

SEPTEMBER 11, 2008

4300 VEACH RD

ZONE CHANGE

From: A-R Rural Agriculture

To: B-4 General Business

Proposed Use: Church

Acreage: 11.075

Applicant: River City Church, Inc. (0809.1728)

Property Zone <i>Existing Use</i>	to North R-1C Residential	
to West B-4, R-1B Residential, Undeveloped Commercial	Subject A-R ⇄ B-4 Vacant	to East R-1A, A-U Residential, Proposed Recovery Center
	to South A-U, B-4 Commercial Lots, Farm Tract	

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 Business Plan Area, where general business uses are appropriate in limited locations.

SPECIFIC LAND USE CRITERIA

(a) Building and lot patterns; outdoor storage areas - Building and lot patterns should 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

The subject property is located in a Business Plan Area where general business uses are appropriate in limited locations. The property located at 4300 Veach Road consists of 11.075 acres fronting on Veach Road to the east and JR Miller Boulevard to the west. The applicant proposes to develop the property as a major subdivision with proposed streets connecting JR Miller Boulevard and Veach Road as shown on the preliminary development plan submitted herewith. River City Church plans to build a new church facility near Veach Road with commercial lots to the west.

Specific criteria which apply to this application are as follows:

Building and lot patterns; outdoor storage areas. The proposed rezoning constitutes a limited expansion of nonresidential B-4 uses and areas existing to the west across JR Miller Boulevard and south of the US 60 Bypass along Salem Drive and Sutherland Road. The applicant agrees to comply with all screening requirements as set forth in the zoning ordinance, including a 10-foot landscape buffer along the north boundary adjoining Fiddlesticks subdivision.

Logical zoning expansion of proportional scope. The proposed rezoning is a logical expansion of B-4 zoning to the west and south. The plan includes provision for new streets connecting JR Miller Boulevard and Veach Road which should improve traffic flow in the area. All urban services are available to the site. The proposed

development will not overburden the capacity of roadways and necessary urban services that are available in the affected area.

New location in business plan area. Criteria not applicable to this application.

The proposed rezoning is in compliance with all requirements set forth in the comprehensive land use plan.

Planning Staff Review

The subject property is located in the 4300 block of Veach 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 a portion of the subject property is located in a wetlands area. The subject property is partially located in a special flood hazard area per FIRM Map 21059CO280 C. Based on the preliminary FIRM maps dated July 7, 2007, the subject property is partially located in a special flood hazard area per map 21059CO276 D. 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 a vacant tract of land between JR Miller Boulevard and Veach Road just north of the Wendell Ford Expressway. The property to the north is zoned R-1C Single-Family Residential with single-family residential uses. The property to the east is zoned R-1A Single-Family Residential and A-U Urban Agriculture. The A-U portion has been approved for a recovery center under a conditional use permit process. The property to the South and West is zoned primarily B-4 General Business with small portions of R-1B Single-Family Residential and A-U Urban Agriculture. Land uses

include a contractor's model home, vacant commercial tracts, residences and farm land.

In the vicinity of the subject property, both JR Miller Boulevard and Veach Road are classified as major roadways. Veach Road is classified as a major collector roadway with a 250 foot access spacing standards and a 30 foot roadway buffer from the street centerline. The preliminary development plan submitted in conjunction with the rezoning shows a proposed street intersection with Veach Road in alignment with the proposed drive access for the recovery center at 4301 Veach Road. JR Miller Boulevard has special access management standards that are applicable as this site develops. In order to satisfy the requirements of the special access control policies along JR Miller Boulevard, a new street intersection must complete an existing three-leg street intersection to create a four-leg intersection and must connect with the public street system serving the adjoining neighborhood. As shown on the preliminary development plan, these items are satisfactorily addressed. The street intersection at JR Miller Boulevard will be in alignment with Weikel Drive and create a four-leg intersection. The public road network will connect to Veach Road thus connecting with the public street system serving the adjoining neighborhood. To ensure that the intent of the access control requirements are followed, the phasing of street construction shall begin with the street intersection at Veach Road and progress westward as the site develops to ultimately provided a through connection between Veach Road and JR Miller Boulevard. No access to JR Miller Boulevard or Veach Road will be permitted except for the proposed public streets.

Since the commercial zoning will be adjacent to residential zoning to the north if the rezoning is approved, a ten foot landscape buffer with a six foot element and one tree every 40 linear feet shall be installed along the entire northern boundary of the property. All vehicular use areas shall be paved and vehicular use area screening, including a three foot easement with a continuous three foot high element and one tree every 40 linear feet, shall be installed where parking areas adjoin road right-of-way. Also, due to the proximity to residential structures, all lighting for the subject property should be directed away from the residential structures to reduce the impact of the commercial light and glare onto the residential property.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the requirements of the Comprehensive Plan. The proposed rezoning is a logical expansion of existing B-4 General Business zoning located across JR Miller Boulevard and the Wendell Ford Expressway. The expansion of B-4 General Business zoning should not significantly increase

the extent of the zone in the vicinity should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

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. Access to both JR Miller Boulevard and Veach Road shall be limited to the proposed public street intersections as shown on the preliminary development plan submitted in conjunction with the rezoning;
2. The site development shall be phased to connect the public street to Veach Road first and to move westward as the site develops. The street connection to JR Miller Boulevard shall be in compliance with the special access restrictions and shall not be made until it will connect the roadway network within the surrounding neighborhood; and,
3. Due to the proximity to residential structures, all lighting for the subject property should be directed away from the residential structures to reduce the impact of the commercial light and glare onto the residential property

Findings of Fact:

1. The subject property is located in a Business Plan Area, where general business uses are appropriate in limited locations;
2. The subject property will be used for a church and commercial purposes and will be nonresidential in nature;
3. The proposal is a logical expansion of existing B-4 General Business zoning located immediately south and west of the subject property;
4. The expansion of the B-4 zoning 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.