

Statement of Justification

The Roman Catholic Diocese of Lexington is requesting approval of a zone change which will allow expansion of the Holy Spirit Parish Newman Center at 316 Rose Lane. The proposed zone change is from the Planned Neighborhood Residential (R-3) zone to the Two-Family Residential (R-2) zone.

Located in the midst of the University of Kentucky campus, the Newman Center has served the area since the 1960s. It has a dual purpose: it serves as a church for its parish while at the same time providing a much-needed campus ministry for the University of Kentucky. We wish to demolish a portion of the building which has become physically and functionally obsolete and replace it with a larger wing which will provide student meeting and activity areas. Due to its location, next to the University of Kentucky, it is essential that the Newman Center remain at its current location to fulfill its mission.

Although a zone change from the R-3 to the R-2 zone would normally be considered a down zoning, for a non-residential use, it will actually allow a better use of the land. That is because there is no maximum lot coverage or floor area ratio in the R-2 zone, while in the R-3 zone, there is a maximum lot coverage of 25% and a floor area ratio of 0.5. Thus, the R-2 zone will allow the Newman Center to expand at its present location and better fulfill its mission to provide a dynamic student ministry to the students of the University of Kentucky and continue to provide its ministry to its resident members of the parish.

Because the zone change from the R-3 zone to the R-2 zone will allow better utilization of the lot and an expansion of the center, it is in agreement with the community's adopted Comprehensive Plan. It is in agreement with the Goals and Objectives adopted in 2017. Under Goal A.2., it supports infill and redevelopment throughout the Urban Service Area as a strategic component of growth, because it will allow better utilization of the Newman Center's current location. It agrees with Objective A.2.a, because it allows a partial redevelopment of this lot. As the Newman Center provides a spiritual and community resource to the area, it complies with Goal A.3., which calls for providing well-designed neighborhoods and communities. It provides a community facility at a neighborhood scale, as called for in Goal A.4. It will enhance the quality of life that attracts young people as called for by Objective C.2.d. It will assist in providing community facilities and services to its parishioners and to University of Kentucky students as called for in Goal D.2. Goal D.3. calls for preservation of cultural resources of the community.

This zone change also agrees with the land use and community facilities chapters of the adopted 2013 Comprehensive Plan. The plan calls for enhancing community facilities (Page 16). This addition to the Newman Center will support its neighborhood by enhancing its ability to provide a ministry to the community and to the University of Kentucky. It assists in providing a sense of place to the community as discussed in Pages 38-39 of the 2013 Comprehensive Plan. "Place-making and walkability are important to the success of Lexington and its neighborhoods. A variety of best-practice reviews show that property values tend to be higher in more walkable neighborhoods that contain a mix of nearby destinations connected by pedestrian-friendly streets." The Newman Center serves residents and students who walk and bicycle to the center, in addition

to those who drive. On Page 43 of the Plan, it is pointed out that neighborhoods need focal points, and the Newman Center serves as a vital focal point for this area.

The size and scale of the proposed addition is in keeping with surrounding uses. The property is surrounded on all sides by University of Kentucky owned buildings, fraternities, sororities and privately-owned student housing. These buildings range from two stories to three and four-story fraternity and sorority houses immediately to the south and west. We propose a building that will have three stories and include one residential unit on the top floor (four existing residential units will be removed). The size and height of the building will be appropriate and in scale with the surrounding area.

As part of this zone change application, we are requesting a conditional use permit for expansion of the church, which is classified as a place of religious assembly under the ordinance. Places of religious assembly are allowed as conditional uses in the R-2 zone as well as in the R-3 zone. As mentioned above, the Newman Center has functioned as a church and student ministry in this location for the last 50 years. As the University expands and the number of students and student needs increase, it is necessary to increase the space and programming of the Newman Center.

We are requesting your approval of a conditional use permit for the following reasons:

1. A church (place of religious assembly) is a conditional use in the Two-Family Residential (R-2) zone.

2. The proposed addition to the church will not harm the public health, safety or welfare and will not impair the integrity or character of the zone in which it is located or adjoining zones because the current site has been used as a church and student ministry for over 50 years. During that time, the University of Kentucky campus has expanded around it and urbanization has been intensified. The proposed building will be in keeping with the size and setbacks of surrounding buildings, which include large fraternities and sororities, University of Kentucky buildings and privately-owned student housing. Adequate parking is already provided.

3. All public facilities and services are existing and will be adequate to serve the proposed use. The roads and sanitary sewer facilities are already available and adequate to the site. All utilities are existing. Fire and police protection are excellent, as this property is located within the Urban Service Area of Lexington-Fayette County.

Also, we are requesting two variances for this project. We are requesting a height variance from 35 feet to 50 feet, and a front yard setback variance from 30 feet to 20 feet along Rose Lane.

As mentioned above, this property is surrounded by University or University oriented uses. We are requesting a height variance to allow a third-floor apartment in the building. We are immediately adjacent to sorority houses behind us, on University-owned property, which are four stories in height. In addition, in the immediate vicinity on Rose Lane, there are University-oriented buildings of two, three and four stories. The University is, of course, exempt from zoning regulations, and may build to whatever height it deems appropriate. The 50-foot height proposed for this building will be compatible with surrounding uses.

Our proposed setback along Rose Lane is also appropriate. The University building to the west of us is built at a similar setback. University-owned buildings across the street also are at a setback of 20 feet or closer. The existing Newman Center building is setback to approximately 25 feet. After construction, the building will have two wings along Rose Lane which will break up the setback. We are compatible with surrounding uses.

Thus, we are requesting your approval of the two variances for the following reasons:

1. Granting these variances will not adversely affect the public health, safety or welfare and will not alter the character of the general vicinity and will not cause a hazard or nuisance to the public because the Holy Spirit Parish Newman Center has been located at this site for over 50 years. During that time, University oriented uses have surrounded the property, which is appropriate because the Newman Center operates a student ministry. The surrounding area has been developed at a much greater density and height than its underlying zoning would allow because the University of Kentucky is exempt from compliance with zoning regulations. There is a great need for the Newman Center to stay at its location and continue to minister to the increasing number of students on campus. The variances will allow the construction of an addition on the existing property, which is consistent with and appropriate to the surrounding development.

2. 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 because the University is not required to observe zoning regulations. It will allow the applicant to construct a new facility appropriate for the area. A student-oriented ministry is appropriate adjacent to a major university.

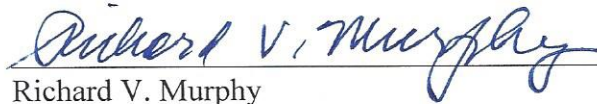
3. The special circumstances which apply to this property and which do not generally apply to land in the general vicinity or in the same zone are that the University of Kentucky has continued to expand both in student population and geographically adjacent to this property, leaving a greater need for this ministry. Adjacent properties have developed in a manner which is not consistent with the underlying zoning. The proposed height and setback are consistent with surrounding buildings.

4. Strict application of the regulations 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 adequate to serve the expanded University campus and would not be able to use its property in a manner consistent with surrounding uses.

5. The circumstances surrounding the requested variances are not the result of the actions of this applicant taken subsequent to the regulation from which relief is sought. It is the change in the surrounding area, not the actions of this applicant, which have changed the nature of the area. We are requesting your approval prior to initiation of any construction on the property.

In addition, we are requesting that the Holy Spirit Parish Newman Center be allowed up to five years to initiate construction. This will allow the Newman Center to conduct its fundraising campaign. This condition is consistent with requests by other churches and non-profit organizations.

Thank you for your consideration of this application. The Holy Spirit Parish Newman Center looks forward to a continuing ministry to its parish and students.


Richard V. Murphy
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