

MAY 14, 2015

1301 &amp; 1401 LEITCHFIELD RD

**ZONE CHANGE**

<b>From:</b>	R-4DT Inner City Residential & P-1 Professional/Service
<b>To:</b>	<b>B-4 General Business</b>
<b>Proposed Use:</b>	General Business
<b>Acreage:</b>	3.149 Total (0.98 & 2.169)
<b>Applicant:</b>	NEEV Properties, LLC; Mukesh Gupta (1505.1922 & 1505.1923)
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b>	<b>B-4 &amp; P-1</b>
<b>South:</b>	<b>P-1 &amp; R-4DT</b>
<b>East:</b>	<b>P-1 &amp; R-4DT</b>
<b>West:</b>	<b>R-4DT</b>

**Proposed Zone & Land Use Plan**

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

**(c) Expansions across intervening streets** – In Central 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 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 sewer, are available to the subject properties.

**Development Patterns**

The subject properties are located in an area of primarily residential uses with professional/service zoning and use across E Parrish Avenue. The property to the east and south is primarily single-family residential while the property to the west is mixed single-family residential and some multi-

family residential. The property to the north is zoned P-1 and B-4 and is a nursing home.

The properties are located at the intersection of E Parrish Avenue and Leitchfield Road. E Parrish Avenue is classified as a principal arterial roadway with a 500 foot drive spacing standard, a 75 foot building setback and a 60 foot roadway buffer. Leitchfield Road is classified as a major collector roadway with a 250 foot drive spacing standard, a 60 foot building setback and a 30 foot roadway buffer.

The property at 1401 Leitchfield Road in conjunction with the property at 1429 Leitchfield Road was rezoned from R-4DT Inner City Residential to P-1 Professional/Service in 2007. At that time, a Preliminary Development Plan was approved. The following conditions were attached to the previous rezoning and shown on the development plan:

- No access shall be permitted to E Parrish Avenue;
- Access to Leitchfield Road shall be limited to a single access point as depicted on the preliminary development plan;
- An access easement shall be provided to 1301 Leitchfield Road for future use as ingress/egress for said property; and,
- A final development plan shall be submitted and approved before the issuance of any buildings permits.

The properties have not developed as anticipated; recently the property at 1429 was divided and a portion of it was consolidated with 1401 Leitchfield Road. A rezoning is proposed for 1429 Leitchfield Road to revert back to its original R-4DT zoning classification. On the plat approved April 9, 2015 access was shown and limited to a single access point at 1401 Leitchfield Road with an ingress/egress easement for 1301 and 1429 Leitchfield Road with the existing drive at 1429 Leitchfield Road to be closed.

All site improvements including drives and parking areas shall be paved and appropriate vehicular use area screening shall be installed. Since the proposed zoning for the subject property is B-4, buffer screening along the east and south property lines where abutting residential zoning will be required consisting of a ten foot wide landscaping easement and a six foot tall solid element with one tree every forty feet. Due to the proximity to existing residences, all site lighting shall be directed away from the residential uses.

A final development plan is required before any building activity can occur on the property.

**SPECIFIC LAND USE CRITERIA**

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed general business use conforms to the criteria for non-residential development. This proposal is an expansion across an intervening street of existing B-4 zoning to north. At a combined 3.149 acre, the proposal is not a significant increase in B-4 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 no

access permitted to E Parrish Avenue and access to Leitchfield Road limited to a single access point.

### **Planning Staff Recommendations**

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

#### **Conditions:**

1. No access shall be permitted to E Parrish Avenue;
2. Access to Leitchfield Road shall be limited to a single access point as depicted on the approved preliminary development plan dated May 2007 and the approved Minor Subdivision Plat dated April 2015;
3. An access easement shall be provided to 1301 and 1429 Leitchfield Road for future use as ingress/egress for said properties; and,
4. A final development plan shall be submitted and approved before the issuance of any buildings permits.

#### **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 Central Residential Plan Area where general business uses are appropriate in limited locations;
3. The proposed general business use conforms to the criteria for non-residential development;
4. This proposal is an expansion across an intervening street of existing B-4 zoning to the north; and
5. At 3.149 acres, the proposal is not a significant increase in B-4 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.