

APRIL 13, 2017

A PORTION OF 4950 HIGHWAY 56

ZONE CHANGE

From:	A-R Rural Agriculture, P-1 Professional/Service & B-4 General Business
To:	B-4 General Business
Proposed Use:	Commercial
Acreage:	22.14 acres
Applicant:	Bellevue Baptist Church of Owensboro (1704.1998)
Surrounding Zoning Classifications:	
North:	P-1 & B-4
South:	A-R & B-4
East:	B-4
West:	P-1

Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business zone. The subject property is partially located in a Business Plan Area, where general business uses are appropriate in limited locations and partially located in a Professional/Service Plan Area, where general business uses are appropriate in very-limited locations.

SPECIFIC LAND USE CRITERIA

(a) Building and lot patterns; outdoor storage yards – Building and lot patterns should conform to the criteria for “Nonresidential Development” (D7), and outdoor storage yards with “Buffers for Outdoor Storage Yards” (D1).

(b) Logical zoning expansions of proportional scope – Existing General Business zones may be expanded onto contiguous land that generally abuts the same street(s). The expansion of a General Business zone should not significantly increase the extent of the zone in the vicinity of the expansion and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

(c) Expansions across intervening streets – In Central Residential, Urban Residential, Future Urban and Professional/Service Plan Areas, the expansion of an existing General Business zone across an intervening street should be at least **one-and-one-half (1.5) acres** in size, but should not occur if this would significantly increase the extent of the zone in the vicinity.

Planning Staff Review

GENERAL LAND USE CRITERIA

Environment

- It appears that the subject property is not located in a wetlands area per the US Department of Agriculture Soil Conservation Service dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Maps 21059CO118D & 21059CO256D.
- It appears that the subject property is not within the Owensboro Wellhead Protection area per the OMU map dated 2015.

- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA, the EPA, the OMPC building/electrical/HVAC division or other state and federal agencies as may be applicable.

Urban Services

All urban services, including sanitary sewer, are available to the subject property.

Development Patterns

The subject property is a 22.14 acre vacant portion of a larger parcel owned by Bellevue Baptist Church. The applicant proposes to rezone this portion to B-4 General Business and then divide it from the remainder of the church owned parcel. A portion of the subject area is already zoned B-4 while other portions are zoned P-1 and A-U. The applicant intends to market the property for commercial use.

Approximately 80 acres of land immediately around the Highway 56/Highway 81 roundabout is currently zoned B-4 General Business. The property to the north is Southern Star, zoned B-4 and P-1. To the north across Highway 56 and to the east across Highway 81 are large B-4 zoned parcels. To the south is a large A-R and B-4 zoned parcel. To the west is the remainder of Bellevue Baptist's property, zoned P-1.

In this vicinity Highways 56 & 81 are classified as minor arterial roadways with 75' building setback lines and 500' access spacing standards. The frontage along Highway 56 has a 50' roadway buffer and the frontage along Highway 81 has a 40' roadway buffer. The Kentucky Transportation Cabinet has given preliminary indications that a right in/right-out only access point on Highway 56 may be acceptable. KYTC also indicates that a full access point on Highway 81 will likely need to be located near the southern portion of the subject property. The applicant should be aware that a traffic impact study may be required dependent upon the land use(s) proposed for the site.

Prior to any development of the property, the applicant must obtain approval of a site plan or development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The subject property will conform to the criteria for nonresidential development. The proposal is a logical expansion of the B-4 zoning to the north, east and south. At 22.14 acres, the expansion of B-4 zoning will not significantly increase the extent of the zone in the vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area, however depending on the size of the development a traffic impact study may be required.

Planning Staff Recommendations

The planning staff recommends approval subject to the conditions and findings of fact that follow:

Conditions:

1. Access to the subject parcel shall comply with the requirements of the Access Management Manual and all proposed access locations must be approved by the KYTC.
2. Approval of a minor subdivision plat dividing the B-4 zoned portion of the property from the P-1 zoned portion.
3. Prior to any development of the property the applicant must obtain approval of a site plan or a final development plan to demonstrate compliance with all site development requirements, including but not limited to access, lighting, landscape screening and buffering, parking, etc. and may be required to submit a traffic impact study depending on proposed uses.

Findings of Fact:

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject property is partially located in a Business Plan Area, where general business uses are appropriate in general locations and partially located in a Professional/Service Plan Area, where general business uses are appropriate in very limited locations;
3. The proposal is a logical expansion of B-4 General Business zoning to the north, east and south;
4. At 22.14 acres the expansion does not significantly increase the extent of the zone in the vicinity; and
5. The proposal should not overburden the capacity of roadways and other necessary urban services that are available in the affected area. However, depending on the size of the development a traffic impact study may be required.