

**APRIL 14, 2011**

<b>2500 BARRON DR</b>	
<b>ZONE CHANGE</b>	
<b>From:</b> B-4 General Business w/conditions	
<b>To:</b> B-4 General Business	
<b>Proposed Use:</b> Commercial Development	
<b>Acreage:</b> 7.515	
<b>Applicant:</b> LSK Properties, LLC (1104.1803)	
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> R-3MF, R-1C	<b>South:</b> I-1
<b>East:</b> B-4	<b>West:</b> I-1 R-1C

### 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 yards –** 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 zoned 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.

### 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 dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Map 21059CO257 D.
- It appears that the subject property is not within the Owensboro Wellhead Protection area per the GRADD map dated March 1999.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

#### Urban Services

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

### Development Patterns

The subject property was rezoned from A-U Urban Agriculture to B-4 General Business at the March 8, 2007, OMPC meeting. At that time, three conditions were placed on the zoning. One of the conditions stated that “Access shall be limited to Barron Drive only and shall be limited to a total of three access points.” Barron Drive is currently classified as a major collector roadway with an access spacing standard of 250 feet.

At this time, the applicant has submitted a rezoning request to amend the previous conditions to allow a potential of four access points to the property. A letter of support Bill Hayes, a transportation engineer with BWSC, was included with the rezoning submittal. Mr. Hayes included the potential development on the north side of Barron Drive in his analysis of four access points to the subject property. The property to the north is a portion of a large tract owned by the Ellis Estate that was rezoned to B-4 General Business in 2010. The preliminary development plan approved in conjunction with the rezoning showed two main street access points with the potential for individual or shared access points for some of the outparcels. The conceptual plan submitted with the current rezoning shows the three access points approved in 2007 in alignment with the access points approved on the Ellis Estate preliminary development plan. The fourth access point meets access spacing standards.

Keith Harpole, the associate director for transportation planning with the Green River Area Development District, reviewed the proposed additional access point and indicated that the access points are in accordance with the access management manual and he did not have an issue approving the four access points. Kenny Potts with the Kentucky Transportation Cabinet and Mark Brasher, the Daviess County Engineer, were also asked to comment. Mr. Potts stated that KYTC implemented new traffic impact study requirements in 2009, and that a development with this amount of potential build out would require a traffic impact study. Until the study is complete, the state will reserve comments regarding the number and location of access points and any required roadway improvements. Mr. Brasher echoed the comments from the KYTC in regards to the need for a traffic impact study before analyzing access. Both also indicated that the proposed location of access points for the property to the north should be considered.

Based on the information submitted and the review by the various agencies, planning staff does not recommend denial of the applicant’s request for a maximum of four access points since the spacing standards are met. However, the applicant should be aware that a traffic impact study will be required by the KYTC and the county

engineer prior to the issuance of any access permits and that access may be further limited by this review. The applicant states in their findings that the first access point should be at least 865 feet from the centerline of the Barron Drive and Carter Road intersection which would align with the proposed Access #2 of the preliminary development plan approved for the Ellis Estate property. The remaining access points, if approved, shall be in alignment with the access points approved on the preliminary development plan and must be in compliance with the minimum requirements of the access management manual.

#### **SPECIFIC LAND USE CRITERIA**

The applicant's proposal is in compliance with the Comprehensive Plan. The subject property is currently zoned B-4 General Business and the only reason for the current application is to amend access restrictions placed on the initial zoning. All urban services are available to the site.

#### **Planning Staff Recommendations**

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

##### **Conditions:**

1. No access shall be permitted to the Wendell Ford Expressway or Carter Road; and
2. Access to Barron Drive shall be limited to a potential of four access points in compliance with the Access Management Manual with no access point to be located within 865' of the centerline of the Barron Drive and Carter Road intersection subject to access number and locations approved by the KYTC and county engineering upon review and approval of a traffic impact study as required by the KYTC.

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

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located in a Business Plan Area, where general business uses are appropriate in limited locations;
3. The entire tract is currently zoned B-4 General Business; and,
4. With a traffic impact study required by the KYTC to review the access to the property and with the access plan in accordance with the Access Management Manual, the proposal should not overburden the capacity of roadways and other necessary urban services.