

VI. COMMISSION ITEMS

- A. INITIATION OF TEXT AMENDMENTS RELATING TO MOVING CERTAIN CONDITIONAL USES TO PRINCIPAL PERMITTED OR ACCESSORY USES** – The staff will request that the Planning Commission initiate a text amendment to Article 8 (and related articles as necessary) of the Zoning Ordinance that will result in certain uses that are currently treated as conditional uses be changed to either principal permitted or accessory uses. If initiated, it is anticipated that a draft ZOTA would be available within 30 to 60 days to incorporate into the normal review process.

Staff Presentation – Ms. Rackers said that the primary purpose of this text amendment is to move some uses from the conditional use category to the principal permitted or accessory use category. She distributed a handout to the Planning Commission, as follows:

Move from Conditional Use to Principal Permitted Use

1. Temporary real estate sales offices (R-1A through R-5 zones)
2. Offices of veterinarians and animal hospitals/clinics (P-1, B-1, CC and B-6P zones)
3. Health clubs, athletic clubs and spas (B-2B zone)
4. Indoor recreational/athletic club facilities (B-3, B-4 and I-1 zones)
5. Churches and Sunday schools (B-3, B-4 and I-1 zones)
6. Self-service car washes (B-6P zone)

Move from Conditional Use to Accessory Use

1. Low-impact home occupations (R-1A through R-5 zones)*
2. Roof or pole mounted satellite dish antennae (R-1A through R-5 zones)
3. Non-commercial athletic club facilities (R-3, R-4 and R-5 zones)
4. Incidental retail sales and personal services (R-5 zone)

* The determination of "low-impact" would be based on the following criteria: (a) no customers come to the property; (b) there is no use of any hazardous materials or firearms; and (c) there is no use of any inherently disturbing chemicals, materials or equipment. Examples include sewing, crafts and computer graphics.

Ms. Rackers said the staff believes that this amendment will reduce the number of requests to the Board of Adjustment (BOA) and to the Planning Commission, as well as be more accommodating to the public because of the standard application process and fees. She said that there was a longer list presented to the BOA, the Fayette County Neighborhood Council and the Fayette Alliance for review and their comments led to this shorter list, which they believe would potentially have less unintentional consequences.

Ms. Rackers said the staff workgroup proposing these changes seeks to have a two-tiered approach to home-based businesses. The first tier is the home occupation, which will be moved to an accessory use and will be the low-impact. The second tier would be high-impact home-based business, and a new definition will be created.

Commission Comments – Ms. Plumlee asked for clarification of #3 "non-commercial athletic club facilities". Ms. Rackers replied it would be a workout area that is associated with an apartment complex. Ms. Plumlee also asked what would happen to the business zones that are located outside of the Urban Service Boundary. Ms. Rackers said these could affect parcels outside of the Urban Service Boundary.

Mr. Cravens asked about the longer list and who suggested that it be shortened. Mr. Rackers replied that the BOA, the Fayette County Neighborhood Council and the Fayette Alliance commented that moving some of the uses would have unintended consequences. Mr. Cravens said that the Planning Commission should be in the position to deliberate on that question. Mr. Rackers said that the workgroup deliberated on it. Mr. Cravens said that he would like to see the entire list. Mr. Marx said that the full draft will go through the normal review and that he would supply the initial list to the Planning Commission members.

Mr. Owens asked if traffic generated by the employees is not categorized as low-impact. Ms. Rackers said that would be considered as a home occupation. Mr. Owens also asked if it's possible for day care centers to be limited for their children crossing parking lots near arterial roadways. Ms. Rackers said that it has been noted that it was a concern.

Mr. Wilson asked for clarification of #5, churches and Sunday schools, does "churches" includes synagogues, temples, etc.. Ms. Rackers said that the word "church" will be replaced by "places of religious assembly".

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

Mr. Penn asked if this applies to churches in the rural areas, which are not in the business zones. Ms. Rackers said that this applies only to the churches located in the B-3, B-4, and I-1 zones and the churches in the A-R zones will remain as conditional uses and are subject to the 10,000 square-foot requirement.

Mr. Cravens asked if a church in a B-3 zone outside the Urban Service Boundary could build larger than 10,000 square-feet. Ms. Rackers said that yes, they could.

Action – A motion was made by Mr. Owens, seconded by Ms. Richardson, and carried 8-2 (Cravens and Mundy opposed; Drake absent) to initiate INITIATION OF TEXT AMENDMENTS RELATING TO MOVING CERTAIN CONDITIONAL USES TO PRINCIPAL PERMITTED OR ACCESSORY USES, for the reasons provided by the staff.