

JANUARY 14, 2016

3943 HIGHWAY 54

ZONE CHANGE

From: A-U Urban Agriculture	
To: P-1 Professional/Service	
Proposed Use:	Office
Acreage:	2.1
Applicant:	Mount Moriah Holdings, LLC; K Squared of Owensboro, LLC (1601.1944)
Surrounding Zoning Classifications:	
North: A-U, P-1	South: R-3MF
East: P-1	West: P-1

Proposed Zone & Land Use Plan

The applicant is seeking a P-1 Professional/Service zone. The subject property is located in an Urban Residential Plan Area where Professional/Service 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).

(b) Logical expansions– Existing areas of Professional/Service use may be expanded onto contiguous land that abuts the same street(s). An existing area of general business zone may be used as criteria to support a Professional/Service use as a logical expansion since the general business zone permits all the uses within the Professional/Service use category. If the contiguous land is located across an intervening street, the expansion should be at least one (1) acre in size, unless it would serve as a “buffer-use” (D1). 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 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.

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; therefore no access to Highway 54 shall be permitted. Access on Wood Trace shall be in alignment with the access point to the church property. If the rezoning is approved, a Traffic Impact Study may be required by the Kentucky Transportation Cabinet to determine if any improvements need to be made to Highway 54 or Wood Trace.

Vehicular use area screening consisting of a three foot tall continuous element and one tree every forty feet of the vehicular use boundary shall be installed where the vehicular use area adjoins the A-U property to the north and the road right-of-way. All lighting shall be directed away from the A-U property to the north. 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.

Prior to any non-residential occupancy of the property the applicant must obtain approval of a site plan or development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage.

SPECIFIC LAND USE CRITERIA

The applicant’s proposal is in compliance with the Comprehensive Plan. The proposed use of offices meets the criteria for nonresidential development. The proposed P-1 Professional/Service zoning is a logical expansion of existing P-1 zoning to the east, north and west. With access limited to Wood Trace, the proposal should not overburden the capacity of roadways and other necessary urban services available in the affected area. 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 approval subject to the condition and findings of fact that follow:

Condition: Access shall be limited to a single access point on Wood Trace in alignment with the access point for the church across the street.

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 Urban Residential Plan Area where Professional/Service uses are appropriate in limited locations;
3. The proposed use as offices conforms to the criteria for nonresidential development;
4. The proposal is a logical expansion of existing P-1 Professional/Service zoning to the east, north and west of the subject property; and,
5. With access limited to a single access point on Wood Trace in alignment with the access point for the church, the proposal should not over burden the capacity of roadways and other necessary urban services in the affected area.