



OCTOBER 12, 2006

**PORTION OF 4700-4800 BLKS  
SUTHERLAND RD**

**ZONE CHANGE**

<b>From:</b> A-R Rural Agriculture		
<b>To:</b> B-4 General Business		
<b>Proposed Use:</b> Church		
<b>Acreage:</b> 2.130		
<b>Applicant:</b> Greater Vision Baptist Church; Stephen & Christine Aull (0610.1660)		
<b>Property Zone Existing Use</b>	<b>to North</b> B-4, A-R Golf Driving Range, Vacant	
<b>to West</b> A-R Farmland	<b>Subject</b> A-R ➔ B-4 Vacant	<b>to East</b> A-R Farmland
	<b>to South</b> A-R Farmland	

**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 an Urban Residential 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 shall 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.

## Applicant's Findings

Applicant is seeking a B-4 General Business Zone. Subject property is located in an Urban Residential Plan Area where general business uses are appropriate in very limited locations.

The applicant proposes to construct a new church building containing approximately 7,500 square feet with a sanctuary having a capacity of 200 people. The proposed building will also include church office facilities and classrooms.

Submitted herewith is a combination preliminary subdivision plat and final development plan showing proposed improvements including widening of Sutherland Road, sanitary sewer extension, proposed site improvements including a grading plan and storm water detention.

The application is in substantial compliance with the adopted comprehensive plan. Specific land use criteria applicable to this zoning change are as follows:

- (a) Building and lot patterns; outdoor storage yards.

Building and lot patterns should conform to the criteria for “Nonresidential Development,” specifically, expansions of existing nonresidential uses and areas. Limited expansion of existing nonresidential uses and area should be accommodated where they reasonably satisfy a set of “logical expansion criteria.” The proposed rezoning is

limited in scope, consisting of 2.130 acres, and clearly constitutes a logical expansion of an existing B-4 zone.

(b) 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 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. All urban services are available to the subject property. Sanitary sewer services have been extended along Sutherland Road and presently serve the Hawkins property immediately to the north. The preliminary subdivision plat shows the proposed sewer extension which would serve the subject property, an existing 6-inch OMU waterline with fire hydrant along the west side of Sutherland Road to provide both water supply and fire protection. Sutherland Road shall be widened to a 20-foot pavement width, consistent with improvements required for previous rezonings immediately to the north. The property is served by Western Kentucky Gas and Kenergy. Access to the property is provided by Veach Road and Salem Drive, via Sutherland Road.

(c) Expansion across intervening streets.

Criteria not applicable.

The Urban Residential Plan Area, which encourages residential development for the subject property, is inappropriate. Residential development of land in this area is not economically feasible. In addition, said land is not suitable for residential development due to flood plain considerations and subsequent added costs of development.

There have been major social, physical and economic changes within the area involved which were not anticipated in the comprehensive plan, and those changes have substantially altered the basic character of the area involved. These changes include the following:

(a) Rezoning of the Jones property (Lucky Strike Subdivision) consisting of two parcels located on Salem Drive from A-U to B-4 General Business. The larger tract consisting of 18.397 acres fronts along the south side of Salem Drive and the west side of Sutherland Road, and is situated directly across the road from the subject property. The remaining smaller tract fronts on the north side of Salem Drive and backs up to the by-pass. This rezoning occurred on May 19, 1990.

(b) The abandonment of the L&N Railroad and the construction of J.R. Miller Boulevard on the railroad

property has provided the area with additional commercial potential.

(c) Construction of Salem Drive connecting J.R. Miller Boulevard and Veach Road. This connection provided for a through highway from Frederica Street to US 231. The construction of J.R. Miller Boulevard and Salem Drive has opened up this area for commercial development.

(d) The continuing expansion of the general area for commercial development provided for the economic potential for the subject property.

(e) The proposed rezoning is consistent with the previous rezoning to B-4 for lots situated immediately to the north.

## Planning Staff Review

The subject property is located in the 4700 and 4800 blocks of Sutherland Road. 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 located in a wetlands area. The subject property is located in a special flood hazard area per FIRM Map 21059CO280C. It appears that 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 Comprehensive Plan recognizes that some prime farmland will be lost in urbanizing areas. 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

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

### Development Patterns

The subject property is located in a primarily agricultural area with A-R zonings on all sides. However, there is existing B-4 zoning located immediately north of the subject property with frontage on Sutherland Road. The

site is currently vacant but a development plan and conditional use permit has been approved for the site which shows storage units as the proposed use. The property further north is zoned B-4 as well with a golf driving range and other sporting related uses. The B-4 zoning on this side of Sutherland Road is comprised of two lots that were a portion of the same parent tract as the subject property.

In the vicinity of the subject property, Sutherland Road is classified as a local roadway. The pavement width is approximately 16 feet with no curb and gutter and it serves primary scattered large lot rural residential uses. As the two properties to the north were rezoned and developed, Sutherland Road was widened to a 20 foot pavement width with shoulders. Provisions on the previous submittals have also included a commitment by the developer to widen the road to a standard 34 foot pavement width with curb and gutters as deemed necessary by the county engineer.

Also, roadway capacity to the subject property is severely compromised during periods of localized heavy rains, when Sutherland Road is often closed due to flooding. According to the FIRM maps, the base flood elevation for the subject property is 392 feet. The subject property is currently below that elevation, but the preliminary plat/final development plan submitted in conjunction with the rezoning indicates a finished floor elevation for the church facility to be 395 feet.

The preliminary plat/final development plan submitted also addresses the required roadway improvements as required on the previous zoning changes. The county engineer has indicated that the proposed 20 foot pavement width is sufficient for the proposed use. The plan shows a single access to Sutherland Road with on-site paved parking and detention.

### **SPECIFIC LAND USE CRITERIA**

Limited expansions of non-residential uses and areas should be accommodated where they reasonably satisfy a set lot logical criteria. Existing general business zones may be extended onto contiguous land that generally abuts the same streets and the property located immediately north of the subject property is currently zoned B-4 General Business. Expansion of the B-4 zone to the subject property should not overburden existing roadways, since the development plan proposes roadway improvements as required on the Sports Warehouse property and the Jim Hawkins property to the north.

### **Planning Staff Recommendations**

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive

Plan. The conditions and findings of fact that support this recommendation include the following:

#### **Conditions:**

1. Approval of a final development plan by the OMPC.
2. Commitment on the preliminary plat/final development plan to improve Sutherland Road to a 34 foot pavement width with curb and gutter when deemed necessary by the county engineer.

#### **Findings of Fact:**

1. The subject property is located in an Urban Residential Plan Area, where general business uses are appropriate in very-limited locations;
2. Property to the immediate north of the subject property is zoned B-4 General Business;
3. Improvements have been proposed to widen the existing road to maintain an acceptable level of service on Sutherland Road; and,
4. The applicant's proposal is a logical expansion of the B-4 General Business zoning to the north, because it will not significantly increase the extent of general business uses that are located in the vicinity or overburden the capacity of the roadways or other necessary urban services in the affected area, upon completion of the proposed roadway improvements.