

FEBRUARY 9, 2023

527 ALLEN STREET & 618 DAVIESS STREET

ZONE CHANGE

From:	R-4DT Inner-City Residential & P-1 Professional/Service
To:	B-2 Central Business
Proposed Use:	Church/Business
Acreage:	3.107
Applicant:	Third Baptist Church (2203.2248)
Surrounding Zoning Classifications:	
North:	B-2
South:	R-4DT
East:	R-4DT
West:	R-4DT

Proposed Zone & Land Use Plan

The applicant is seeking a B-2 Central Business zone. The subject properties are located in a Professional/Service Plan Area, where central business uses are not generally recommended, and in a Central Residential Plan Area where central business uses are appropriate in very-limited locations.

**SPECIFIC LAND USE CRITERIA –
CENTRAL RESIDENTIAL PLAN AREA**

- Building and lot patterns** – Building and lot patterns should conform to the criteria for “**Nonresidential Development**” (D7).
- 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 findings that a community need exists for these districts to be expanded.
- To serve the needs of existing establishments** – In Central Residential, Business, and Business/ Industrial 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 district.

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 map dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Map 21059CO138D.
- It appears that the subject property is not located within the Owensboro Wellhead Protection area per the OMU map dated 2015.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA, the EPA, the OMPC building/electrical/HVAC division or other state and federal agencies as may be applicable.

Urban Services

All urban services, including sanitary sewer, are available to the subject properties.

Development Patterns

The subject properties consist of three tracts of land. Two are addressed as 527 Allen Street and include the entirety of the Third Baptist Church operations. The third property includes a smaller, vacant property on Daviess Street, also owned by the church. All three properties are primarily zoned R-4DT Inner-City Residential, while also including two small areas of P-1 Professional/Service zoning.

The application states that the proposal is to continue the existing church operation. However, conversations between the OMPC staff and the applicant have indicated that the applicant intends to utilize a portion of the building for an independent business use that is separate from the church operation. The remainder of the building will continue to be utilized by the church. Because the properties are largely zoned R-4DT Inner-City Residential, the applicant has proposed to rezone the properties to B-2 Central Business in order to allow for the proposed business use.

The subject properties are largely adjoined by R-4DT Inner-City Residential zoning and uses, with the exception of those to the north (located across W 5th Street), which are zoned B-2 Central Business. The adjoining B-2 zoning spans much of the downtown area. Due to the mixed-use character of the area, the church and the proposed business may serve the needs of the residential properties and other existing establishments within the general vicinity.

The majority of the subject properties are located within a Professional/Service Plan Area where central business uses are not generally recommended. However, the properties are also located in the Downtown Transition overlay district per the Downtown Master Plan adopted by the City of Owensboro in October 2009 and also adopted within the land use portion of the Comprehensive Plan. As part of the overall redevelopment of the downtown area, properties 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 rezoning of the property will allow for new uses, promoting redevelopment of this area and implementation of the Downtown Master Plan.

Because the subject property is located within a downtown overlay district, the downtown design administrator is required to review and approve any use prior to occupancy. Cory Smith, the Downtown Design Administrator, shall be contacted to ensure the use and all site development requirements of Article 21 of the Owensboro Metropolitan Zoning Ordinance are met.

Prior to occupancy of a second use on the property, the applicant must obtain approval of a final development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage. The OMPC Building, Electrical & HVAC department shall be contacted before any construction activity takes place on the property.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The subject properties are located within the downtown overlay districts where properties are considered ideal candidates for B-2 Central Business zoning. Additionally, the proposal is nonresidential in nature and is a logical expansion of existing B-2 zoning to the north. Lastly, the existing church and proposed businesses may serve the needs of the residential area, as well as the existing establishments in the general vicinity.

Planning Staff Recommendations

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

Condition:

1. Obtain approval of a 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 majority of the properties are located in a Professional/Service Plan Area where central business uses are not generally recommended. However, the subject properties are located within the downtown overlay districts where properties are considered ideal candidates for B-2 Central Business zoning;
3. A smaller portion of the properties is located in a Central Residential Plan Area where central business uses are appropriate in very-limited locations;
4. The proposal conforms to the criteria for Nonresidential Development;
5. The proposal is a logical expansion of existing B-2 Central Business zoning to the north; and,
6. The existing church and proposed businesses may serve the needs of the residential area, as well as the needs of other existing establishments within the general vicinity.