

MAY 8, 2014

4342, 4370, 4442 SPRINGHILL DR

ZONE CHANGE

From: R-3MF Multi-Family Residential	
To: B-4 General Business	
Proposed Use: Commercial Use	
Acreage: 3.811	
Applicant: Owensboro Master Builder, Inc.; M&P Properties, Inc. (1405.1904)	
Surrounding Zoning Classifications:	
North: R-1C, B-4	South: R-1C
East: R-3MF	West: R-1C

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

- Building and lot patterns; outdoor storage yards** – Building and lot patterns should conform to the criteria for “Non Residential 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.
- Expansion 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 properties are currently undeveloped parcels in the Millers Mill Plaza commercial development. The majority of the properties in the Millers Mill Plaza commercial development are zoned B-4 General Business. The property was rezoned from B-4 and R-1C to R-3MF in December 2011 with the intention to develop the property as a multi-family residential development. The proposed project was moved east and in February 2013 the property was subdivided to its current configuration and sold. The current owners are proposing to rezone the properties back to B-4 due to the lot size and the lack of interest in additional multi-family development in this area.

The applicant's proposal is for general business zoning along the south side of Springhill Drive. Springhill Drive connects with both Springview Drive and Lake Forest Drive that intersect with Highway 54. No new direct access to Highway 54 is proposed as part of this development. With no additional access proposed to Highway 54, the proposed rezoning should not overburden the capacity of roadways or other necessary urban services that are available in the vicinity.

Currently a common area exists between the subject properties and the Lake Forest residential development to the south which serves as a buffer between the properties. A ten foot landscape buffer with a six foot element and one tree every 40 linear feet will be required along the south and east property lines where adjoining residential zoning. Due to the proximity to existing residential developments, all lighting shall be directed away from the residentially zoned properties.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. Sanitary sewer service is currently available and the proposal for general business use is consistent with the criteria for non-residential development. Property to the north across Springhill Drive is zoned B-4 General Business; at 3.811 acres the subject property meets the minimum 1.5 acre requirement for an expansion across an intervening street. The proposal will not significantly increase the extent of the B-4 zone in the vicinity since approximately 9.5 acres within the Millers Mill Plaza Development is already zoned B-4 and 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 findings of fact that follow:

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 an Urban Residential Plan Area where general business uses are appropriate in very limited locations;
3. The proposed general business use is consistent with the criteria for non-residential development;
4. The proposal is a logical expansion of existing B-4 General Business zoning to the north, across Springhill Drive; and,
5. At 3.811 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.