

NOVEMBER 8, 2007

1937 LEITCHFIELD RD, 2050 E PARRISH AV

ZONE CHANGE

From:	A-U Urban Agriculture P-1 Professional/Service	
To:	P-1 Professional/Service	
Proposed Use:	Professional Offices	
Acreage:	3.46	
Applicant:	Dale Buskill, SMB Properties, LLC (0711.1696)	
Property Zone Existing Use	to North A-U Residential, Ohio Valley 2-way radio	
to West P-1, A-U Cemetery, Vacant	Subject A-U, P-1 → P-1 Vacant, Single- Family Residential	to East A-U Vacant
	to South R-1A, R-4DT Single & Multi- Family Residential	

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 an Urban Residential Plan Area where professional/service uses are appropriate in limited locations.

SPECIFIC LAND USE CRITERIA

- (a) **Building and lot patterns** should conform to the criteria for **“Nonresidential Development.”**
- (b) **Logical expansions** - Existing areas 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.”** An expansion of this use should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

Applicant's Findings

The subject properties, 1937 Leitchfield Road and 2050 E Parrish Avenue, are located in an Urban Residential plan area where professional/service uses are appropriate in limited locations.

The applicants, Dale Buskill and Dr. Stephen Block, are currently working together on a redivision of the subject properties, which will better facilitate access to E Parrish Avenue and square up the common property line between the two tracts. The applicants are in the process of drafting a redivision plat which will realign their common property line in a manner which will be mutually beneficial to both properties. Currently Dr. Blocks' property, 2050 E Parrish Avenue is zoned P-1 Professional/Service and Mr. Buskill's property is zoned A-U Urban Agriculture. The applicants propose to rezone both tracts to P-1. Dr. Block's property is party to this rezoning for two reasons:

1. Dr. Block has an approved Final Development Plan which will have to be amended to address revisions resulting from the rezoning, including access to E Parrish Avenue and site layout revisions required by future changes to Dr. Block's southern property line.
2. The rezoning application as present herein will address access spacing issues on E Parrish Avenue which will directly impact Dr. Block's property.

The applicants proposed to provide a single access point to E Parrish Avenue which will serve the two subject properties as well as the Edward Welsh property located to the southeast of the subject property. The Welsh property is located at the southwest intersection quadrant of the E

Parrish Avenue and Leitchfield Road intersection. The proposed common access point will be located approximately 481-feet from the centerline of Leitchfield Road. The actual access point will be located on a portion of Dr. Blocks' property which lies between Mr. Buskill's property and E Parrish Avenue. Ownership of this portion of the property will be transferred to Mr. Buskill via a future plat. An ingress/egress easement will be provided to provide access for the three said properties. The applicants believe this to be the most logical location for an access point. Dr. Block has agreed to limit the E Parrish Avenue access to his property to said point and give up his currently approved access point.

Specific Land Use Criteria:

(a) Building and lot patterns should conform to the criteria for "Nonresidential Development"

As states previously Dr. Block's property is already zoned P-1 Professional/Service and he has an approved final development plan to construct a professional office building complex on his property. In addition, the applicant cites The Springs complex located to the southeast of the subject property which contains a mixture of commercial and professional/service uses. Recent changes regarding the subject properties as well as the Welsh property has made the development of uses other than residential more practical.

(b) Logical Expansion

The proposed rezoning is a logical expansion of the exiting P-1 zoning located on Dr. Block's property. The sharing of an access point to E Parrish Avenue makes the expansion even more logical.

(d) New Location

Not applicable.

Planning Staff Review

The subject property is located in the 1901 block of Leitchfield Road and the 2000 block of E Parrish Avenue. 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 not located in a special flood hazard area per FIRM Map 21059CO140 C. Based on the preliminary FIRM maps dated July 7, 2007,

the subject property is not located in a special flood hazard area per map 21059CO139 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 located in an area of mixed residential, professional/service, and industrial uses. Land uses in the vicinity include single-family residential, multi-family residential, a cemetery, Ohio Valley two-way radio and vacant land.

The tract at 2050 E Parrish Avenue was rezoned from A-U Urban Agriculture to P-1 Professional/Service at the October 2005, Planning Commission meeting. At that time, access to E Parrish Avenue was limited to a single access point and access to Leitchfield Road was limited to a single access point. The drive on E Parrish Avenue was approved on a final development plan in alignment with an existing drive across E Parrish Avenue. The tract at 1937 Leitchfield Road has an existing residence on the property with access to Leitchfield Road.

In vicinity of the subject properties, East Parrish Avenue is classified as a principal arterial roadway with a spacing standard of 500 feet for access points. Leitchfield Road is classified as a collector roadway with a spacing standard of 250 feet. Sight distance along the Leitchfield Road frontage could be a concern based on the curvature of the roadway and existing grades on the subject property. At the time of site approval, calculations should be submitted to demonstrate that adequate sight distance exists at the proposed drive location. Since no development plan or site plan has been submitted in conjunction with this zoning change, approval should be subject to a final development.

As presented by the applicant's, the relocation of the approved drive location does not conform to the access management guidelines. The spacing between the proposed drive and Leitchfield Road is only 481 feet. Also, there is an existing drive across E Parrish Avenue that will not be in alignment with the proposed access point. Not only are the drives not aligned, but the offset is such that left-turning maneuvers from the center turn lane

would overlap and could create a hazard due to the potential for collisions.

It is staff's opinion that the relocation of the approved drive does not improve the transportation network or reduce drives to E Parrish Avenue. The property located at 2050 E Parrish Avenue should maintain the access points as approved on their final development plan. Access to 1937 Leitchfield Road shall be limited to a single access point in compliance with the access management spacing standards.

SPECIFIC LAND USE CRITERIA

The subject property is a logical expansion of an existing P-1 Professional/Service zone located immediately west of the subject property. The proposed rezoning should not overburden roadway capacity and other 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 2050 E Parrish Avenue shall be limited to the approved locations as shown on the final development plan approved on January 4, 2007;
2. The need for a right-turn decel and storage lane should be evaluated when access is established on E Parrish Avenue; and,
3. Access to 1937 Leitchfield Road shall be limited to a single access point on Leitchfield Road in compliance with the Access Management Manual.

Findings of Fact:

1. The subject property is located in an Urban Residential Plan Area where professional/service uses are appropriate in limited locations;
2. The subject property is a logical expansion of an existing P-1 Professional/Service zone located immediately west of the subject property; and,
3. The proposed rezoning will not significantly increase the extent of the P-1 zoning classification in the vicinity and will not overburden roadway capacity and other urban services that are available in the affected area.