

JULY 14, 2011

102 W 9TH ST

ZONE CHANGE

From: I-1 Light Industrial	
To: B-2 Central Business	
Proposed Use: Assembly - Church	
Acreage: 0.875+/-	
Applicant: Calvary Wesleyan Church; The Malcolm Bryant Corporation (1107.1812)	
Surrounding Zoning Classifications:	
North: B-4, B-2	South: P-1
East: I-1, B-4	West: P-1, I-1

Proposed Zone & Land Use Plan

The applicant is seeking a B-2 Central Residential zone. The subject property is located in a Business Plan Area, where central business uses are appropriate in very-limited locations.

SPECIFIC LAND USE CRITERIA

(a) Building and lot patterns – Building and lot patterns should conform to the criteria for “**Nonresidential Development**” (D7).

(b) Only necessary, logical expansions – The Central Business districts of Owensboro and Whitesville are generally fixed areas, and expansion of their boundaries should be based upon significant finding that a community need exists for these districts to be expanded.

(c) To serve the needs of existing establishments – In Business plan areas, such an expansion should be contiguous to an existing boundary of the Central Business district and should serve the needs of establishments that are already located within the districts.

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 a Downtown Transition character district per the Downtown Overlay Districts that were adopted by the City of Owensboro in October 2009. The subject property was most recently occupied by Healing America, a vitamin wholesaler, but is vacant currently. The Center for Business and Research, located on the same parcel as the subject property, was rezoned to B-2 Central Business in May 2009.

As part of the overall redevelopment of the downtown area, areas within the downtown overlay districts are considered ideal candidates for B-2 Central Business zoning as a means to promote the City’s goal of a vibrant downtown. The redevelopment of this site will also work in conjunction with City of Owensboro plans for future redevelopment in the vicinity. Plans are being developed for a mixed-use development for possible apartments, a training center, and restaurants in the block east of Allen Street. This proposed rezoning is a portion of an overall City of Owensboro initiative to promote redevelopment of the area and one of the projects proposed to enhance implementation of the Downtown Master Plan.

Since the subject property is located within a downtown overlay district, the downtown design administrator who is employed by the City of Owensboro, is required to review and approve any use prior to occupancy. The applicant has met with the OMPC staff and the downtown design administrator to discuss the use of the property for church purposes. Based on the initial review, a church is a permitted use within a Downtown Transition character district. A revised final development plan is required prior to occupancy of the property and the applicant should coordinate with the building and electrical office in regards to potential building code issues related to the change in use.

In the vicinity of the subject property W 9th Street is classified as a minor arterial roadway with a 500 foot spacing standard. There is a single existing access to W 9th Street that was approved as part of a previous development plan approved in 2001. Access to W 9th Street shall be limited to the existing access point with no new access permitted.

SPECIFIC LAND USE CRITERIA

The applicant’s proposal is in compliance with the Comprehensive Plan. The proposed B-2 Central Business zone and use will be nonresidential in nature. The subject property is immediately adjacent to B-2 Central Business zoning on the subject property. The logical expansion of

the B-2 zoning is necessary to promote a City of Owensboro initiative for redevelopment of the area which includes potential redevelopment of the block east of Allen Street. The subject property is located within the downtown overlay districts and this request is in accordance with the design concept for this area.

Planning Staff Recommendations

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

Condition: Submission and approval of an amended final development plan.

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 Plan Area, where central business uses are appropriate in very-limited locations;
3. The subject property is located within the downtown overlay districts as adopted by the City of Owensboro and the request is consistent with the concepts of the plan;
4. The use of the property as a church will be nonresidential in nature;
5. The proposed zoning change is a logical expansion of existing B-2 zoning on the subject property; and,
6. The B-2 zoning classification will promote the redevelopment of an existing building on the site to provide a church facility in the near-downtown area.