

MAR 2012 -11

Date Received 7/2/12

Pre-application Date 6/20/12

Filing Fee \$ 490<sup>00</sup>

### GENERAL INFORMATION: MAP AMENDMENT REQUEST (MAR) APPLICATION

#### 1. ADDRESS INFORMATION (Name, Address, City/State/Zip, & PHONE NO.)

<b>APPLICANT:</b>	Pleasant Green Baptist Church of Lexington, Inc. 540 West Maxwell Street Lexington, KY 40508	
<b>OWNER:</b>	Pleasant Green Baptist Church of Lexington, Inc. 540 West Maxwell Street Lexington, KY 40508	
<b>ATTORNEY:</b>	Stoll, Keenon Ogden 300 West Vine Street, Suite 2100 Lexington, KY 40507-1801	Hon. Rena Wiseman  Phone: (859) 231-3071

#### 2. ADDRESS OF APPLICANTS PROPERTY (ATTACH LEGAL DESCRIPTION)

410 Patterson Street and 522 & 540 West Maxwell Street, Lexington, KY 40508

#### 3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY (Use attachment, if needed-same format.)

Existing		Requested		Acreage	
Zoning	Use	Zoning	Use	Net	Gross
R-4	Church and parking	B-2B	Church, multi-use space, parking	1.8602 acres	2.4607 acres

#### 4. SURROUNDING PROPERTY, ZONING & USE

Property	Use	Zoning
North	Parking (Civic Center parking lot)	B-2B
East	Commercial	B-4 and R-4
South	Residential	R-4
West	Residential	B-2B

#### 5. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved?  YES  NO

b. Have any such dwelling units been present on the subject property within the past 12 months?  YES  NO

c. Are these units currently occupied by households earning 40% of the median income?  YES  NO  
 If yes, how many units? \_\_\_\_\_  
 If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing. \_\_\_\_\_ UNITS

#### 6. URBAN SERVICES STATUS (indicate whether existing, or how to be provided.)

Roads	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Storm Sewers	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Sanitary Sewers	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Curb/Gutter/Sidewalks	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> To be constructed by	<input type="checkbox"/> Developer	<input type="checkbox"/> Other
Refuse Collection	<input checked="" type="checkbox"/> LFUCG	<input type="checkbox"/> Other		
Utilities	<input checked="" type="checkbox"/> Electric	<input checked="" type="checkbox"/> Gas	<input checked="" type="checkbox"/> Water	<input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Cable

#### 7. DESCRIBE YOUR JUSTIFICATION FOR REQUESTED CHANGE (Please provide attachment.)

This is ...  in agreement with the Comp. Plan  more appropriate than the current zoning  due to unanticipated changes

#### 8. APPLICANT/OWNER SIGNS THIS CERTIFICATION.

I do hereby certify that to the best of my knowledge and belief, all application materials are herewith submitted, and the information they contain is true and accurate. I further certify that I am  OWNER or  HOLDER of an agreement to purchase this property since \_\_\_\_\_

APPLICANT Rena G. Wiseman, Attorney for Applicant DATE 7-2-2012

OWNER \_\_\_\_\_ DATE \_\_\_\_\_

LFUCG EMPLOYEE/OFFICER, if applicable \_\_\_\_\_ DATE \_\_\_\_\_



STOLL  
KEENON  
OGDEN

300 WEST VINE STREET  
SUITE 2100  
LEXINGTON, KY 40507-1801  
MAIN: (859) 231-3000  
FAX: (859) 253-1093  
www.skofirm.com

**RENA G. WISEMAN**  
DIRECT DIAL: (859)-231-3071  
rena.wiseman@skofirm.com

July 2, 2012

Lexington-Fayette Urban County Planning Commission  
Lexington-Fayette Urban County Government  
101 E. Vine Street, 7th Floor  
Lexington, KY 40507

**RE: Zone Map Amendment Application: Historic Pleasant Green Missionary Baptist Church**

Dear Members of the Planning Commission:

We represent the Historic Pleasant Green Missionary Baptist Church (the "Church") and on its behalf have filed a zone change. The Church is located at 540 West Maxwell and has been at this location since 1822. Several years ago the Church acquired the adjacent property at 522 West Maxwell and now owns the entire block bounded by West Maxwell, Patterson, Pine and Dunleavy Streets. The Church wishes to construct a major addition and to accomplish this is requesting a change from High Density Residential (R-4) to Lexington Center Business (B-2B) for the entire property.

The Church was originally founded in 1790 and is the oldest African-American church west of the Alleghenies. It moved to the current location in 1822 and the main sanctuary was constructed in 1931. A small addition for office and classroom space was built in 1995. The Church now plans a major addition which will include a gymnasium, a fellowship hall, kitchen and Sunday School classrooms. As part of the project, a covered drive and entrance will be constructed to the rear of the current building so as to allow handicap accessible and convenient access to the sanctuary for elderly and disabled members of the church. No additional seating will be added. The expansion will allow the Church to better serve its existing members as well as continue to be an anchor to the surrounding community by having space for community meetings, youth activities and other outreach programs consistent with the Church's mission. Most importantly, it will allow the Church to upgrade its facilities so that it can remain in the same location it has occupied for nearly 200 years.

The legal justification for the request is that the R-4 zoning is inappropriate and the proposed B-2B zoning is appropriate. The entire property is zoned R-4 although it has not been used for residential purposes for many years. As noted, the Church has met at this location since 1822 and the sanctuary was built in 1931. The property located at 522 West Maxwell Street was occupied for many years by a tobacco warehouse as a non-conforming use. In addition, much of

Lexington-Fayette Urban County Planning Commission  
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the surrounding property is non-residential including the parking lot for Rupp Arena and the Civic Center across Maxwell, and a print shop and warehouse uses along Dunleavy Street. Finally, the Rupp Arena parking lot is part of the area being planned for future development as the Rupp Arena Arts and Entertainment District.

The proposed B-2B zoning is appropriate and proper. The property is adjoined on two sides by B-2B zoning including the Rupp Arena parking lot across West Maxwell Street and the property in the 600 block of West Maxwell to the west across Patterson Street. Additional B-2B zoning is on the south side of West Maxwell at 424 West Maxwell. Furthermore, churches and their accessory uses are principal permitted uses in the B-2B zone. While it is true that churches are permitted as conditional uses in the existing R-4 zone, it is more appropriate that the property be placed in a zone which permits the well-established use of the property to continue as a principal use.

We are proposing that the B-2B zone be approved subject to conditional zoning restrictions which are the same as those which were imposed on the property in the 600 block of West Maxwell. Specifically, cocktail lounges, nightclubs, automobile service stations, and establishments for the display, rental, and sale of automobiles, motorcycles, trucks, and boats shall be prohibited. Proposed findings of approval including conditional zoning restrictions are attached.

We will be at the August public hearing to make a complete presentation of this application and request the Commission's favorable consideration

Very truly yours,

Stoll Keenon Ogden, PLLC

A handwritten signature in blue ink that reads "Rena G. Wiseman" followed by a vertical line and the letters "lc".

Rena G. Wiseman

RGW: lc  
Enclosures

PROPOSED CONDITIONAL ZONING RESTRICTIONS

The proposed B-2B will be subject to conditional zoning restrictions which shall **prohibit** the following uses:

**Cocktail lounges, nightclubs, automobile service stations, and establishments for the display, rental, and sale of automobiles, motorcycles, trucks, and boats.**

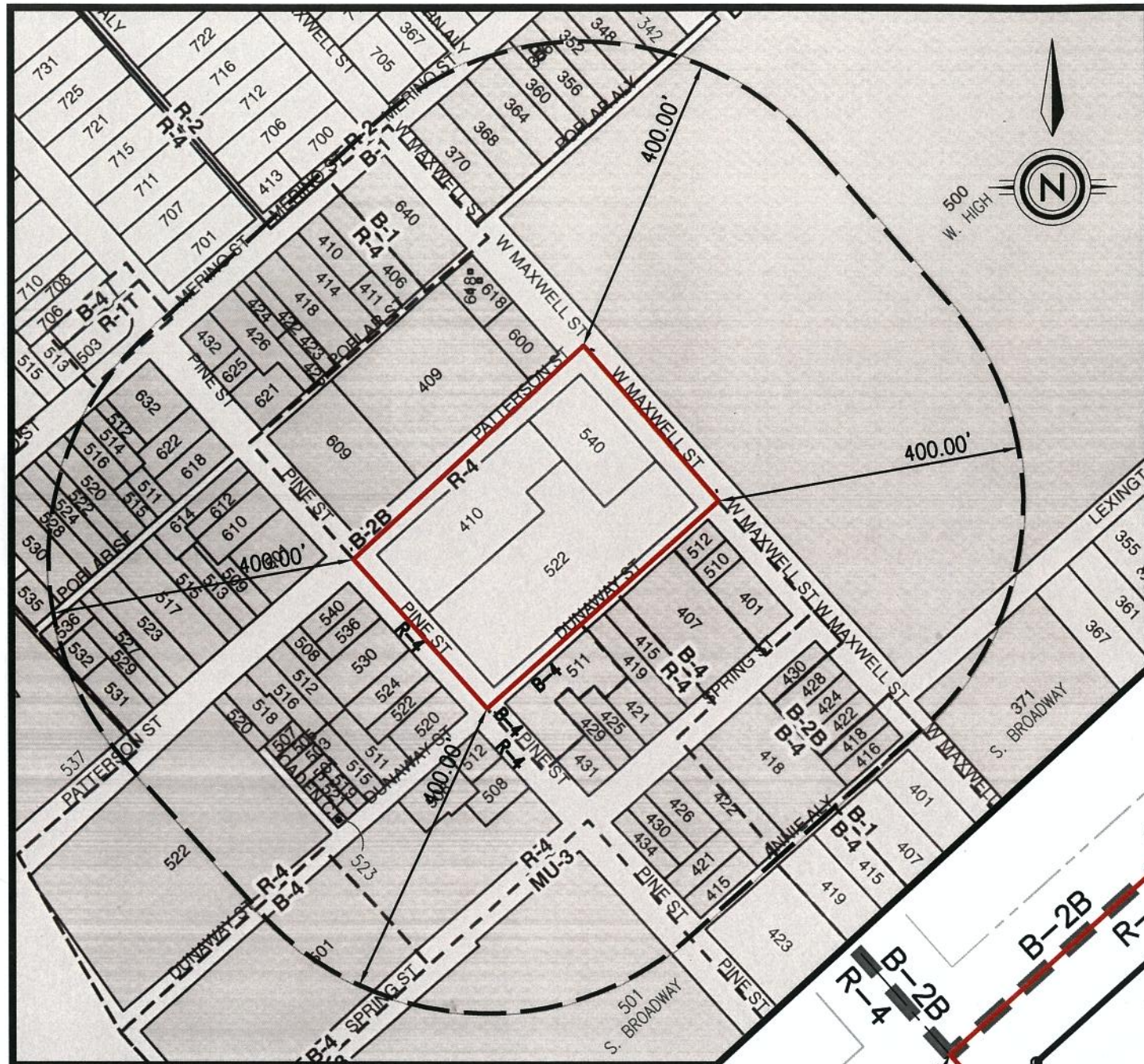
105708.132984/4069809.1

PROPOSED FINDINGS OF APPROVAL  
HISTORIC PLEASANT GREEN MISSIONARY BAPTIST CHURCH

The request to rezone the property located at 522 and 540 West Maxwell Street and 410 Patterson Street from High Density Residential (R-4) to Lexington Center Business (B-2B) for 2.4607 gross (1.8602 net) acres is recommended for APPROVAL based on the following findings:

1. The existing R-4 zoning is inappropriate and improper. The property has not been used for residential purposes for many years. The Historic Pleasant Green Missionary Baptist Church has been meeting at this location since 1822 and the current sanctuary was built in 1931. 522 West Maxwell Street was used as a tobacco warehouse for many years and was recently demolished to accommodate the Church's planned expansion. In addition, the property is across from the parking lot for Rupp Arena which is being planned for future development as part of the Rupp Arena Arts and Entertainment District. The properties across Dunleavy Street are used for businesses including a print shop, parking lot and warehouse/garage uses.
2. The proposed B-2B zoning is appropriate and proper. The subject property is adjoined on two sides by land zoned B-2B, including the Rupp Arena parking lot and the 600 block of West Maxwell. Property zoned B-2B is also just one block to the east of the subject property in the 400 block of West Maxwell. Furthermore, a substantial portion of the property has been the location of the Historic Pleasant Green Missionary Baptist Church for nearly 200 years. The purpose of the zone change is to allow the Church to build an addition for a fellowship hall, gymnasium and Sunday School classrooms. Churches and their accessory uses are principal permitted uses in the B-2B zone and thus such zone is appropriate to allow the established use to upgrade and continue.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses are prohibited via conditional zoning restrictions:  
Cocktail lounges, nightclubs, automobile service stations, and 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 in the downtown area.



**NOTIFICATION AREA MAP**

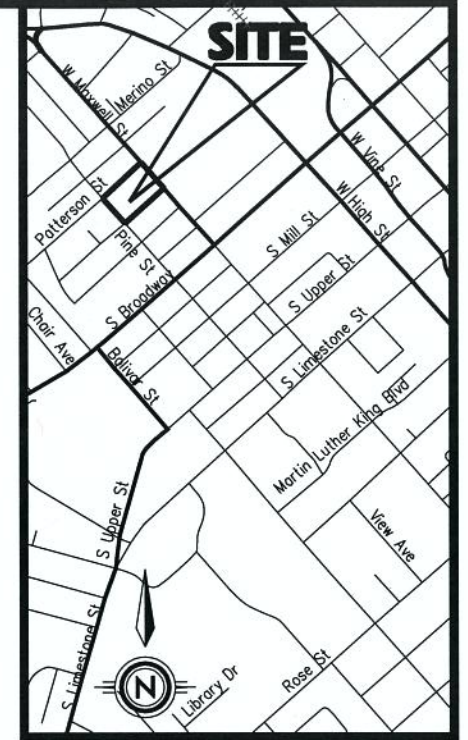


STATE OF KENTUCKY  
**KEVIN M. PHILLIPS**  
 3350  
 LICENSED PROFESSIONAL LAND SURVEYOR

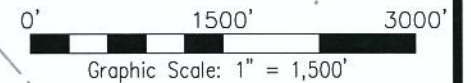
*[Signature]*  
 07-06-2012

**LEGEND**

- FOUND MAG Nail w/ stainless steel Surveyor's tag (PLS 3350)
- △ FOUND 24"-long, 5/8" Rebar w/surveyor's cap (PLS 3350)
- SET MAG Nail w/ stainless steel Surveyor's tag (PLS 3350)



**VICINITY MAP**



410 Patterson Street and  
 522 & 540 West Maxwell Street  
 Pleasant Green Baptist Church of Lexington Inc.

- DB 2496, Pg 320
- DB 1222, Pg 122
- DB 2888, Pg 442
- DB 519, Pg 177
- DB 618, Pg 167
- DB 515, Pg 86
- DB 2987, Pg 553
- DB 645, Pg 341
- DB 599, Pg 401

ZONE R-4 to B-2B  
 NET AREA 1.8602 Acres  
 GROSS AREA 2.4607 Acres

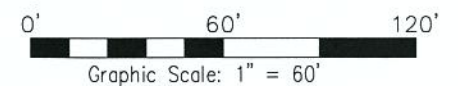
POINT OF BEGINNING  
 N:199,277.36  
 E:1,566,361.26

PINE STREET (47' Right of Way)  
 N 41°18'36" W 264.52'  
 N 41°18'36" W 227.01'

PATTERSON STREET (50' Right of Way)  
 N 48°03'28" E 405.91'  
 N 48°03'28" E 357.53'

W. MAXWELL STREET (49.5' Right of Way)  
 S 41°01'32" E 264.53'  
 S 41°01'32" E 227.03'

**PROPERTY MAP**



**ENDRIS**  
 engineering

771 Enterprise Drive  
 Lexington, Ky 40510  
 Phone: (859) 253-1425  
 Fax: (859) 233-1436

FROM	TO	NET	GROSS
R-4	B-2B	1.8602 Acres	2.4607 Acres

TITLE: Pleasant Green Baptist Church of Lexington Inc.  
 ADDRESS: 410 Patterson Street 522 & 540 West Maxwell Street  
 APPLICANT: Pleasant Green Baptist Church of Lexington Inc.  
 OWNER: Pleasant Green Baptist Church of Lexington Inc.  
 DATE FILED OR AMENDED: July 6, 2012