

MAY 9, 2013

3830 HIGHWAY 54

ZONE CHANGE

From:	A-U Urban Agriculture
To:	B-4 General Business
Proposed Use:	Retail Sales
Acreage:	1.870
Applicant:	Steve Lambert; John & Nancy Grimes (1304.1871)
Surrounding Zoning Classifications:	
North:	B-4
South:	R-1A
East:	R-3MF
West:	A-U

Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business zone. The subject property is located in an Urban Residential Plan Area where General Business uses are appropriate in very-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 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.

(c) Expansions across intervening streets – In Central Residential, Urban Residential, Future Urban, and Professional/Service plan areas, the expansion of an existing General Business zone across an intervening street should be at least **one-and-one-half (1.5) acres** in size, but should not occur if this would significantly increase the extent of the zone in the vicinity.

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 21059CO281 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 is a 1.870 acre tract with a single family residence currently located on the property. The applicant intends to redevelop the property for retail sales.

The subject property adjoins A-U Urban Agriculture property to the west, one property is a residence and the other is a farm. R-1A Single Family Residential zoning adjoins the subject property to the south with a residence located on the property. To the east, the adjoining property was rezoned to R-3MF Multi Family Residential in 1984, but has not been developed. With these adjoining properties being residential in nature, the applicant will be required to provide screening consisting of a 6 foot high solid element with one tree every 40 linear feet along the east, south and a portion of the west property boundaries. Because of the residentially developed neighborhood surrounding the subject property, due consideration should be given to any concerns of the neighboring residents with respect to the established lot patterns in the area.

The adjoining properties across Highway 54 are zoned B-4 General Business and P-1 Professional Service. The property located at 3811 Highway 54 was rezoned to B-4 General Business in 1992 and has since been developed as a commercial strip center with 4 units. The P-1 Professional/Service property is the Christ Presbyterian Church.

In the vicinity of the subject property, Highway 54 is classified as a minor arterial roadway with a 500 foot access spacing standard, 75 foot building setback line and 50 foot roadway buffer. Access to Highway 54 shall be limited to a single access point in alignment with the commercial drive across the street. To prevent the need for additional individual access points along Highway 54, ingress/egress easements shall be provided for the properties to the east and west to provide indirect access to Highway 54 should the adjoining properties develop in the future. A final development will be required to address the location of the ingress/easements to the adjoining properties to ensure that they will function efficiently and serve all properties.

A center turn lane exists on Highway 54 that will allow for left-turn movements to enter the site without impeding traffic flow on Highway 54. In the absence of a traffic impact study or exact use of the property, the need for a right turn lane at the proposed commercial drive cannot be fully evaluated at the time of rezoning. To ensure that the right-turn movement does not impact Highway 54 through traffic, a right-turn lane shall be installed on Highway 54 at the proposed commercial drive unless it is deemed unnecessary when reviewed by the KYTC for a commercial access point. The KYTC may require a traffic impact study and plans regarding access to the subject property should be submitted the KYTC for review before the access is constructed. The need for a right-turn lane should include calculations for traffic generated not only by the subject property, but traffic generation from the adjoining properties that will have indirect access via the ingress/egress easements. Should warrants be met now or in the future for a right-turn lane, the applicant shall install the required roadway improvement.

Changes or alterations to the structures or uses on site will require building, electrical, and HVAC permits. The OMPC building and electrical division should be contacted prior to any construction activity or changes.

that a right-turn lane be installed on Highway 54 by the applicant now or in the future if warrants are met.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed B-4 General Business zoning is a logical expansion of B-4 General Business zoning to the north, across Highway 54. At 1.870 acres, the proposed B-4 General Business zoning would not significantly increase the extent of B-4 zoning in the vicinity. With a single access point approved by the KYTC and right-turn lane installed by the applicant if and when warrants are met, the proposed B-4 zone should not overburden the capacity of roadways and other necessary urban services in the area. However, because of the established residential neighborhoods in the area, due consideration should be given to the concerns of the neighboring residents with respect to the established lot patterns in their neighborhoods.

Planning Staff Recommendations

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

Conditions:

1. Access to Highway 54 shall be limited to a single access in alignment with the commercial drive across the street;
2. Ingress/Egress easements shall be provided for the properties to the east and west of the subject property for future indirect access to Highway 54;
3. Submission of a final development plan to establish the location of the ingress/egress easements to the adjoining properties and all other site development requirements required by the zoning ordinance; and,
4. The applicant shall install a right-turn lane on Highway 54 at the proposed access point should warrants be met now or in the future in accordance with the requirements of 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 Urban Residential Plan Area where general business uses are appropriate in very limited locations;
3. The proposal is a logical expansion of existing B-4 General Business zoning to the north, across Highway 54; and,
4. At 1.870 acres, the proposal does not significantly increase the extent of general business zoning in the vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area with the provision