

SUPPLEMENTAL STAFF REPORT ON CONDITIONAL USE PERMIT REQUESTED FROM PLANNING COMMISSION

PLN-MAR-17-00005: DAVID M. HARL AND JOSOPHIA D. HARL

REQUESTED CONDITIONAL USE

1. Fraternity House

ZONING ORDINANCE

Article 3-2 states that “the conversion of any structure or structures, either residential or non-residential, so as to accommodate an increased number of dwelling units or families, or another permitted use, shall be permitted only within a zone in which a new building for similar occupancy would be permitted under this Zoning Ordinance. The resulting occupancy shall comply with all requirements governing new construction in such zone, including, but not limited to, floor area; floor area ratios; **dimension of yards; open spaces**; and off-street parking. The aforesaid requirements with respect to **yards shall not apply if the conversion involves no exterior structural changes to a principal building**, but shall apply if an accessory building is converted to a principal building.” **(Emphasis added)**

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 8-12(d)8 states that a fraternity house is permitted as a conditional use in the R-3 zone, subject to approval by the Board of Adjustment (or in this case, by the Planning Commission when acting as the Board of Adjustment).

Article 8-12(n) states that a fraternity house in an R-3 zone shall provide at least five (5) off-street parking spaces, plus one (1) space for every five (5) beds.

Article 18-2(d) states that “no use of an existing building, structure, or vehicular use area shall be commenced subsequent to a change in zoning unless property perimeter landscaping as required herein has been provided.”

CASE REVIEW

The appellant is requesting a conditional use permit to allow a re-use of a structure formerly used for a wholesale business, to a fraternity house. An R-3 zone is requested for the property located at 1251 Red Mile Road. Variances have also been requested to reduce the required front yard (along Red Mile Road and Uhlán Court) and the required perimeter landscape buffer yard (along the side and rear property lines). The appellant is proposing to modernize and re-use the building and parking lot, with no additions and few (if any) site changes, into a more up-to-date fraternity house, with up to 25 beds. A house mother or a house father will be in residence, on site.

The staff initially recommended “postponement” of this portion of their request, since there was general dissatisfaction with their off-street parking layout by at least two Divisions of the LFUCG. The applicant has more recently revised their off-street parking layout associated with this conditional use permit request. Now, some ten spaces are proposed at the rear of the lot where the Alpha Sigma Phi chapter house is requested. Thus, the Planning staff can now conclude that all public facilities and services are adequate to serve the proposed use.

Given its small size, a fraternity house at this location might not create any adverse impacts to this neighborhood, if operated in accordance with the UK rules and restrictions for Greek organizations, including the alcohol policy. The staff also suggests that this use operate under the LFUCG Noise Ordinance.

Two dimensional variances have been requested in conjunction with this zone change. They are addressed in the original Staff Report provided to the Zoning Committee (three weeks ago) for this request.

The Staff Recommends: **Approval of the requested Conditional Use Permit**, for the following reasons:

- a. The use of the subject property for a fraternity house will not harm the public health, safety or welfare, and will not impair the integrity or character of its existing neighborhood. The property is well suited for this use, and except for the additions of a handicap ramp and a fire escape from the second floor (which does not involve a structural alteration), there will be no need for any exterior changes to the existing building. There are no windows on the side of the building which faces the closest residential uses on Uhlan Court, and the fraternity will be required to observe all University regulations for Greek organizations.
- b. With the recent redesign of the off-street parking lot associated with this use, all necessary public facilities and services are now available and adequate for the proposed conditional use. Off-street parking can be provided on this site in a manner resulting in safe and predictable vehicular movements, without having need for vehicles to maneuver in a planned open space (basketball court) area.

This recommendation of approval for this **Conditional Use Permit** is made subject to the following conditions:

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval of this conditional use permit is null and void.
2. Should the property be rezoned, it shall be developed in accordance with the approved Development Plan, or as amended by a future Development Plan approved by the Commission, or as a Minor Amendment permitted under Article 21-7 of the Zoning Ordinance.
3. A note shall be placed on the Zoning Development Plan indicating the conditional use that the Planning Commission has approved for this property [under Article 6-4(c) of the Zoning Ordinance].
4. The fraternity shall operate at this location in accordance with University of Kentucky regulations and requirements for Greek organizations, including its alcohol policy, and in accordance with the LFUCG Noise Ordinance.
5. The off-street parking spaces shall be separated from the basketball court area with curbing or wheel stops.

WLS/TLW

3/22/17

Planning Services/Staff Reports/MAR Variances/2017/PLN-MAR-17-00005 SUP Harl & Harl (CUV Request).doc