

Rec'd by _____

Date: _____

RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

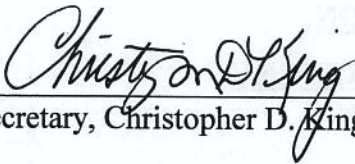
IN RE: MAR 2012-11: PLEASANT GREEN BAPTIST CHURCH OF LEXINGTON, INC. – petition for a zone map amendment from a High Density Apartment (R-4) zone to a Lexington Center Business (B-2B) zone, for 1.86 net (2.46 gross) acres, for property located at 410 Patterson Street and 522 & 540 West Maxwell Street. (Council District 3)

Having considered the above matter on **August 23, 2012**, at a Public Hearing, and having voted **9-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reason:

1. The existing High Density Apartment (R-4) zone is inappropriate, and the requested Lexington Center Business (B-2B) zone is appropriate for the subject property, for the following reasons:
 - a. The subject property immediately adjoins B-2B zoning to the northwest and the northeast, and much of the remaining surrounding property is non-residential within this portion of the downtown.
 - b. The subject property has not been used for residential purposes for many years; and, until recently, half of the site was occupied by a non-conforming tobacco warehouse.
 - c. Churches and their accessory uses are principal permitted uses in the B-2B zone, and it is more appropriate to be located within a zone that will allow this well-established church to continue as a principal use at this location. Many similarly situated downtown churches are located within the B-2, B-A or B-2B zones, which allows the flexibility to utilize their land efficiently and to minimize off-street parking requirements for a mostly off-peak time use.
 - d. The 2012 Comprehensive Plan Goals and Objectives are furthered by the church use expansion and their planned support of the surrounding community, including Theme A.2a. (context-sensitive infill and redevelopment); Theme A.3b. (positive and safe social interactions in neighborhoods); and Theme D.2. (accessible community facilities and services).
2. This recommendation is made subject to approval and certification of ZDP 2012-64: Pleasant Green Baptist Church of Lexington prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses shall be restricted on the subject property via conditional zoning:
PROHIBITED USES:
 1. Cocktail lounges and nightclubs.
 2. Automobile service stations.
 3. Establishments for the display, rental, and sale of automobiles, motorcycles, trucks and boats.

These use restrictions are necessary and appropriate for the subject property to ensure that the proposed zoning will stay consistent with the existing character of the area, while still allowing for development that would be compatible with future redevelopment projects in the downtown area.

ATTEST: This 12th day of September, 2012.


Secretary, Christopher D. King

MIKE OWENS
CHAIR

Note: The corollary development plan, ZDP 2012-64: Pleasant Green Baptist Church of Lexington, was approved by the Planning Commission on August 23, 2012, and certified on September 6, 2012.

K.R.S. 100.211(7) requires that the Council take action on this request by November 21, 2012.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Rena Wiseman, attorney**.

OBJECTORS
• None

OBJECTIONS
• None

VOTES WERE AS FOLLOWS:

AYES: (9) Beatty, Blanton, Brewer, Cravens, Mundy, Owens, Penn, Plumlee, Roche-Phillips

NAYS: (0)

ABSENT: (2) Berkley, Wilson

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for CONDITIONAL APPROVAL of MAR 2012-11 carried.

Enclosures: Application
Plat
Staff Report
Applicable excerpts of minutes of above meeting