1 TO B-2B

		FROM	TO	NET	GROSS
	TRACT 1	B-1	B-2B	0.46 AC.	0.60 AC.
	TRACT 2	R-4	B-2B	1.97 AC.	2.53 AC.
	TRACT 3	B-1	B-2B	0.15 AC.	0.13 AC.
DATE FILED	March 20, 2017	TOTAL		2.58 AC.	3.26 AC.



ABBIE JONES CONSULTING
1022 FONTAINE RD.
LEXINGTON, KY 40502
859.559.3443
www.abbie-jones.com



PROJECT SCALE DATE
2016-25 AS SHOWN 03/20/17

PROPERTY INFORMATION MAP

LOCATED AT:
152 EAST HIGH ST
LEXINGTON, KY 40507
FAYETTE COUNTY

OWNER/APPLICANT:
CALVARY BAPTIST CHURCH
150 EAST HIGH ST
LEXINGTON, KY 40507

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-17-00009: CALVARY BAPTIST CHURCH

DESCRIPTION

Zone Change:

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

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

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
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

SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-17-00009: CALVARY BAPTIST CHURCH

DESCRIPTION

Zone Change:

<u>REQUEST</u>		<u>ACREAGE</u>			
<u>FROM</u>	<u>TO</u>	<u>NET</u>		<u>GROSS</u>	
B-1	B-2B	0.609	0.61	0.768	0.73
R-4	B-2B	2.053	1.97	2.639	2.53
TOTAL		2.662	2.58	3.407	3.26

Location: 100 & 152 East High Street (portions of) and 238, 240, 242, 244, 250 & 252 Rodes Avenue

CASE REVIEW

The petitioner has successfully navigated through the alterations that were necessary to their application in order to more closely match the existing B-2B zoning boundary that traverses through the petitioner’s downtown property. This involved careful scrutiny of our local records, including a) the 1977 zone change that applied the brand new B-2B zoning district in portions of downtown Lexington, b) the legal description and ZOMAR plat that were prepared as part of that zone change, c) the Zoning Atlas utilized by the community from 1980-1996, and d) GIS computer files and information. As a result, there are very slight alterations to the acreages involving each of the zone changes now proposed, but these are not considered significant enough to require an “amended” zone change application, since each resulting change constitutes a small reduction in acreage, with the exception of one that is rounded (up).

The staff reported at the Zoning Committee meeting earlier this month that the staff did not disagree with the applicant’s justification for this zone change request. The request is not cited to be in agreement with the 2013 Comprehensive Plan, and the staff does not dispute that either. The applicant contends that the existing mixture of zoning for their property is not appropriate, and that a single zone, the B-2B zone, is more appropriate for their downtown landholdings.

The staff agrees that the mixture of zones is not as appropriate as a single zoning category for the church’s campus. Neither of the other categories of this split-zoned campus provides as good an option as the extension of the B-2B zone farther south. An R-4 would require a conditional use permit for all future church activities, should it wish to continue to grow at this location. The B-1 zone, while it would allow most of the uses currently operated by the church, does not fit the built environment of the church’s buildings along North Martin Luther King, Jr. Boulevard, East High Street, and South Limestone Street, due to the existing buildings being located at or very near the rights-of-way for each of these streets. The church’s location in the downtown core makes the B-2B zone the most logical one for all of its property.

The Staff Recommends: Approval, for the following reasons:

1. The proposed Lexington Center Business (B-2B) zone is appropriate, and the existing mixture of a Neighborhood Business (B-1) zone and a High Density Apartment (R-4) zone is no longer appropriate for the subject site, for the following reasons:
 - a. The proposed B-2B zone will allow the sizeable landholdings of this church community to be combined into one zoning category. This is reasonable, and will allow the church to simplify their future planning and building processes for almost the entirety of their property.
 - b. The current High Density Apartment (R-4) zone on the property requires approval by the Board of Adjustment for any additional church buildings, parking or improvements. The zoning for the majority of the church’s property has no such requirement. It also has too low of an allowance for floor-area-ratio for an entirely new residential use in the core of downtown.
 - c. The one site improvement currently contemplated, a private driveway through the site as far south as Rodes Avenue, will form a superior land use separation from the applicant’s property to adjacent land owned and/or controlled by the University of Kentucky.

- d. B-2B zoning is the most appropriate single zone for the Calvary Baptist Church, since that zone currently covers the largest portion of the existing church campus.
 - e. Existing businesses in this block of South Limestone Street have front setbacks more in line with B-2B requirements than B-1 zoning restrictions.
 - f. The proposed B-2B zone allows most of the existing uses on the church's downtown campus (i.e. church, child care center, counselling office, clinic and recreation center) as principal permitted uses.
2. This recommendation is made subject to the approval and certification of PLN-MJDP-17-00007: Calvary Baptist Church, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

TLW/WLS

4/5/2017

4/26/2017 supp

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

1. **CALVARY BAPTIST CHURCH ZONING MAP AMENDMENT & CALVARY BAPTIST CHURCH SUBDIVISION ZONING DEVELOPMENT PLAN**

- a. PLN-MAR-17-00009 CALVARY BAPTIST CHURCH (5/7/17)* - petition for a zone map amendment from a Neighborhood Business (B-1) zone to a Downtown Center Business (B-2B) zone, for 0.609 net (0.768 gross) acre, and from a High Density Apartment (R-4) zone to a Downtown Center Business (B-2B) zone, for 2.053 net (2.639 gross) acres, for property located at 100 and 152 E. High Street (a portion of each), and 238, 240, 242, 244, 250 and 252 Rodes Avenue.

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.

The Zoning Committee made no recommendation, due to lack of a quorum.

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.
- b. PLN-MJDP-17-00007: CALVARY BAPTIST CHURCH (5/7/17)* - located at 100 and 152 E. High Street; 212 and 216 S. Limestone; 238 and 252 Rhodes.

(Abbie Jones Consulting)

The Subdivision Committee Recommended: Approval, subject to the following conditions:

1. Provided the Urban County Council rezones portions of the property B-2B; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree preservation plan.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Waste Management's approval of refuse collection locations.
9. Addition of all required information on plan per Article 21-6(a) of the Zoning Ordinance.
10. Denote record plat information on plan, including for adjoining property where available.
11. Addition of platted building line on Rodes Avenue.

Staff Zoning Presentation – Mr. Sallee presented and summarized the staff report and recommendations for this zone change. He displayed several photographs of the subject property and the general area and said that the rear half of the church's property is proposed for rezoning. He said that the applicant wants to have all of their property in one category for future planning purposes. He said that the applicant's justification states the proposed zone is more appropriate for their campus.

Mr. Sallee said that there was a technical issue discovered prior to the Zoning Committee meeting, which dates back to when the B-2B zone was first created. He said that the zone line that splits the church was on a mylar Zoning Atlas and that information has since been transferred to the current GIS mapping system. The initial filing of the application caused GIS to refer to the original zone change from 1977. That discovered that the Zoning Atlas didn't match the legal description used in the 1977 rezoning, thus the applicant's zone line also didn't match. He said that this discovery prompted the staff to recommend postponement of this application; however, the applicant revised their application and the survey information and the proposed zone change does match the 1977 zoning line.

Mr. Sallee referred to the supplemental staff report and identified the necessary adjustments to the acreage of the proposed zone change. He said that a mixture of zones is not nearly as appropriate as a single zone would be for this church site. He said the staff is now recommending approval for this zone change. He also said that the church does

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

have a small property that isn't included in this zone change, it's located at the corner of Maxwell Street and S. Martin Luther King, Jr. Boulevard which is used for student ministry, and it is a P-1 zone.

Development Plan Presentation – Mr. Martin presented the staff report on the Development Plan associated with this zone change. Mr. Martin identified the existing structures and parking. He said that there will not be any major changes but a gravel parking lot will be made into a through connection from Crystals Court to Rodes Avenue.

Mr. Martin said that this is a revised plan submittal with a recommendation for the standard sign-off conditions for this Final Development Plan. He said that additional Article 21 information also needs to be added. He said that the Subdivision Committee did recommend approval of this plan.

Petitioner Presentation – Abbie Jones, engineer, was present representing the petitioner. She said the applicant is in agreement with the staff's recommendations.

Commission Question – Mr. Penn asked if there was intent to consolidate the property. Ms. Jones replied that they are planning to consolidate the subject property.

Citizen Comment – There were no citizens present to speak to this application.

Zoning Action – A motion was made by Mr. Owens, seconded by Mr. Brewer, and carried 10-0 (Drake absent; Penn abstained) to approve PLN-MAR-17-00009 CALVARY BAPTIST CHURCH, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Owens, seconded by Mr. Brewer, carried 10-0 (Drake absent; Penn abstained) to approve PLN-MJDP-17-00007: CALVARY BAPTIST CHURCH, for the reasons provided by the staff.