

**MARCH 10, 2011**

**821, 901, 907, 915 W 4<sup>TH</sup> ST**

**ZONE CHANGE**

<b>From:</b> R-4DT Inner-City Residential	
<b>To:</b> P-1 Professional/Service	
<b>Proposed Use:</b> Church	
<b>Acreage:</b> 1.145	
<b>Applicant:</b> Fourth Street Baptist Church (1103.1802)	
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> B-4, P-1	<b>South:</b> B-4, I-1, R-4DT
<b>East:</b> B-4, R-4DT	<b>West:</b> I-1, B-4

**Proposed Zone & Land Use Plan**

The applicant is seeking a P-1 Professional/Service zone. The subject property is located in a Business/Industrial Plan Area, where professional/service 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” (D7).

**(b) Logical zoning expansions of proportional scope –** Existing areas of Professional/Service use may be expanded onto contiguous land that abuts the same street(s). An existing area of general business zone may be used as criteria to support a Professional/Service use as a logical expansion since the general business zone permits all uses within the Professional/Service use category. An expansion of this use should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

**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 Map 21059CO138 D.
- It appears that the subject property is not within the Owensboro Wellhead Protection area per the GRADD map dated March 1999.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

**Urban Services**

All urban services, including sanitary sewers, are available to the site.

**Development Patterns**

The subject property is located in an area of mixed B-4 General Business, I-1 Light Industrial, P-1 Professional/Service and R-4DT Inner-City Residential zoning. The applicant owns additional property to the north that is currently zoned P-1 Professional/Service. They would like to do a division and consolidation plat but the properties are not zoned the same.

According to the application, no changes are anticipated on the subject property at this time, but the applicant should be aware that the majority of the subject property is located within the boundary of the newly created Downtown Overlay Districts that the city adopted in October 2009. The subject property is located in a Downtown Transition Overlay District. Since the property is located within the Downtown Overlay District, additional approval is required by the downtown design administrator if/when changes take place on site. The review by the Downtown Design Administrator encompasses all site development requirements such as building location, design standards, parking, access, landscaping, etc.

In the vicinity of the subject property W 4<sup>th</sup> Street is classified as a principal arterial roadway with an access spacing standard of 500 feet. That standard cannot be accomplished on site but there is not viable alternative access to the subject property. To bring the site more into compliance with the access standards, the drive nearest to the church building shall be removed. Vehicular use area screening is required on private property between the parking area and road right-of-way.

**SPECIFIC LAND USE CRITERIA**

The applicant’s proposal is in compliance with the Comprehensive Plan. The use of the property as a church meets the Comprehensive Plan requirements for nonresidential use. The proposal is a logical expansion of existing B-4 zoning located to the east and P-1 zoning to the north. At 1.415 acres, the expansion should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

**Planning Staff Recommendations**

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

**Condition:** Eliminate the drive closest to the church building on W 4<sup>th</sup> Street.

**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 located in a Business/Industrial Plan Area, where professional/service uses are appropriate in limited locations;
3. The use as a church is consistent with the Comprehensive Plan requirements for nonresidential development; and,
4. The proposal is a logical expansion of existing B-4 General Business zoning to the east and P-1 Professional/Service zoning to the north; and,
5. At 1.415 acres, the expansion of P-1 zoning should not overburden the capacity of roadways or other necessary urban services that are available in the affected area.