

**STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT**

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

**DESCRIPTION**

**Zone Change:** From: Planned Neighborhood Residential (R-3) Zone  
To: Two-Family Residential (R-2) Zone

**Acreage:** 1.483 net (1.69 gross) acres

**Location:** 316-408 Rose Lane

**EXISTING ZONING & LAND USE**

<b><u>Properties</u></b>	<b><u>Zoning</u></b>	<b><u>Existing Land Use</u></b>
Subject Property	R-3	Church Offices and Residential
To North	R-4	Sorority and Fraternity Houses
To East	R-3	Sorority and Fraternity Houses
To South	R-2	Parish House and Parking
To West	R-2	Sorority and Fraternity Houses

**URBAN SERVICES REPORT**

**Roads** – The subject property is located along Rose Lane, across from its intersection with Linden Walk. Rose Lane extends four blocks from Rose Street to Woodland Avenue, within the University of Kentucky's Greek Park.

**Curb/Gutter/Sidewalks** – Rose Lane has been developed with curbs, gutters, and sidewalks. Sidewalks may need to be widened to accommodate high levels of pedestrian activity along Rose Lane.

**Storm Sewers** – The subject property is located within the upper reaches of the Town Branch watershed. There are known stormwater issues in the area, caused by aging infrastructure and the areas layout. The Division of Engineering will need to verify that the existing stormwater facilities comply with the Stormwater Manual. While there is no FEMA floodplain or major flooding problems that exist on the site or in the immediate area, the area has been described as having runoff issues during heavy rains. Stormwater improvement may be necessary to address both water quantity and quality on the subject site.

**Sanitary Sewers** – This area is currently served by sanitary sewers. The subject property is in the Town Branch sewershed and is served by the Town Branch Wastewater Treatment Facility. There are no known problems associated with the existing sanitary sewers in the immediate vicinity of the subject property. Sanitary sewer capacity will need to be verified prior to certification of the final development plan for the proposed intensification of use at this location.

**Refuse** – The Urban County Government serves this portion of the Urban Service Area with refuse collection on Mondays. Frequently, non-residential projects contract haulers with private for additional refuse service.

**Police** – The subject property is located within the Central Sector. The nearest police station is located at the Police Headquarters, approximately one mile to the northeast of the subject property.

**Fire/Ambulance** – The nearest fire station (#1) is located on E. Third Street approximately one mile northeast of the subject property, near the intersection of N. Martin Luther King Boulevard and E. Third Street.

**Utilities** – Natural gas, telephone service, internet, electric, water, streetlights, and cable television are all available to the existing church and areas surrounding the subject property.

## **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 variance for the subject property.

## **CASE REVIEW**

The petitioner has requested a zone change from a Planned Neighborhood Residential (R-3) zone to a Two-Family Residential (R-2) zone for approximately 1.5 acre of property, located on the west side of Rose Lane, across from the intersection of Rose Lane and Linden Walk.

The subject property is surrounded by properties that are either owned by the University of Kentucky, or are utilized by the student, faculty, and staff from the University of Kentucky. The property is bordered by the Sigma Alpha Epsilon Fraternity house, as well as the Alpha Gamma Delta Sorority, Kappa Delta Sorority, and Chi Omega Sorority houses. Each of these houses have undergone significant architectural improvements over their use. Additionally, they range between two and four-stories in height. Across Rose Lane, there is primarily parking off street lots, and rental housing. The majority of the street is comprised of Planned Neighborhood Residential (R-3) Zone, with smaller portions of Two Family Residential (R-2) and High Density Apartment (R-4) zones.

While traditionally, a zone change from the R-3 to the R-2 zone would be considered a downzoning, for a non-residential use, it will actually allow a greater use of the land. Within the R-2 zone there is no maximum lot coverage or floor area ratio, while within the R-3 zone there is a maximum lot coverage of 25% and a floor area ratio of 0.5. The proposed R-2 zone will allow the Catholic Newman Center, a parish of the Catholic Church that serves the University of Kentucky student populations and the nearby neighborhoods, to expand at its present location and better utilize the property to its full extent. The proposed expansion will include updated facilities, as well as student meeting and activity areas. The new addition of the property will reduce the number of residential units from four to one, located on the third floor. The new construction will elevate the structure to three stories, in conformity with the surrounding area.

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. They state that the expanded church will provide enhanced community facilities and be a vital focal point for the neighborhood. Both are important elements within the 2013 Comprehensive Plan. The petitioner also opines that the requested zone change is in agreement with the adopted 2018 Comprehensive Plan's Goals and Objectives. The applicant suggests that under Theme A, Goal #2 that 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. As the Newman Center provides a spiritual and community resource to the area, the petitioner states that the plan complies with Theme A, Goal #3, which calls for providing well-designed neighborhoods and communities. Additionally, the Newman Center provides a community facility at a neighborhood scale, which will assist in providing services to its parishioners and to University of Kentucky students (Theme A, Goal #4; Theme C, Goal #2.d.; and Theme D, Goal #2).

The staff does not disagree with the applicant's justification, but a technical issue has arisen that warrants attention prior to the application being considered further. The subject property, was originally consolidated by deed, although no consolidation plat was submitted to support these deeds. Currently there is a question regarding ownership of the rear portion of the property, which the current structure encroaches upon. The area has been displayed in two plats: one in 1904 and one in 1907. The 1904 plat depicts the property extending to where the current Columbia Terrace is located. However, the 1907 depicts two separate solid lines, the first located in the same position as the 1904 plat, and the second closer to Rose Lane. Traditionally, a solid line represents a property boundary. The variation in these plats has caused further confusion with the recording of the deeds, as they reflect the second line from the 1907 plat as the property's rear boundary. This effectively leaves a strip of land where the ownership is unknown, but is included in the zone change request. The petitioner's representatives have indicated that they are seeking legal clarity on the property's boundary. This discrepancy must be resolved prior to the Planning Commission's public hearing on this zone change, as the commission must have owner permission to rezone land.

The Staff Recommends: **Postponement**, for the following reason:

1. Currently there is a question regarding ownership of the rear portion of the property. The representative of the Roman Catholic Bishop Diocese of Lexington has indicated that they seeking legal clarity. This discrepancy should be resolved prior to the Planning Commission's public hearing on this zone change.

HBB/TLW

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Planning Services/Staff Reports/MAR/2018/PLN-MAR-18-00017.doc