

2. PLEASANT GREEN BAPTIST CHURCH OF LEXINGTON, INC., ZONING MAP AMENDMENT & PLEASANT GREEN BAPTIST CHURCH OF LEXINGTON ZONING DEVELOPMENT PLAN

- a. MAR 2012-11: PLEASANT GREEN BAPTIST CHURCH OF LEXINGTON, INC. (9/29/12)* - petition for a zone map amendment from a High Density Apartment (R-4) zone to a Downtown 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.

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.

The Zoning Committee Recommended: Approval, for the reasons provided by staff.

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.

- b. ZDP 2012-64: PLEASANT GREEN BAPTIST CHURCH OF LEXINGTON (9/29/12)* - located at 410 Patterson Street & 522 and 540 W. Maxwell Street. **(Endris Engineering)**

The Subdivision Committee Recommended: Approval, subject to the following conditions:

1. Provided the Urban County Council rezones the property B-2B; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree preservation plan.
6. Denote construction access location.
7. Complete notes #3 & #9.
8. Addition of conditional zoning restrictions, as necessary.
9. Revise notes #5 & #7.
10. Revise note regarding "impervious area."
11. Resolve Dunaway Street improvements at the time of a Final Development Plan for the property.

Zoning Presentation: Ms. Wade presented the staff report for this request, noting that the petitioner is proposing to rezone three pieces of property from R-4 to B-2B. She explained that the subject property includes 410 Patterson Street, and 522 and 540 Maxwell Street, which comprise the entire block bordered by West Maxwell, Patterson, Pine, and Dunaway Streets. The subject property is located, located just across West Maxwell Street from the Rupp Arena High Street parking lot. The Historic South Hill and Woodward Heights neighborhoods, both of which have H-1 zoning overlays, are nearby. Zoning in the vicinity of the subject property includes R-4 along Pine Street; B-2B along West Maxwell Street; and R-4 and B-4 along the other streets adjacent to the subject property. There is a mixture of uses in the area, including the Rupp Arena parking lot across West Maxwell Street and several small warehouses on Dunaway Street.

Ms. Wade stated that the petitioner is currently using nearly half of the subject property for their church building and associated parking; the remainder of the property is vacant. It was formerly used as a warehouse, which had a 0' setback on its Dunaway Street frontage. The petitioner is requesting to rezone the property to B-2B in order to construct a large addition to the church building, that would accommodate a gymnasium, fellowship hall, kitchen, and Sunday school classrooms, but they are not proposing to add any seating in the church sanctuary. The petitioner does plan to offer space for community meetings, youth activities, and other outreach programs that are consistent with the mission of the church and support the surrounding neighborhood. Ms. Wade added that the church has been meeting at this location since 1822, and the existing building was constructed in 1931.

Ms. Wade said that the B-2B zone permits churches and Sunday Schools as principal uses, but it does not explicitly allow a community center use. That would allow the petitioner to hold meetings there, but would not permit an outside organization to be located on the site. The petitioner is also proposing conditional zoning restrictions that would prohibit cocktail lounges; nightclubs; automobile service stations; and establishments for the sale, rental and display of automobiles, motorcycles, trucks and boats. These restrictions are proposed in order for the church to remain consistent with the existing character of the area, including the residential uses. Ms. Wade displayed several photographs of the subject property, including: 1) a view of the existing church from Maxwell Street; 2) a view of the existing parking behind the church, looking toward Pine Street; and 3) a view of the right side of the parking lot and the area where the warehouse was formerly located, from Pine Street.

Ms. Wade stated that the 2007 Comprehensive Plan recommends High Density Residential use for most of 522 West Maxwell Street, but the other two parcels and the remaining small piece of 522 are recommended for Semi-Public Facilities land use, which corresponds with the area currently occupied by the church. This split recommendation was a result of the Newtown Pike Extension Corridor Plan, which was adopted by the Planning Commission in 2003 and incorporated into the 2007 Comprehensive Plan. More recently, the Rupp Arena Arts & Entertainment District Master Plan referenced plans for the High Street parking lot to remain flexible in order to address the market demands following the implementation of the higher-priority aspects of the Master Plan. Ms. Wade explained that the petitioner contends that the proposed B-2B zone is more appropriate for the subject property than the existing R-4 zone. The staff is in agreement with that assertion, for the reasons as listed in the staff report and on the agenda. Ms. Wade added that there are several similarly-situated churches downtown in the B-2 zones, which allow them some flexibility to use their land efficiently. She said that the staff and the Zoning Committee recommended approval of this request, subject to the conditional zoning restrictions as listed in the staff report and on the agenda.

Development Plan Presentation: Mr. Taylor presented corollary zoning development plan, which depicts a three-story addition to the existing church building, which is 8,400 square feet in size, for a total of 61,000 square feet. The plan also depicts a new canopy; a new parking lot at Maxwell and Dunaway Streets; and access to Patterson, Pine, and Dunaway Streets.

Mr. Taylor stated that the Subdivision Committee recommended approval of this plan, subject to the 11 conditions as listed on the agenda. He explained that condition #11 reflects the concerns of the Division of Traffic Engineering, expressed at the Technical Committee meeting, about the lack of a full cross-section of Dunaway Street in the area where the petitioner proposes to construct the church addition all the way up to the right-of-way. The nature and scope of those improvements will have to be discussed at the time of a Final Development Plan for the property.

Commission Question: Mr. Owens asked if there is currently a building at the right-of-way on the subject property. Mr. Taylor answered that the former warehouse on the property was constructed at the right-of-way. Mr. Owens asked if there is room for improvements to that roadway. Mr. Taylor responded that the staff of the Division of Traffic Engineering believes that there is adequate space for sidewalks and curbing in that area. He added that there has been some discussion about exploring the possibility of the full closure of Dunaway Street, since that part of it functioned more as an alley to serve the warehouses, and it does not match up with the cross-section on the other side of the Pine Street intersection.

Petitioner Representation: Rena Wiseman, attorney, was present representing the petitioner. She stated that the proposed rezoning will offer the church its first opportunity for a major expansion since its location on the subject property in 1822. The petitioner's purchase of the former warehouse building next door provided the land necessary

to construct a fellowship center, kitchen, gymnasium, and Sunday school space and to enhance the existing access to the church for elderly and disabled members. The proposed plan includes a covered canopy area, away from Maxwell Street, where members can be dropped off. Ms. Wiseman stated that the petitioner believes that they are an "anchor" to the surrounding neighborhood, and the proposed expansion will allow them to offer more services to their neighbors.

Ms. Wiseman said that the petitioner is in agreement with the staff's recommendations, including the conditions for approval of the development plan. With regard to condition #11, she said that the petitioner is amenable to the dedication of some additional right-of-way, but they believe it would be appropriate to address the Dunaway Street improvements at the time of a Final Development Plan, when the final design of the building has been determined. Ms. Wiseman thanked the Commission for their consideration, and she requested approval.

Commission Question: Mr. Penn asked if the petitioner intends to request the closure of Dunaway Street. Ms. Wiseman answered that that option was suggested by Mr. Neal at the Subdivision Committee meeting, but the petitioner had not previously considered it. Mr. Penn opined that it would be inconsistent to request closure of the right-of-way, and install sidewalks.

Ms. Roche-Phillips asked if rezoning the subject property would require conditional use approval from the Board of Adjustment. Ms. Wiseman responded that it would not; it would make the church a principal permitted use.

Citizen Comment: There were no citizens present to comment on this item.

Zoning Action: A motion was made by Ms. Blanton, seconded by Ms. Roche-Phillips, and carried 9-0 (Berkley and Wilson absent) to approve MAR 2012-11, for the reasons provided by staff, subject to the conditional zoning restrictions as recommended by staff.

Development Plan Action: A motion was made by Ms. Blanton, seconded by Ms. Roche-Phillips, and carried 9-0 (Berkley and Wilson absent) to approve ZDP 2012-64, subject to the 11 conditions as listed on the agenda.