

NOVEMBER 14, 2013

2945 HIGHWAY 54

ZONE CHANGE

From: P-1 Professional/Service
To: B-4 General Business
Proposed Use: Retail Food Store
Acreage: 12.867
Applicant: Gateway Land, LLC (1311.1886)
Surrounding Zoning Classifications:
North: A-U South: B-4
East: P-1 West: P-1

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

- 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).
- 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.

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 21059CO139 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 the former Daviess County Road Department and Animal Shelter. The former animal shelter building is currently being utilized as a pet grooming business and the former county garage building is used for storage. Land uses in the vicinity include Highland Elementary School to the west, a juvenile treatment center to the east and mixed commercial development to the south. The subject property has just over 500 feet of road frontage on Highway 54 but the western portion of the property is encumbered by 295 feet of electric easements.

As stated in the applicant’s findings, this proposed rezoning is Phase 1 of a potential 200+/- acre mixed use commercial development that will include construction of a new connector roadway between Highway 54 and Pleasant Valley Road. The applicant has been working closely with the Kentucky Transportation Cabinet, city and county engineers and planning staff in regards to the new connector roadway between Highway 54 and Pleasant Valley Road and roadway improvements along the Highway 54 corridor to ensure that the current and future design will accommodate the transportation infrastructure needs of the area. The state has not required a Traffic Impact Study for the first phase but one will be required as part of the second phase of the development.

For the first phase of the development, the applicant proposes to relocate the existing drive that serves the site to the east. The new driveway access to Highway 54 will be designed so that it can be incorporated into the future connector roadway. There is a secondary access that serves the former animal shelter. As part of the second phase of the development or planned KYTC roadway improvements along the KY 54 corridor are implemented, that access will be physically closed and the only access to the parcel will be from the new driveway/connector street. The applicant has reached an agreement with State of Kentucky for the dedication of 40 feet of right-of-way on the juvenile treatment center property, to be combined with 60 feet of right-of-way on the subject property to provide a 100’ right-of-way for the connector street. The connector street will align with Alvey Park Drive W and according to the review by the KYTC Madisonville office, the new intersection will likely be signalized. The comments from KYTC also indicate that the developer is aware of the need to apply for future permits as part of phase two of the development.

The applicant’s findings recognize the need for a preliminary plat, final plat and a site plan as part of the development process. The planning staff would recommend a final development plan be submitted for the retail food store due to the coordination required with all the future infrastructure improvements not only to this site but in the general vicinity.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed B-4 General Business zone and use will be nonresidential in nature. The subject property is located on the Highway 54 corridor which has experienced significant commercial growth over the past decade. The proposal is a logical expansion of existing B-4 General Business zoning south of the subject property across Highway 54. The proposed site is just over 12 acres while there are approximately 180 acres of B-4 zoned land in the immediate vicinity (including the B-4 property to the south and the Wal-Mart area immediately east of the juvenile treatment center). In order to mitigate the transportation impacts of this development, the developer has been working closely with the KYTC to ensure that the roadways and other necessary urban services in the vicinity are not overburdened.

Planning Staff Recommendations

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

Conditions:

1. Submission of preliminary and final plats and a final development plan as part of the development process; and,
2. Access to Highway 54 shall be limited to a single access point which will be the driveway/connector roadway between Highway 54 and Pleasant Valley Road. All other access points will be closed as part of Phase 2 of the development or as KYTC implements Highway 54 corridor improvements.

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 proposed use and zoning meet the land use criteria for nonresidential development;
4. The proposal is a logical expansion of existing B-4 General Business zoning located south of the subject property; and,
5. With the roadway improvements to Highway 54 in the vicinity and the future connector roadway designed to KYTC specification, the proposal should not overburden the capacity of roadways and other necessary urban services that are available in the vicinity.