

MAY 9, 2013

601, 801 COMMERCE DR

ZONE CHANGE

From:	B-1 Neighborhood Business I-1 Light Industrial R-1A Single-Family Residential
To:	B-4 General Business
Proposed Use:	Rural King
Acreage:	17.63
Applicant:	Rural King, Inc.; Robert Anderson & Larry Harrington; Bruce & Kermit Speer & Gary Melvin (1305.1873)
Surrounding Zoning Classifications:	
North:	B-4
South:	I-1
East:	R-1A
West:	B-4

Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business zone. The subject property is partially located in a Business Plan Area, where general business uses are appropriate in limited locations and partially 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 Expansion 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.

Planning Staff Review

GENERAL LAND USE CRITERIA

Environment

- It appears that the subject property is not located in a wetland 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 21059CO139 D.
- It appears that the subject property is within the Owensboro Wellhead Protection area per the GRADD map dated March 1999. OMU reviewed and signed the preliminary plat/final development plan submitted in conjunction with the rezoning request.
- 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 consists of a 4.70 acre parcel where the existing Rural King store is located and an additional 12.99 acres to the south which will be the site for a new Rural King. Land uses in the vicinity include retail sales, agricultural land, single-family residences and industrial sites.

The shopping center where the current Rural King store is located is zoned B-1 Neighborhood Business. Article 15 of the zoning ordinance limits B-1 zoning areas to a minimum of five acres and a maximum of 15 acres. The expansion of the B-1 commercial area to include the 12.45 acre new site, would push the total B-1 area over the 15 acre maximum. Existing B-4 General Business zoning is located immediately north and west of the subject property and including the B-4 zoning along US Highway 60 in the vicinity, more than 100 acres of B-4 zoning are present in the area.

The existing Rural King building has frontage on Commerce Drive which is a publically maintained street in the county road index. The new building will have frontage on the extension of Commerce Drive. The street will be extended to the southern boundary of the new parcel which will allow for future extension if and when the adjoining property develops. The roadway extension is detailed on the preliminary plat/final development plan that was submitted in conjunction with the rezoning request.

The final development plan depicts the layout of the new facility and meets all minimum requirements in regards to parking, landscaping, paving, outdoor display, and all other site development requirements with the exception of two items. The applicant proposes to only construct sidewalks along the east side of the extended Commerce Drive since the west side is adjacent to the by-pass right-of-way. They have also requested a variance for perimeter screening along a portion of the side property lines to the rear of the new building. The variance was submitted in conjunction with the rezoning request and will be heard as a separate, related item.

The proposed site layout includes the required screening along the rear property line closest to the residential property to the east. There is also a 50' buffer strip between the proposed commercial site and the existing residential development. The 50' strip is sufficient right-of-way to allow a street to be constructed at some future time should the surrounding property further develop. In the meantime, it will serve as an increased buffer to the surrounding residential area. However, due to the proximity to existing residential development to the east of the subject property, all lighting shall be directed down and away from the residential area.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The use of the property for existing retail and a new Rural King store will be nonresidential in nature. The existing Rural King site is currently zoned B-1 Neighborhood Business and there is existing B-4 zoning to the north and west. With access to Commerce Drive that already has a signalized

intersection with US Highway 60 E, the expansion of the B-4 zoning 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: Approval of the major subdivision preliminary plat/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 subject property is partially located in a Business Plan Area, where general business uses are appropriate in limited locations and partially located in an Urban Residential Plan Area, where general business uses are appropriate in very-limited locations;
3. The proposed use of the property will be nonresidential in nature;
4. A portion of the subject property is currently zoned B-1 Neighborhood Business and the proposal is a logical expansion of existing B-4 General Business zoning to the north and west; and,
5. With access via an extension of Commerce Drive to US Highway 60 E the proposed zoning change should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.