

OCTOBER 6, 2016

A PORTION OF 6045 HIGHWAY 54

ZONE CHANGE

From: I-1 Light Industrial	
To: P-1 Professional/Service	
Proposed Use: Medical Office	
Acreage: 2.174	
Applicant: Bluegrass Truck, Trailer & Equipment, LLC; Carl Joseph & Linda T. Boarman (1610.1974)	
Surrounding Zoning Classifications:	
North: A-U	South: B-4
East: R-1A & A-U	West: I-1, B-4 & A-U

Proposed Zone & Land Use Plan

The applicant is seeking a P-1 Professional/Service zone. The subject property is located in a Rural Community Plan Area where professional/service uses are appropriate in limited locations.

SPECIFIC LAND USE CRITERIA

- (a) Building and lot patterns** – Building and lot patterns should conform to the criteria for “Non-Residential Development” (D7).
- (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 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.
- (d) New locations** – New locations of Professional/Service use should be “major-street-oriented” (D2).

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 21059CO305 D.
- It appears that the subject property is not designated as prime agricultural farmland per the US Department of Agriculture Soil Conservation Service map dated March 1980.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA, the EPA, the OMPC building/electrical/HVAC division or other state and federal agencies as may be applicable.

Urban Services

Electricity, water and gas are available to the subject property. Sanitary sewage disposal would be accomplished by a proposed on-site septic system.

Development Patterns

The subject property is a 2.174 acre portion of a 3.669 acre parcel, part of which is currently being used by an industrial business. The applicant proposes to rezone the 2.174 acre portion of the property from I-1 Light Industrial to P-1 Professional/Service in order to construct a medical office building. The remainder of the 3.669 acre parcel, which houses Bluegrass Truck, Trailer and Equipment, will

remain zoned I-1 and B-4. If the rezoning is approved, a minor subdivision plat dividing the newly zoned P-1 portion of the property from the remaining I-1 and B-4 portion must be submitted.

Properties in this area are zoned commercial, industrial, agricultural and residential. The Daviess County Lions Club Fairgrounds property located just north of the subject property is zoned A-U. To the east is the entrance to the fairgrounds and single family residences, zoned R-1A. To the south across Highway 54 is a B-4 zoned commercial property. West of the proposed rezoning area is the remaining portion of the subject parcel which is zoned I-1 and B-4 and includes a truck company. Properties further to the west across Winkler Road are zoned B-4 and A-U.

Highway 54 is classified as a principal arterial and the subject property is thereby required to have a 75' front building setback line measured from the centerline of Highway 54 as well as a 60' roadway buffer. Access to the site must be compliant with applicable sections of the zoning ordinance. Even though this property is located outside the urban service area it is located on a rural highway with traffic volumes exceeding 5,000 vehicles per day. A final development plan approved in 2011 shows the subject property and the fairgrounds property both utilizing a shared entrance to Highway 54. Therefore, staff suggests requiring the property to utilize the existing fairgrounds entrance for access to Highway 54. In discussions with OMPC staff, the applicant has indicated their intention to obtain permission from the Daviess County Lions Club to utilize their access to Highway 54.

Since the property is proposed to be rezoned to P-1 perimeter landscape buffer screening will not be required. All vehicular use areas must be paved and vehicular use area screening shall be installed where adjoining road right-of-way. All proposed site lighting shall be directed away from nearby residential uses.

The applicant must obtain approval of an amended final development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage. Jim Mischel with the OMPC Building, Electrical & HVAC department shall be contacted before any construction activity takes place on the property.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed use as medical office conforms to the criteria for non-residential development. The proposed P-1 Professional/Service zoning is a logical expansion of B-4 General Business zoning to the south across Highway 54. The proposed logical expansion across an intervening street is greater than one acre in size. At 2.174 acres, the proposal would not overburden the capacity of roadways and other necessary urban services that are available in the affected area. The proposal also meets the criteria for a new location of professional/service zoning because Highway 54 is classified as a principal arterial and this property is considered major-street oriented.

Planning Staff Recommendations

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

Condition:

1. Approval of a minor subdivision plat dividing the P-1 zoned portion of the parcel from the remaining I-1 and B-4 zoned portions. The shared access easement shall also be shown on the minor subdivision plat.
2. Approval of an amended final development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management, signage and shall also include the shared access easement.

3. Access to the subject property from Highway 54 shall be through the existing Daviess County Lions Club Fairground access point. The applicant must demonstrate that permission has been granted by the Daviess County Lions Club to share their access to Highway 54. No additional access to Highway 54 shall be granted directly to the subject property. KYTC shall determine whether improvements to the existing County Fairground entrance to Highway 54 will be required and said improvements, if any, must be shown on the amended final development plan.

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 Rural Community Plan Area where professional/service uses are appropriate in limited locations;
3. The proposed use as medical office conforms to the criteria for non-residential development;
4. The proposed P-1 Professional/Service zoning is a logical expansion of B-4 General Business zoning to the south across Highway 54;
5. The proposed logical expansion across an intervening street is greater than one acre in size;
6. At 2.174 acres, the proposal would not overburden the capacity of roadways and other necessary urban services that are available in the affected area; and
7. The proposal also meets the criteria for a new location of professional/service zoning because Highway 54 is classified as a principal arterial and this property is considered major-street oriented.