

FEBRUARY 9, 2017

4551 SPRINGHILL DR

ZONE CHANGE

From:	B-4 General Business (with conditions)
To:	B-4 General Business (with amended conditions)
Proposed Use:	Retail Sales
Acreage:	2.73 acres
Applicant:	Vince Hayden, LLC (1702.1988)
Surrounding Zoning Classifications:	
North: B-4	South: R-3MF
East: B-4, A-U	West: B-4, R-3MF

Proposed Zone & Land Use Plan

The applicant is seeking a B-4 general Business zone. The subject property is located in a Business Plan area where General Business uses are appropriate in limited locations.

SPECIFIC LAND USE CRITERIA

(a) Building and lot patterns; outdoor storage areas – 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 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.

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 21059C0281D.
- It appears that the subject property is not within the Owensboro Wellhead Protection area per the OMU map dated 2015.
- 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

All urban services, including sanitary sewer, are available to the site.

Development Patterns

The subject property was rezoned in 2007 as part of a larger development with the following conditions:

1. Access to KY 54 shall be limited to the single access point as shown on the Millers Mill Plaza preliminary plat/final development plan submitted with the rezoning application;
2. Access to Millers Mill Road shall be limited to the single access point as shown on the Millers Mill Plaza preliminary plat/final development plan submitted with the rezoning application;
3. An eastbound right turn decel and storage lane shall be installed on KY 54 at the proposed access to the development in compliance with KYTC standards;
4. A 10 foot landscape easement with a six foot element and one tree every 40 feet shall be installed along the south and west property lines where adjoining residential zoning;
5. Approval of a preliminary plat/final development plan prior to any construction activities;
6. Springhill Drive shall be stubbed to the western property line for future interconnection; and,
7. Due to the proximity to existing residential zones, all lighting for the subject property shall be directed away from the residential property to reduce the glare and impact of the lighting on the residential uses.

The applicant is requesting to amend condition number 2 which limits access to the subject property to Springhill Drive. The applicant is requesting to have a single right-in only access point on Millers Mill Road to access the subject property.

The applicant has applied to the Kentucky Transportation Cabinet for an encroachment permit for the proposed access point on Millers Mill Road. The encroachment permit has been approved for proposed access point with several conditions. Condition number 1 states:

“Assuming the Grant of this Permit #02-2017-00001 and the completion of the Entrance on Kentucky Highway 1456 as shown on Exhibit A, the Applicant acknowledges and understands that the Permit for the Entrance is granted only for and until such time as remains before the start of construction of the Highway Project, and the Applicant does further hereby agree that it shall close and remove the Entrance on receipt of a Notice of Removal from the Department as hereinafter provided, and that it shall return the land on which the Entrance was located to a condition consistent with the Highway Project, as determined by the Department, all at the cost and expense of the Applicant.”

The other conditions refer to the notice procedure for removal of the access point and the timetable. A copy of the encroachment permit has been included for your reference.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposal complies with the criteria for nonresidential development. The expansion of the General Business zone should not significantly increase the extent of the zone in the vicinity or overburden the capacity of roadways and other necessary urban services that are available in the affected area since the property is already zoned B-4 General Business.

Planning Staff Recommendations

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

Conditions:

1. Access to KY 54 shall be limited to the single access point as shown on the Millers Mill Plaza preliminary plat/final development plan submitted with the rezoning application;
2. Access to Millers Mill Road shall be limited to the single access point as shown on the Millers Mill Plaza preliminary plat/final development plan approved in 2007 and a single right-in only access point to service 4551 Springhill Drive as shown on the amended final development plan submitted with the rezoning application, and subject to the conditions established by the KYTC;
3. The proposed access to Millers Mill Road must meet all conditions and requirements of the encroachment permit issued by the KYTC;
4. Approval of an amended final development plan prior to any occupancy of the building; and,
5. Due to the proximity to existing residential zones, all lighting for the subject property shall be directed away from the residential property to reduce the glare and impact of the lighting on the residential uses.

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 Business Plan Area where General Business uses are appropriate in limited locations;
3. The proposal complies with the criteria for nonresidential development; and
4. Because the property is already zoned B-4 General Business it will not be a significant expansion of the existing zoning or overburden the capacity of roadways and other necessary urban services available in the affected area.