

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MAR 2012-11: PLEASANT GREEN BAPTIST CHURCH OF LEXINGTON, INC.

DESCRIPTION

Zone Change: From a High Density Apartment (R-4) zone
To a Lexington Center Business (B-2B) zone

Acreage: 1.86 net (2.46 gross) acres

Location: 410 Patterson Street; 522 and 540 West Maxwell Street

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Property	R-4	Church and Vacant
To North	B-2B	Surface Parking Lot
To East	B-4 & R-4	Warehouses, Print Shop and Vacant
To South	R-4	Residential and Vacant
To West	B-2B	Residential and Vacant

URBAN SERVICES REPORT

Roads – W. Maxwell Street (US 60) is a one-way urban arterial roadway with two travel lanes and room for on-street parking. It is coupled with High Street as a one-way pair south and west of downtown. Patterson, Dunaway and Pine Streets, which border the other three sides of the property, are all local streets in this portion of downtown. Patterson Street is one of a few existing streets that will have a major intersection with the new Oliver Lewis Way, once it is constructed through the Southend neighborhood, about two blocks southwest of its intersection with W. Maxwell Street.

Curb/Gutter/Sidewalks – W. Maxwell, Patterson and Pine Streets have curb, gutter and sidewalk facilities; however, Dunaway Street does not have these typical urban street improvements. Such improvements may be required at the time of redevelopment of the site.

Storm Sewers – The subject property is located within the Town Branch watershed, and storm sewers do exist in this portion of the Urban Service Area. Additional storm water facilities may be required by the Engineering Manuals since the redevelopment encompasses more than one acre of land. If any storm water retention or storm sewer improvements are necessary, they must be completed by the property owner in accordance with the LFUCG Engineering Manuals. There are no known flooding or drainage problems previously identified in this general area.

Sanitary Sewers – The subject property is located within the Town Branch sewershed. The property is served by the Town Branch Sewage Treatment Facility, located on Lisle Industrial Avenue, southeast of New Circle Road. The adequacy of sewer mains may need to be evaluated to ensure adequate sewer capacity. Improvements may be necessary at the time of development to accommodate the expanded use of the subject property.

Refuse – The Urban County Government serves this area with refuse collection on Mondays. Supplemental service may be required to serve the needs of the church's proposed expansion. This can be accomplished by contracting with private refuse haulers, if desired.

Police – The subject property is located within the West Police Sector, although the nearest police station is the main headquarters on East Main Street, just less than one mile to the southeast of the site.

Fire/Ambulance – The closest fire station (#3) is located about two blocks to the northwest at the intersection of Merino and W. Maxwell Streets. However, it should be noted that Station #3 houses a special emergency services unit that does not typically answer standard emergency calls. The next

closest fire station (#6) is located at the intersection of Scott Street and South Limestone, across from the University of Kentucky's campus, approximately one mile to the south of this location.

Utilities – All utilities, including gas, electric, water, phone, and cable TV are available in the area, and could be extended, as necessary, to serve the expanded church facilities on the subject property.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 5) recommends a combination of Semi-Public Facilities (SP) and High Density Residential (HD) future land use for the subject property. The Semi-Public Facilities land use encompasses the parcels located at 540 W. Maxwell Street and 410 Patterson Street, and a small portion of 522 W. Maxwell Street; while the High Density Residential recommendation encompasses most of the 522 W. Maxwell Street parcel. The petitioner is requesting a B-2B zone in order to significantly expand the existing church on the subject site, and proposes to limit the use of the property with conditional zoning restrictions.

CASE REVIEW

The petitioner has requested a zone change from a High Density Apartment (R-4) zone to a Lexington Center Business (B-2B) zone for a city block bound by W. Maxwell, Dunaway, Pine and Patterson Streets in downtown Lexington.

The subject property is comprised of three parcels and slightly less than two acres. It is located across W. Maxwell Street from the Rupp Arena surface parking lot and about two blocks northwest of S. Broadway. The subject property is the site of the Pleasant Green Baptist Church, which currently utilizes about half of the block for their church building and associated off-street parking. The church has been meeting at this location since 1822, and in the existing building since 1931. The area is characterized by a mixture of land uses, as would be typical in a downtown location. Rupp Arena, the High Street surface parking lot, multi-family residential and single-family residential, as well as small businesses create, the mixture of uses in the vicinity of the subject property. B-2B zoning borders the subject property to the northwest, across Patterson Street, and to the north/northeast, across W. Maxwell Street. Wholesale and Warehouse Business (B-4) and High Density Apartment (R-4), which are common throughout the adjoining neighborhood, border the property to the southwest and southeast. The subject property is also located between two local historic districts (zoned H-1), with Woodward Heights located to the northwest and Historic South Hill located to the southeast.

The petitioner proposes this rezoning in order to construct a major addition to the existing Pleasant Green Baptist Church to accommodate a gymnasium, a fellowship hall, kitchen, and Sunday school classrooms.

Part of the expansion will also include a covered drive and entrance at the rear of the building to provide handicap accessible access to the sanctuary. The church's proposal will not add any seating to the main sanctuary space. The church has also stated that they plan to offer space for community meetings, youth activities and other outreach programs consistent with their mission and in support of the surrounding community. The B-2B zone does permit churches and Sunday schools as principal uses, but currently does not explicitly permit a community center use. The petitioner has proposed a conditional zoning restriction to prohibit cocktail lounges; nightclubs; automobile service stations; and establishments for the display, rental, and sale of automobiles, motorcycles, trucks and boats. These restrictions are proposed in order 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.

The 2007 Comprehensive Plan recommends a combination of Semi-Public Facilities (SP) and High Density Residential (HD) future land use for the subject property. The Semi-Public Facilities land use encompasses 540 W. Maxwell Street and 410 Patterson Street in whole, and a small portion of 522 W. Maxwell Street; while the High Density Residential recommendation encompasses most of the 522 W. Maxwell Street parcel. The split recommendation for this urban block was adopted as part of the Newtown Pike Extension Corridor Plan, a small area plan adopted by the Planning Commission in 2003.

All those land use recommendations from the Newtown Pike Extension Corridor Plan were carried forward to the Land Use Map of the 2007 Comprehensive Plan. Additionally, the Rupp Arena Arts & Entertainment District (RAAED) Masterplan for the High Street parking lot plans for a mixture of uses to occur in the long-term development of the district. It states that concept plans for the High Street parking lot should remain flexible to address the demands of the market following implementation of higher priority/key aspects of the Masterplan.

The petitioner has stated that the requested change to a B-2B zone is appropriate, and that the current R-4 zone is inappropriate at this location. In their justification for the zone change, it is noted that, although the entire property is zoned R-4, the property has not been used for residential purposes for many years. The church currently occupies approximately half of the city block, and the remainder of the block was occupied for many years by a non-conforming tobacco warehouse. Additionally, much of the surrounding property is non-residential within this portion of the downtown, including the large surface parking lot, as well as a print shop and several warehouse uses along Dunaway Street, all of which make the R-4 zone inappropriate at this location.

The petitioner further opines that the B-2B zone is appropriate given that B-2B zoning is immediately adjoining the property to the northwest and northeast, and also exists within the 400 block of W. Maxwell, nearer S. Broadway. Furthermore, as noted previously, churches and their accessory uses are principal permitted uses in the B-2B zone. While the R-4 zone does permit churches as a conditional use, it is more appropriate to be located within a zone that will allow this well-established use to continue as a principal use. 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.

The staff is supportive of the expansion of the B-2B zone at this location to accommodate the Pleasant Green Baptist Church expansion, subject to the conditional zoning restriction offered by the petitioner, for the reasons offered by the petitioner. Also, that the proposed use is supported by the 2012 Comprehensive Plan Goals and Objectives, adopted on May 17, 2012. As tobacco warehouses are eliminated in the area, many opportunities exist for infill and redevelopment. At this location, an expansion of the church in order to remain an anchor for this part of the community and fulfill its mission is a positive change. Context-sensitive infill and redevelopment of vacant sites is supported by Theme A.2a. of the 2012 Goals and Objectives, which states that the community should “identify areas of opportunity for infill, redevelopment, and adaptive reuse that respect the area’s context and design features whenever possible.” In addition, Theme A.3b., which supports positive and safe social interactions in neighborhoods, as well as Theme D.2., which calls for providing accessible community facilities and services to meet the health, safety and quality of life needs of the community, are advanced by the expansion of the church within this established downtown neighborhood.

The Staff Recommends: **Approval** 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.