

MARCH 14, 2002

4800, 4950 KY 56

ZONE CHANGE

From: A-R Rural Agriculture and B-4 General Business

To: P-1 Professional/Service

Acreage: 72.074 acres

Applicant: Bellevue Baptist Church (0203.1470)

Property Zone Existing Use	to North I-1 <i>Agricultural</i>	
to West A-R <i>Agricultural</i>	Subject A-R & B-4 → P-1 <i>Agricultural</i>	to East B-4 <i>Agricultural</i>
	to South A-R <i>Agricultural</i>	

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 P-1 Professional/Service zone. The subject property is located in a Rural Preference Plan Area where professional/service uses are appropriate in very-limited locations.

SPECIFIC LAND USE CRITERIA

- (a) **Building and lot patterns** should conform to the criteria for “**Nonresidential Development**”.
- (b) **Logical expansions-** Existing area of Professional/Service use may be expanded onto contiguous land that abuts the same street(s). If the contiguous land is located across an intervening street, the expansion should be at least **one (1) acre** in size, unless it would serve as a “**buffer-use**” (D1). An expansion of this use should not overburden the capacity of roadways and other necessary urban services that are available in the affected areas.
- (c) **Expansions of limited scope-** In Rural Preference and Rural Maintenance Plan Areas, an expansion of Professional/Service use should not significantly increase the extent of such uses in the vicinity.

Applicant's Findings

This proposed zoning change is substantially in compliance with the applicable criteria of the adopted Comprehensive Plan as follows:

GENERAL LAND USE CRITERIA

(1) Environmental Criteria

No important environmental criteria apply to the subject property. The Development Plan demonstrates that the buildings and other structures to be located on the subject property will not be located in floodway areas. There are no historical buildings or significant archeological sites determined to be located on the property. The property has not been identified as wetland or as a special habitat for plants or animals.

(2) Urban Services Criteria

All urban services are available to the site. The sanitary sewer will be extended from adjacent property to serve the subject property and applicant has committed to construct a lift station to accommodate sanitary sewer service to the site and to adjacent property. Applicant believes that roadway capacity is adequate to serve the proposed development and that the proposed development will not overburden the capacities of existing roadways or create congestion in the area. The development plan pertaining to proposed entrances and exits from the proposed

development has been reviewed by the Transportation Planning Section of Green River Area Development District and it has indicated that the project would not appear to overburden the existing roadways.

(3) Development Pattern Criteria

The subject property is currently in agricultural use. Adjoining property to the east has been zoned B-4. There is a small section of property to the east that is zoned professional/service. Adjoining property to the north is zoned Industrial. Adjoining property to the south and west are used for agricultural purposes.

SPECIFIC LAND USE CRITERIA

Specific land use criteria (7) (a) through (c) apply to the subject property as follows:

(7) (a) Building and lot patterns should conform to the criteria for “Nonresidential Development” (D7). The subject property is being developed as a church campus within the requirements of a Nonresidential Development and, specifically, a Nonresidential Center.

7 (b) Logical Expansions – Existing areas of Professional/Service use may be expanded onto contiguous land that abuts the same street. If the contiguous land is located across an intervening street, the expansion should be at least one (1) acre in size, unless it would serve as a “buffer use” (D1). An expansion of this use should not overburden the capacity of roadways and other necessary urban services that are available in the affected area. There is an existing area of Professional/Service that is contiguous to the subject property. The proposed zoning would be a logical expansion of that use in the area and the proposed development exceeds the size requirement for such an expansion. The expansion would not overburden the capacity of existing roadways or other urban services as previously indicated under the General Land Use Criteria.

7 (c) Expansions of Limited Scope – In Rural Preference plan areas, an expansion of Professional/Service use should not significantly increase the extent of such uses in the vicinity. The past comprehensive plan did not anticipate the significant changes that have occurred within the immediate vicinity of the property. The new Sorgho School, which is a P-1 use (even though in an agricultural zone) located a short distance west of the subject project was not anticipated. The Whispering Meadows subdivision a short distance west of the project likewise was not anticipated. Since the development of the school and the subdivision, the current comprehensive plan

anticipates sewer plan extension and that this area would become a more urban area.

In summary, the rezoning is substantially in compliance with the comprehensive plan. The proposed development does comply with each of the criteria applicable to Professional/Service uses. Significant changes in the area would lead one to anticipate changes in designated use areas in the vicinity of the project as the current review of the comprehensive plan evolves. The result of these changes is that the subject property has been altered in its development potential to be consistent with Professional/Service use.

Applicant’s proposed Findings of Fact in support of its application are as follows:

- (a) The subject property is located within a Rural Preference Plan Area, where Professional/Service uses are appropriate in very limited locations;
- (b) The proposed development will not significantly increase the extent of Professional/Service Uses in the vicinity;
- (c) The Comprehensive Plan update now recognizes the location of a new-elementary school, a P-1 use, in the vicinity and a new subdivision in the vicinity;
- (d) The Comprehensive Plan update now recognizes the extension of sanitary sewers in the vicinity of the subject property;
- (e) The proposed development will not overburden the capacity of the roadways and other necessary services within the vicinity;
- (f) There is property currently zoned P-1 in proximity to the subject property and the applicant’s proposal is a logical extension of that zone.

Planning Staff Review

The subject property is located in the 4800 through 5000 blocks of KY 56. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA

Environment

The applicant has identified the property as being located in an area that contains prime farmland. The Map of

Important farmland prepared by the U.S Department of Agricultural Soil Conservation Service in 1976 confirms the property to be comprised of prime farmland. The Comprehensive Plan addresses the need to protect prime farmland, but recognizes that some prime farmland will be lost to development. Development that would encroach into prime farmland areas would most likely be those areas served by urban services, such as sanitary sewer systems. The Sanitary Sewer Facilities Plan in the Comprehensive Plan identifies this area for sanitary sewer extension within 0 to 2 years. Sewers have recently been extended to serve the Sorgho Elementary School and Whispering Meadows Subdivision. A preliminary development plan submitted in conjunction with this rezoning request indicates a commitment by the developer to install the necessary facilities to provide sewer service to this property and to accommodate future sewer service for adjacent properties.

Urban Services

All urban services are available to the subject property, including sanitary sewers with the developer's commitment to install a lift station to extend sewers to this property.

Roadway Capacity

KY 56 is classified as a minor arterial, planned to carry greater than 10,000 vehicles per day. Traffic generation from the proposed church facility should be able to be accommodated by the existing roadway. The Transportation Planner of the Green River Area Development District conducted a review of the site relative to traffic generation and access points. His findings indicated that improvements to the existing KY 56 are not necessary if two access points are provided to KY 56 and an additional access point is provided to KY 81.

Developer's commitment

A preliminary development plan has been submitted with this zoning request that shows two access points on KY 56 and one access point on KY 81.

Development Patterns

The subject property is currently in agricultural use. There are two single-family residences on the property. The property to the north across KY 56 is zoned I-1 Light Industrial, but remains agricultural in use. Property to the south is agricultural with a single-family dwelling. Property to the east is zoned B-4 General Business, but is still agricultural in use. Property to the west is a residence located in an agricultural zone. Recent development in the general vicinity includes a residential subdivision (Whispering Meadows) in the 5400 Block of KY 56 and a school at 5390 KY 56, a Professional/Service use.

Intersection & Driveway Spacing

KY 56 is classified as a minor arterial with a spacing standard of 500 feet between access points for new development. The new access points proposed for the church facility exceed this standard, as shown on the submitted preliminary development plan.

SPECIFIC LAND USE CRITERIA

The Comprehensive Plan identifies this land use area as a Rural Preference Plan Area. Several factors have contributed to this area becoming a transition area suitable for urban development. The extension of sanitary sewers to serve Sorgho Elementary School changed the nature of this Plan Area. Rezoning of property for urban residential development in Whispering Meadows Subdivision relied on this sewer extension to find that there were major changes that affected the character of the vicinity. Since the extension of the sewer system to Sorgho school, the recently adopted Comprehensive Plan update identifies this area as an area to be served by sanitary sewers within 2 years: The map of Sanitary Sewer Facilities Plan (Exhibit 675-M1) clearly shows a large area, so designated, including this property. This Rural Preference Plan Area is becoming more urban in nature, more closely resembling a Future Urban Plan Area. In a Future Urban Area, professional/service uses are appropriate in limited locations. They may be considered as a logical expansion of existing professional/service uses. The Sorgho school is a professional/service use that has been established in the general vicinity abutting the same road. New locations of Professional/Service zones may also be considered in limited locations in a Future Urban Area. The criteria for new locations include orientation along major-streets. This zoning proposal meets this criterion, as the subject property is located on a minor arterial roadway, KY 56. Also, new locations of P-1 Professional/Service zones should be at least one acre in size. This request involves 72.074 acres and therefore meets the criteria relative to size. Staff review finds that the applicant's proposal is in compliance with the comprehensive plan since the plan now recognizes the sewer extension in the area, previous zoning requests have also identified this area as a transition area, changing from a Rural Preference Plan Area to an area more appropriate for urban development, and existing areas of Professional/Service use have been located in the general vicinity.

Planning Staff Recommendations

Staff recommends approval because the proposal is in substantial compliance with the community's Comprehensive Plan. This recommendation is made subject to the condition and findings of fact that follow:

Condition:

1. Submittal and approval of a final development plan prior to issuance of a building permit.

Findings of Fact:

1. The subject property is located in a Rural Preference Plan Area, where professional/service uses are appropriate in very-limited locations;
2. The Comprehensive Plan now identifies this area on the map of Sanitary Sewer Facilities Plans as planned for sanitary sewers near-term, which alters the plan area to be comparable to a Future Urban Plan Area;
3. The construction of the Sorgho Elementary School and the rezoning for the development of Whispering Meadows Subdivision are evidence that the plan area is in transition and has facilities planned that will support more urban development than a Rural Preference Plan Area typically has;
4. The applicant's proposal meets the criteria for new locations of P-1 Professional/Service uses in a Future Urban Plan Area, the proposal is major-street oriented and over one acre in size; and,
5. The Transportation Planner has found that the location and character of the proposed access points as shown on the submitted preliminary development plan should not overburden the capacities of KY 56 and KY 81.