

SEPTEMBER 12, 2013

4005, 4033, 4115 HIGHWAY 54

ZONE CHANGE

From:	P-1 Professional/Service A-U Urban Agriculture
To:	P-1 Professional/Service
Proposed Use:	Office Buildings
Acreage:	8.122+/-
Applicant:	Challenger Enterprise, LLC & Southern Star Central Gas Pipeline (1309.1883)
Surrounding Zoning Classifications:	
North:	A-U
South:	R-3MF, R-1C
East:	A-U
West:	A-U

Proposed Zone & Land Use Plan

The applicant is seeking a P-1 Professional/Service zone. The subject property is located in a Business Plan Area where professional/service uses are appropriate in limited locations.

SPECIFIC LAND USE CRITERIA

- (a) **Building and lot patterns** - Building and lot patterns should conform to the criteria for “**Nonresidential Development**” (D7).
- (b) **Logical expansions** – Existing areas of Professional/Service use may be expanded onto contiguous land that abuts the same street(s). An expansion of this use 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 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 properties are in an area of primarily residential and undeveloped urban agriculture property. The majority of the subject property, 6.90 acres, was

rezoned to P-1 Professional/Service in September 2009. Southern Star and Tony Huff and Associates offices occupy the 6.90 acres. The third parcel that is part of current rezoning application is an undeveloped adjoining parcel that is currently zoned A-U Urban Agriculture. The current rezoning request is to eliminate access conditions of the original property and to expand the existing P-1 Professional/Service to the adjoining property to the east.

In the vicinity of the subject property, Highway 54 is classified as minor arterial roadway with a 500 foot access spacing standard, 75 foot building setback and 50 foot roadway buffer. At the time of initial zoning to P-1 Professional/Service in 2009, the approval was granted with the following condition pertaining to access: “close the existing drive on the west side of the subject property and provide a shared access with the property located at 4115 KY 54 that will serve as the only access to the two properties.” The original parcel has since been subdivided to create 4005 and 4033 Highway 54. The most current recorded plat for the property includes all three parcels under consideration for the current zoning change and includes the following notes:

1. The property platted hereon shall be limited to the proposed access point shown hereon which will serve 4005, 4033, and 4115 KY 54.
2. No individual access to KY 54 shall be permitted.

Based on the previous condition of the zoning change and the recorded plat that limits access to Highway 54 to a single access point, the planning staff cannot support a new access point to Highway 54 as requested by the applicant. Since the proposed access point would access a state roadway planning staff contacted the Kentucky Transportation Cabinet office in Madisonville and Keith Harpole with the Green River Area Development District who oversees transportation for the Owensboro/Daviess County MPO. Comments received from both do not support a new access point on Highway 54.

The proposed expansion of P-1 Professional/Service zoning to 4115 Highway 54 is supported by the staff provided the access provisions as established on the original zoning change and subsequent subdivision plat are met.

SPECIFIC LAND USE CRITERIA

The applicant’s proposal is in compliance with the Comprehensive Plan. The proposed P-1 Professional/Service zone and use will be nonresidential in nature. The subject property is immediately adjacent to P-1 zoning to the west that was rezoned in September 2009. The proposed expansion of P-1 Professional/Service zoning will not overburden the capacity of roadways and other necessary urban services that are available in the affected

area based on the single access point that has previously been approved for 4005, 4033 and 4115 Highway 54.

Planning Staff Recommendations

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

Condition: Access to 4005, 4033, and 4115 Highway 54 shall be limited to a single access point per the September 2009 rezoning and recorded subdivision plat.

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 professional/service uses are appropriate in limited locations;
3. The proposal is a logical expansion of existing P-1 Professional/Service zoning located immediately west of the subject property; and,
4. The proposed expansion of P-1 Professional/Service zoning will not overburden the capacity of roadways and other necessary urban services that are available in the affected area based on the single access point that has previously been approved for 4005, 4033 and 4115 Highway 54.