



APRIL 14, 2005

6120 OLD KY 54

**ZONE CHANGE**

<b>From:</b>	R-1A Single-Family Residential	
<b>To:</b>	<b>B-4 General Business</b>	
<b>Acreage:</b>	5.853 acres	
<b>Applicant:</b>	Sports Promotions, LLC; RBC, LLC (0504.1590)	
<b>Property Zone Existing Use</b>	<b>to North</b> B-4 & R-1A Residential, Post Office, commercial	
<b>to West</b> B-4 & A-U Commercial, grocery and agriculture	<b>Subject</b> R-1A  B-4 Recreational Sports Facility	<b>to East</b> B-4 & R-1A Upholstery shop and residential
	<b>to South</b> R-1A Fire department and residential	

**GENERAL LAND USE CRITERIA**  
Apply, if marked below:

Described in Comprehensive Plan on pages 445-448

**Environmental**

- E1** Flood Plains
- E2** Steep Slope
- E3** Historical & Archaeological Sites
- E4** Soils
- E5** Plant & Animal Life

**Urban Services**

- ⌘ U1** Roadway Capacity
- ⌘ U2** Electricity Supply
- ⌘ U3** Water Supply
- ⌘ U4** Stormwater Disposal
- ⌘ U5** Sanitary Sewage Disposal

**Development Patterns**

- D1** Land-Use Intensity, Clusters and Buffers
- D2** Land Use versus Street Function
- D3** Intersection & Driveway Spacing
- D4** Roadway Buffer Standards
- D5** Lot Sizes & Proportions
- D6** Residential Development
- ❖ D7** Non-Residential Development
- D8** Building Quality

**Proposed Zone & Land Use Plan**

The applicant is seeking a B-4 General Business zone. The subject property is located in a Rural Community Plan Area, where General Business uses are appropriate in 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,” and outdoor storage yards, with “Buffers for Outdoor Storage Yards.”

**(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 roadway and other necessary urban services that are available in the affected area.

**Applicant's Findings**

The subject property is in a Rural Community Plan Area known as Philpot where general business uses are allowed in limited locations.

(A) Logical zoning expansion of proportional scope. Existing general business zones may be expanded onto contiguous land that generally abuts the same street. The expansion of the general business zone will not significantly increase the extent of the zone in the vicinity of the expansion and will not over-burden the capacity of roadways and other necessary urban services that are available in the affected area.

The subject property qualifies for general business in that it is a logical expansion of an existing B-4 commercial area. The subject property has been used as a recreational complex by the Daviess County School Board and Daviess County Parks Department for years. The property to the west is B-4 (presently used as a grocery store) and agriculture. The property to the north is R-1A Residential and B-4 commercial consisting of a post office, construction company, and a vacant lot. The property to the east is B-4 and residential consisting of an upholstery shop and residences. The property to the south is the fire department, residential uses and agricultural uses.

There is existing on the subject property a vacant school building which is to be used basically as it has been for years. It is not anticipated that the basic building structure will be significantly changed. The building will be used as

an indoor recreational sports complex which includes: (a) training for all indoor and outdoor sports, (b) the sales of sports merchandise and other incidental sports items, such as sports uniforms, sports equipment, etc., and screen printing and the consignment of sporting goods.

The remaining property will be used as an outdoor recreational complex. A conditional use permit is required to conduct commercial indoor and outdoor recreation in a B-4 zone. Application has been made and will be heard by the Owensboro Metropolitan Board of Adjustments pending zoning recommendation.

## Planning Staff Review

The subject property is located in the 6100 block of Old KY 54 in the rural community of Philpot. Land use criteria applicable to this proposal are reviewed below.

### GENERAL LAND USE CRITERIA

#### Environment

According to a study prepared by the US Department of Agriculture Soil Conservation Service dated March 6, 1990, it appears that the subject property is not in a wetlands area. The subject property does not appear to be in a special flood hazard area per FIRM Map 21059CO305 C. It appears that a portion of the subject property is designated as prime agricultural land according to the "Important Farmlands" map created by the US Department of Agriculture Soil Conservation Service dated March 1980. However, the subject property has already been developed so any loss of prime farmland has already occurred. The developer is responsible for obtaining permits as may be required by the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

It appears that the subject property is outside the Owensboro Wellhead Protection area according to a map created by the GRADD office dated March 1999.

#### Urban Services

Electricity, water and gas are available to the subject property. Sanitary sewer disposal would be accomplished by an existing sewer package plant.

#### Development Patterns

The subject property is the old Philpot Elementary School and includes parking and various outdoor recreational facilities and is in an area of commercial and residential

uses. Property to the north is zoned B-4 and R-1A, to the east is zoned B-4 and R-1A, to the south is zoned R-1A and to the west is zoned B-4 and A-U.

According to the application, the proposed use is a recreational sports facility utilizing the existing school building and outdoor recreational facilities. Parking requirements will be determined based on the amount of square footage utilized and the number of participants the proposed uses and reviewed at the time of site approval.

Since the subject property does abut residential zonings, screening should be installed. The subject property has existing access to both Old KY 54 and KY 142. Any change or modification in access will require approval from the Kentucky Transportation Cabinet or the Daviess County Engineer.

### SPECIFIC LAND USE CRITERIA

According to the Comprehensive Plan, the subject property is located in a Rural Community Plan Area, where General Business uses are appropriate in limited locations.

The proposal will occupy the existing school building and maintain the nonresidential use of the property. The proposal also constitutes a logical expansion of an existing B-4 General Business zone located immediately west of the property. The site is also major-street oriented and located at a major intersection within the Rural Community of Philpot.

### Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The condition and findings of fact that support this recommendation include the following:

**Condition:** Install screening on the subject property along adjoining residential property to the south.

#### Findings of Fact:

1. The subject property is located in a Rural Community Plan Area, where General Business uses are appropriate in limited locations;
2. Development of the subject property will be nonresidential in character; and,
3. The subject property is a logical expansion of a contiguous B-4 General Business zone that will not significantly increase the extent of the zone in the vicinity and will not overburden roadways and other necessary urban services.