



**APRIL 12, 2012**

**6020 US HIGHWAY 231**

## ZONE CHANGE

<b>From:</b> A-R Rural Agriculture	
<b>To:</b> B-4 General Business	
<b>Proposed Use:</b> Commercial	
<b>Acreage:</b> 7.987	
<b>Applicant:</b> Equity Trade and Relocation Company; Marnic, LLC; ASN Investments, LLC (1204.1834)	
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> A-R	<b>South:</b> R-1A
<b>East:</b> A-R	<b>West:</b> A-R, R-1A

## Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business zone. The subject property is located in a Rural Community 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).

**(f) New locations in Rural Communities –** In Rural Community plan areas, new locations of General Business zones should be “major-street-oriented” (D2) and should be sited at corners of intersecting streets if located in close proximity to existing dwellings.

## 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 partially located in a special flood hazard area per FIRM Maps 21059CO279 and 285 D.
- It appears that the subject property is not within the Owensboro Wellhead Protection area per the GRADD map dated March 1999.
- The property is designated as prime agricultural farmland per the US Department of Agriculture Soil Conservation Service map dated March 1980.
- 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 is currently a vacant tract of ground located within the Rural Community of Masonville. The site adjoins the Deer Valley Subdivision to the south and west while the north and east sides are entirely road frontage.

The applicants have proposed to rezone two parcels, the subject property with approximately 7.987 acres and a tract across US Highway 231 that contains approximately 5.228 acres. Due to the size of the parcels, the proposed commercial zoning and location along US Highway 231, the applicants were advised that a Traffic Impact Study would be required per KYTC regulations. Barge, Waggoner, Sumner & Cannon, Inc. completed the TIS and copies were distributed to Kenny Potts with KYTC, Mark Brasher the county engineer, Keith Harpole with the Green River Area Development District and OMPC staff.

Based on the TIS, access to the properties includes two access points on US Highway 231 and a single access point on Hill Bridge Road for the parcel at 6020 US Highway 231 and a single access point to Old Hartford Spur for the parcel at 6025 US Highway 231. The applicants do not have a specific use in mind for the properties at this point so the TIS assume a worst case scenario of approximately 130,000 square feet of shopping center divided between the two tracts.

The TIS analysis demonstrates that roadway improvements will be required in order to mitigate the traffic generated by the site. Based on the analysis in the TIS, the following improvements are noted:

1. A northbound left-turn lane will be required at both Access 1 and Access 2 on US 231. All turn lanes should include a minimum of 295 feet of storage and 180 feet of taper.
2. At full site development and the proposed widening of US 231, the following turn lanes will be required: a northbound right-turn lane at Access 2, southbound right-turn lane at KY 298, southbound right-turn lane at Access 1, and a southbound left-turn lane at Access 1. All turn lanes should include a minimum of 295 feet of storage and 180 feet of taper.
3. Two approach lanes for exiting traffic departing the site and turning onto US 231 will be required at both Access 1 & 2 for both parcels included in the rezoning. One approach lane should be designated solely for left turns and a minimum of 75 feet of storage should be provided before the first cross-street or internal access.

4. Truck traffic should enter the site from the access points on US 231.

5. The full development of the commercial property and the adjoining residential property is dependent upon the completion of future widening of US 231 by the design year of 2025.

6. All traffic control signs on public right-of-way should meet the minimum standards of the Manual of Uniform Traffic Control Devices even if the signs control exiting site traffic. Signs should have standard retroreflective sheeting for nighttime visibility.

Keith Harpole, the Associate Director for Transportation Planning with the GRADD office, submitted the following comments concerning the TIS:

1. The access points, whether one or two per side, be constructed in alignment with each other.
2. Left-turn and right-turn lanes should be installed on US 231 at all approaches to Access 1 & 2.
3. While the widening of US 231 is included in the Metropolitan Transportation plan in the Open to Traffic section by 2020, this is just a plan and there are no guarantees that the widening will be constructed and open to traffic by 2020.
4. If the widening of US 231 has not taken place by 2020, the developer should be responsible for all improvements required to mitigate traffic for the commercial development.

Mark Brasher, the County Engineer, did not have any specific comments in regards to the TIS. Both US 231 and Hill Bridge Road are state roads so the county would not have jurisdiction over any potential roadway improvements that may be required. The Kentucky Transportation Cabinet, was also asked for comments, but were not able to furnish comments prior to the publishing of the OMPC staff report.

Due to the proximity to existing residential zoning, a ten foot landscape easement with a six foot high element and one tree every 40 linear feet will be required along the south and west property lines. Also, all light from the site shall be directed away from the residential development.

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

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed use for commercial development conforms to the criteria for nonresidential development. The proposal is a new location of commercial zoning in the area but is located at the corner of intersecting streets with road frontage on US 231, Hill Bridge Road and Old Hartford Spur. US 231 is classified as a minor arterial roadway and satisfies the requirement of

"major-street" orientation. Although the exact nature of the development of the property is not currently know, with a commitment by the developers to make roadway improvements outlined in the Traffic Impact Study prepared and submitted as part of the rezoning application, the development should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

#### **Planning Staff Recommendations**

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

**Condition** – Roadway improvements will be required to mitigate the impact of the development on the roadway network. The required improvements are outlined in the Traffic Impact Study submitted in conjunction with the rezoning request and shall be implemented as approved, including any potential additional requirements, by the Kentucky Transportation Cabinet.

#### **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 Rural Community Plan Area where general business uses are appropriate in limited locations;
3. The use for commercial development will be nonresidential in nature;
4. The proposal is major-street oriented with frontage on US 231;
5. Although a new location of commercial development within the rural community, the proposal is at the corner of intersection streets as recommended in the Comprehensive Plan; and,
6. With a commitment by the developers to make roadway improvements outlined in the Traffic Impact Study, the development should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.