

**STAFF REPORT FOR CONDITIONAL USE & VARIANCES REQUESTED FROM THE
PLANNING COMMISSION**

PLN-MAR-18-00017: ROMAN CATHOLIC BISHOP, DIOCESE OF LEXINGTON

REQUESTED CONDITIONAL USE

1. Place of religious assembly.

REQUESTED VARIANCE

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.

ZONING ORDINANCE

Article 6-4(c) states: "The Planning Commission may hear and act upon requested conditional uses and variances associated with a zone change. If the Planning Commission should choose to hear a conditional use or variance request, the Planning Commission shall have all of the powers and responsibilities of the Board of Adjustment, as defined in Articles 7-6(a) and 7-6(b) of the Zoning Ordinance. All conditional use and variance applications shall be acted upon by the Planning Commission within ninety (90) days of the application, unless postponed further by the applicant."

Article 8-11(d), by reference to Article 8-5(d) for the Single Family Residential (R-1A) zone, lists a place of religious assembly as one of several conditional uses in the R-2 zone.

Article 8-11(h) states that the minimum front yard in the R-2 zone shall be 30 feet.

Article 8-11(m) states that the maximum height of a building in an R-2 zone shall be 35 feet.

For a place of religious assembly, Article 8-11(n), by reference to Article 8-5(n), requires one (1) on-site parking space for every five (5) seats in the main auditorium, with a minimum of five (5) spaces.

CASE REVIEW

The subject property is located on Rose Lane, approximately 200 feet southeast of the intersection of Rose Street and Rose Lane, near the University of Kentucky's Greek Park. The site is currently located within a Planned Neighborhood Residential (R-3) zone and contains the Holy Spirit Parish Newman Center, which is a catholic church that also provides campus ministry to the University of Kentucky. The University of Kentucky's Greek Park is located adjacent to the campus, between Rose Street and Woodland Avenue, and is a concentration of sorority and fraternity houses, as well as places of religious assembly, that support student life at the university.

The applicant is requesting a zone change to the Two Family Residential (R-2) zone for the 1.48-acre site, in order to facilitate the expansion of the existing facility to better serve the needs of the student ministry function of the parish. In addition to the zone change request, the applicant is requesting that a conditional use permit and two variances be approved by the Planning Commission. The place of religious assembly currently includes a sanctuary with 400 seats, meeting space and four dwelling units.

The petitioner is proposing to remove an existing wing of the building that contains the four dwelling units (4,820 square feet in size), and replace it with an addition that is 24,000 gross square feet in size and will provide one dwelling unit. Once complete, the Neman Center is proposed to be 38,045 square feet in size. The existing sanctuary will remain, with no additional seating proposed; therefore, the overall parking requirement will remain relatively constant (reduction from 84 spaces to 81 spaces required). The proposed addition 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.

The 2018 Comprehensive Plan's Goals and Objectives emphasize the need for focal points within neighborhoods in order to create well-designed communities. The Newman Center serves as one of several places of religious assembly that serve the immediate area, as well as the student population of the University of Kentucky. In addition to regular services, the Newman Center wants to provide for student meeting and activity space. In this manner, the Newman Center does support the neighborhood and the university. The proposed expansion of the Newman Center, which has been in existence at this location for over 50 years, will not have an adverse impact on either the subject property or surrounding neighborhoods, but would expand the opportunities to serve the residents within the immediate vicinity and this portion of the Urban Service Area. The site is already served by adequate infrastructure, and parking is available on the site (40 spaces) and on a shared parking lot adjacent to the site (41 spaces).

In conjunction with the conditional use request for the place of religious assembly, the applicant is also requesting a height variance and a front yard variance to allow construction of the building addition. The maximum height for buildings in the R-2 zone is 35 feet. The petitioner is requesting a variance to allow an overall height increase of 15 feet, for a total building height of 50 feet. The petitioner states that the proposed addition is in keeping with the size and scale of the surrounding land uses. The existing structures in the Greek Park and across Rose Lane from the Newman Center are generally two- and three-stories in height, and include sorority and fraternity houses, and university buildings (Sturgill Development Building and Schmidt Vocal Arts Center). Because these structures are located on university-owned land, the height restrictions established by the Zoning Ordinance do not apply to a most nearby structures. 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. In addition, the added height will not have an adverse impact on the surrounding area.

The minimum front yard setback in the R-2 zone is 30 feet, and the petitioner is requesting that the front yard setback be reduced by one-third to 20 feet. A portion of the Newman Center that will remain was constructed at the 20-foot building line, which meets the current zoning regulations. However, with the proposed zone change a greater setback requirement applies. In order to maintain the character of the area and utilize their property to better serve students, the applicant is seeking a reduction in the setback. This will allow for a greater utilization of the land, similar to how the university has developed along Rose Lane and within the immediate area. Setback along the northeast side of Rose Lane range from 10 to 20 feet, and along the southwest side of Rose Lane, they vary between 23 and 48 feet.

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 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 of exempt from compliance with zoning regulations. Additionally, there is a great 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 development 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].

TLW/HBB

6/6/2019

Planning Services/Staff Reports/MAR C. Uses/PLN-MAR-18-00017 Roman Catholic Bishop, Diocese of Lexington
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