

**SUPPLEMENTAL 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**

**STAFF REVIEW:**

At the Zoning Committee meeting three weeks ago, there was considerable discussion about the limitations proposed by the staff for this proposed use. The impacts associated with large schools were discussed at some length by the Committee members that afternoon.

The staff researched the trip generation for this land use, and discovered that, according to the ITE Trip Generation Manual, a zone change for a school for academic instruction with 110 students would not require a Traffic Impact Study, as the threshold would not be met. Larger schools, however, would require a TIS. This confirmed the staff's concern about the potential impact of this use in very low density residential areas, such as the EAR-1 zone. The staff recently convened to review this information, and to discuss this ZOTA draft.

In an attempt to address as many of the issues discussed at the Zoning Committee meeting earlier this month as possible, the staff would suggest that an additional use be added to this ZOTA. Specifically, if the text were revised to allow for the provision of schools independent of a church (principal) use; and if those locations were limited to the same as proposed for churches, then the Board of Adjustment could at least consider sites located on arterial and major collector streets that are boulevards. By adding this additional conditional use, the staff's concern, the applicant's concerns, and those expressed by the Fayette County Neighborhood Council could all still be met, and the intent of the EAR-1 zone can remain intact.

For this reason, the staff can now offer a revised alternative text for consideration by the Planning Commission, and it is offered in the hope of relieving all concerns previously considered about this proposal.

**Revised Staff Alternative Text:**

(Note: Text underlined is an addition, and text ~~stricken through~~ is a deletion to the current Zoning Ordinance. More recent revisions are indicated in *italicized* text.)

**23A-5(b) Principal Uses**

1. Single family, two-family, multi-family, and townhouse 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.

**23A-5(d) Conditional Uses**

6. Schools for academic instruction, except as permitted herein, but only when located on a lot adjacent to a street that has the functional classification of collector/boulevard or arterial.

The Staff Recommends: **Approval of the Revised 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" land uses.

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.
4. The addition of a new conditional use allowing schools located along major collector or arterial streets will alleviate some of the concerns expressed by the applicant, after reviewing the initial comments offered by the staff and those attending the Commission's Zoning Committee meeting on this subject.

WLS/TLW/BJR

5/6/16

5/25/16 rev.

Planning Services/Staff Reports/ZOTA/2016/ZOTA 2016-2 EAR-1 Schools-Supplemental.docx