

1. ROMAN CATHOLIC BISHOP DIOCESE OF LEXINGTON ZONING MAP AMENDMENT & AYLESFORD SUBDIVISION (HOLY SPIRIT PARISH NEWMAN CENTER) ZONING DEVELOPMENT PLAN

- a. PLN-MAR-18-00017: ROMAN CATHOLIC BISHOP DIOCESE OF LEXINGTON (8/27/19)*- a petition for a zone map amendment from a Planned Neighborhood Residential (R-3) zone to a Two Family Residential (R-2) zone, for 1.48 net (1.69 gross) acres, for property located at 316-408 Rose Lane. A conditional use permit and two variances are also requested.

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 Plan's 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, the Plan encourages a mix of uses, housing types and/or residential densities; development in a compatible, compact and contiguous manner; and provision of land for a diverse workforce.

The petitioner proposes a rezoning to allow for the redevelopment and expansion of the Catholic Newman Center. The redevelopment of the site will include new student public space, meeting space, and a third-floor residence. The petitioner has also requested that the Planning Commission also review their conditional use permit and a dimensional variances for the subject property.

The Zoning Committee Recommended: Approval to the full Commission.

The Staff Recommends: Approval, for the following reason:

- 1. The requested Two-Family Residential (R-2) zone is in agreement with the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan, for the following reasons:
 - a. The proposed development supports infill and redevelopment throughout the Urban Service Area, as it will allow for greater utilization of the Newman Center's current location (Theme A, Goal #2)
 - b. The Newman Center provides a spiritual and community resource to the area and helps to create well-designed neighborhoods and communities (Theme A, Goal #3)
 - c. The Newman Center provides a community facility at a neighborhood scale, which will provide services to its surrounding community, including the surrounding Lexington parishioners and University of Kentucky students (Theme A, Goal #4; Theme C, Goal #2.d; and Theme D, Goal #2).
- 2. This recommendation is made subject to approval and certification of PLN-MJDP-18-00067: Aylesford Subdivision (Holy Spirit Parish Newman Center), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

b. CONDITIONAL USE & VARIANCE REQUEST

REQUESTED CONDITIONAL USE

- 1. Place of religious assembly.

REQUESTED VARIANCES

- 1. To increase the maximum allowable height of the building from 35 feet to 50 feet.
- 2. To reduce the front yard setback from 30 feet to 20 feet along Rose Lane.

The Staff Recommends: Approval of the requested conditional use, for the following reasons:

- a. Granting the requested conditional use should not adversely affect the subject or surrounding properties, nor will the proposed addition to the place of religious assembly harm the public health, safety or welfare, and will not impair the integrity or character of the zone in which it is located. The Newman Center has been operating at this location for over 50 years, and the expansion will serve the parish and students of the University of Kentucky in a more complete manner. The proposed building will be in keeping with the size and setbacks of the surrounding buildings, which include sororities, fraternities and university buildings.
- b. All necessary public services and facilities such as utilities, fire and police protection, sanitary and storm sewers, roadways and sidewalks are currently available and are adequate to serve the subject property.

The Staff Recommends: Approval of the variances to increase the maximum allowable height of the building from 35 feet to 50 feet and to reduce the front yard from 30 feet to 20 feet, for the following reasons:

- a. Granting the requested variances will not adversely affect the public health, safety or welfare, nor will it alter the character of the general vicinity. The proposed building will be only 15 feet taller than the limitation of the R-2 zone, but will be at a similar height and scale to other structures in the immediate area. The front yard setback will also be more in keeping

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with the character of the immediate area. As the University of Kentucky has grown, university-oriented uses has surrounding the Newman Center, and they have been developed at a greater intensity than the current zoning would otherwise allow because the University is exempt from compliance with zoning regulations. Additionally, there is a need for the Newman Center to maintain its location to serve and minister to the growing population of students. The variances will allow the construction of an addition on the existing property that is consistent with and appropriate to the surrounding area.

- b. Granting these variances will not allow an unreasonable circumvention of the requirements of the Zoning Ordinance because the surrounding area has developed at a much greater density and intensity than the existing regulations allow. The variances will allow the applicant to construct a new facility appropriate to serve a student-oriented ministry adjacent to a major university.
- c. The special circumstance that serves to justify these two variances is that the University of Kentucky continues to grow to serve more students, and has purchased all of the property along Rose Lane. Adjacent properties have developed in a manner inconsistent with the underlying zoning. The proposed height and setback will allow for the new addition to be consistent and compatible with the surrounding buildings.
- d. Strict application of the Zoning Ordinance would deprive the applicant of a reasonable use of its land or create an unnecessary hardship because the applicant would not be able to construct a facility to adequately serve the needs of the growing University of Kentucky campus and would not be able to use its property in a manner consistent with surrounding uses.
- e. The circumstances surrounding the requested variances are not the result of the actions of this applicant taken subsequent to the regulation being adopted. The changes to the surrounding area by an exempt public entity, not the actions of the applicant, have significantly changed the nature and character of the area, and the applicant is requesting relief prior to initiation of any construction on the subject property.

These recommendations of approval are made subject to the following conditions:

1. Should the portion of the subject property be rezoned to R-2 as proposed, the entirety of the property shall be developed according to the submitted Development Plan, or as further amended by the Planning Commission.
2. All necessary permits, including a Zoning Compliance Permit, Building and Paving permits, Land Disturbance permit and a Certificate of Occupancy, shall be obtained from the Divisions of Planning, Building Inspection and Engineering prior to any construction, and prior to occupancy of any of the buildings on the property.
3. An executed parking agreement documenting the available use of the adjoining parking lot consisting of at least 41 spaces shall be provided to the Division of Building Inspection at the time a building permit is applied for and/or an occupancy permit is issued to verify compliance with the required parking for the place of religious assembly.
4. The final design of the parking lot, access drive and internal circulation shall be subject to review and approval by the Division of Traffic Engineering.
5. A note shall be placed on the Zoning Development Plan indicating the conditional use and variances that the Planning Commission has approved for this property [under Article 6-4(c) of the Zoning Ordinance].

- c. PLN-MJDP-18-00067: AYLESFORD SUBDIVISION (HOLY SPIRIT PARISH NEWMAN CENTER) (8/27/19)* - located at 316-408 ROSE LANE
Project Contact: Carman

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

1. Provided the Urban County Council rezones the property R-2; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Urban Forester's approval of tree inventory map.
5. Provided the Planning Commission grants the requested variances.
6. Include area between lot line and Columbia Terrace as part of the subject property and provide deed of correction prior to certification.

Staff Zoning Presentation – Mr. Baillie presented the staff report and recommendations for the amended zone change. He displayed photographs of the subject property and aerial photographs of the general area. He said that the applicant is proposing this zone change to allow for the redevelopment and expansion of the Catholic Newman Center, which will include new student public space, meeting space and a third floor residence. He said that the petitioner is also requesting that the Planning Commission review their conditional use permit and two dimensional variances for the subject property. The property is surrounded by properties that are either owned by the University of Kentucky, or are utilized by the students, faculty, and staff from the University of Kentucky. Surrounding the subject property are various different buildings of varying heights that have undergone significant architectural improvements, which are not subject to Lexington's zoning regulations as they are associated with a State organization.

Mr. Baillie said that typically the R-2 zone would be considered a downzoning, but for a non-residential use, it will actually allow a greater use of the land. The R-3 zone has a maximum lot coverage of 25% and a floor area ratio of 0.5, whereas the proposed R-2 zone will allow the Catholic Newman Center to expand at its present location and better utilize the property to its full extent.

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He said that originally this zone change was recommended for postponement because there was an issue with the 1904 and 1907 plats, as well as some of the deeds. There was a strip of land in the rear of the property that was not on any of the legal descriptions nor the deeds. He said that the petitioner has rectified this discrepancy through a deed of correction that allowed them to take clear legal ownership of the land.

Mr. Baillie said that the petitioner indicates that the zone change is in conformity with both the 2013 Comprehensive Plan and the adopted 2018 Comprehensive Plan's Goals and Objectives. He added that this application was submitted in 2018, prior to the adoption of the 2018 Comprehensive Plan, and as such is subject to the 2013 Comprehensive Plan and the adopted Goals and Objectives of the 2018 Comprehensive Plan. The petitioner also opines that the expansion of the church and the associated supportive amenities will provide an enhanced community facility and will continue to be a vital focal point for the neighborhood. They also opine that the proposed rezoning supports the redevelopment throughout the Urban Service Area. The Newman Center provides a spiritual and community resource to the area and helps to create a well-designed neighborhood and community, and it acts as a community facility at a neighborhood scale, which will provide services to its surrounding community, including the surrounding Lexington parishioners and University of Kentucky students. He said that the staff agrees with these elements and is recommending approval of this proposed zone change. He added that the Zoning Committee also recommended approval at their June 6, 2019 meeting.

Development Plan Presentation – Mr. Martin presented a rendering of the preliminary development plan associated with this zone change. He pointed out the area that had the deed discrepancy with the lotting pattern of the 1904 and the 1907 plats. He pointed to the existing facility, a single story with a patio and open space area, which is approximately 14,000 square feet. The building currently has 40 parking spaces. He said that the proposed addition will be over 24,000 square feet and will be three stories in height.

Mr. Martin said that the development has the standard sign-off conditions. He said that the height of the proposed addition, as well as the setback of its location, requires variances. He said that the Subdivision Commission recommended approval of this development plan.

Conditional Use & Variance Request - Ms. Wade presented the conditional use and two variances associated with this zone change. She said that the variances are to increase the maximum allowable height of the building from 35 feet to 50 feet and to reduce the front yard setback from 30 feet to 20 feet along Rose Lane. She said that the applicant is removing an existing wing of the Newman Center and replacing it with this expansion. The petitioner is proposing to remove an existing wing of the building that contains four dwelling units (4,820 square feet in size) and is two stories in height, and replace it with an addition that is 24,000 gross square feet in size and will provide one dwelling unit. The proposed addition will be three stories tall and will include student meeting and activity areas, in addition to the dwelling unit. This will enable the Newman Center to continue to serve the student population as the University of Kentucky continues to grow. She added that the existing sanctuary is approximately 14,000 square feet, which will make a total of 38,045 square feet on the site. She recalled that Mr. Martin stated that there is 40 parking spaces on site, in which she added that their existing parking does include university owned parcel with a long term lease agreement that allows for the Newman Center to utilize an additional 41 parking spaces, making a total of 81 parking spaces, which meets the requirement of the Zoning Ordinance.

Ms. Wade said that the subject property is located on the University campus, with many of the adjacent properties owned by the university. The university has built fraternity and sorority houses, which tend to be large structures and the height restrictions established by the Zoning Ordinance do not apply. She said that the adjoining uses are already exceeding zoning regulations and are up to three stories in height. She said that the staff finds that the proposed height variance to allow the new addition to be up to 50 feet in height will allow for a building that will be compatible with the surrounding uses in terms of size, mass and scale. She also said that the same applies to the requested setback. She pointed to the aerial photo with a line at the 30 foot setback, which the existing building already projects over that line because in the existing R-3 zone has a 20-foot setback. The applicant is requesting this setback to continue with the proposed zone and it will allow for the new addition to be in line with the rest of the building and consistent with the adjoining lots. She said that the staff thinks that the conditional use and the two variances will not adversely affect the health, safety, or welfare or alter the general character of the vicinity. She added that the staff also found that there wasn't an unreasonable circumvention of the Zoning Ordinance and that the circumstances surrounding this request was not particularly the applicants fault. She said that the staff recommended approval of the conditional and the two variances with five conditions. She added that the Zoning Committee also recommended approval at their June 6, 2019 meeting.

Applicant Presentation – Mr. Chris Clendenen, attorney; Dick Murphy; Kevin Warner, Carman Engineering, were present representing the petitioner, said that they agree with the staff and are available for any questions.

Zoning Action – A motion was made by Mr. Penn, seconded by Mr. Brewer, and carried 11-0 to approve PLN-MAR-18-00017: ROMAN CATHOLIC BISHOP DIOCESE OF LEXINGTON, for the reasons provided by the staff.

Conditional Use and Variance Action – A motion was made by Mr. Penn, seconded by Mr. Brewer, and carried 11-0 to approve the CONDITIONAL USE & VARIANCE REQUEST, for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Penn, seconded by Mr. Brewer, and carried 11-0 to approve PLN-MJDP-18-00067: AYLESFORD SUBDIVISION (HOLY SPIRIT PARISH NEWMAN CENTER), as presented by the staff.