

**DECEMBER 10, 2015**

**3943 HIGHWAY 54**

**ZONE CHANGE**

<b>From:</b>	A-U Urban Agriculture
<b>To:</b>	<b>B-4 General Business</b>
<b>Proposed Use:</b>	Office
<b>Acreage:</b>	2.1
<b>Applicant:</b>	Mount Moriah Holdings, LLC; K Squared of Owensboro, LLC (1512.1940)
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b>	A-U, P-1
<b>South:</b>	R-3MF
<b>East:</b>	P-1
<b>West:</b>	P-1

## 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

**(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 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.

**(c) Expansions 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 21059C0281 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 a 2.1 acre tract with a single family residence currently located on the property. The applicant intends to redevelop the property for office use.

The subject property sits at the northeast intersection of Highway 54 and Wood Trace at the entrance to Woodland Crossing subdivision. To the immediate north, the 0.779 acre adjoining property is zoned A-U Urban Agriculture and is occupied by a single family residence. The subject property adjoins P-1 Professional/Service property to the east and west; to the west, across Wood Trace the Reformed Presbyterian Church, to the east is an office building for Southern Star Central Gas Pipeline. R-3MF Multi-Family Residential zoning adjoins the subject property to the south, across Highway 54; this is vacant land at the entrance of The Woodlands subdivision. The property was rezoned to R-3MF Multi Family Residential in 1984, but has not been developed.

The applicant cites the property at 3830 Highway 54 as being contiguous to the subject property therefore meeting the criteria for a logical expansion across an intervening street. The rezoning of the property at 3830 Highway 54 to B-4 General Business was recommended for denial by the Planning Commission and then approved by Daviess County Fiscal Court in 2013. The staff does not believe the subject property meets the criteria for a logical expansion across an intervening street because 3830 Highway 54 is located approximately 400 feet to the west and there is another property, 3910 Highway 54, zoned R-3MF Multi-Family Residential, between the subject property and 3830 Highway 54.

If the rezoning is approved, the applicant will be required to provide screening consisting of a 6 foot high solid element with one tree every 40 linear feet along the northern property boundary where adjoining residential property. Because of the residentially developed neighborhood surrounding the subject property, due consideration should be given to any concerns of the neighboring residents with respect to the established lot patterns in the area.

In the vicinity of the subject property, Highway 54 is classified as a minor arterial roadway with a 500 foot access spacing standard, 75 foot building setback line and 50 foot roadway buffer. With the subject property situated at the Intersection of Highway 54 and Wood Trace and only having approximately 350 feet of road frontage on Highway 54, the 500 foot accessing spacing cannot be met. Access on Wood Trace shall be located a minimum of 50 feet from the right-of-way of the intersection of Wood Trace and Highway 54, should not exceed 40% of the total road frontage and shall be in alignment with the access point across Wood Trace at the church property. If the rezoning is approved, a Traffic Impact Study shall be required to determine if any improvements need to be made to Highway 54 or Wood Trace.

Changes or alterations to the structures or uses on site will require building, electrical, and HVAC permits. The OMPC building and electrical division should be contacted prior to any construction activity or changes.

#### **SPECIFIC LAND USE CRITERIA**

The applicant's proposal is not in compliance with the Comprehensive Plan. The proposed B-4 General Business zoning is not a logical expansion of B-4 General Business zoning adjoining the subject property nor is it an expansion across an intervening street. The closest B-4 General Business zones in the vicinity are approximately 400 feet to the west and on the south side of Highway 54 and approximately 485 feet to the west across Wood Trace on the north side of Highway 54; both of these properties are across intervening streets and not contiguous to the subject property. Because of the established residential neighborhoods in the area, due consideration should be given to the concerns of the neighboring residents with respect to the established lot patterns in their neighborhoods.

#### **Planning Staff Recommendations**

The planning staff recommends denial subject to the findings of fact that follow:

##### **Findings of Fact:**

1. Staff recommends denial because the proposal is not in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located in a Urban Residential Plan Area where general business uses are appropriate in very limited locations; and
3. The proposal is not a logical expansion of existing B-4 General Business zoning contiguous to the subject as none of the adjoin properties are zoned B-4 General Business; and,
4. The proposal is not a logical expansion of existing B-4 General Business zoning across an intervening street because the properties across the intervening streets are approximately 400 feet and 485 feet from the subject property with non B-4 zoned properties separating the subject property from the B-4 zoned properties.