

MARCH 9, 2017

2430, 2434 HIGHWAY 144

ZONE CHANGE

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| From: | B-4 General Business & R-1A Single Family Residential |
| To: | B-4 General Business |
| Proposed Use: | Commercial |
| Acreage: | 3.839 acres |
| Applicant: | Rossboro Land Co., LLC; Brilo, LLC (1703.1991) |
| Surrounding Zoning Classifications: | |
| North: B-4, R-1A | South: B-1, R-1A |
| East: B-4, R-1A | West: B-4, B-1 |

Proposed Zone & Land Use Plan

The applicant is seeking a General Business zone. The subject property is partially located in a Business Plan Area, where general business uses are appropriate in limited locations and partially 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 expansion 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 21059CO139D.
- It appears that the subject property is located 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 are available to the subject property. Sanitary sewage disposal is accomplished by an on-site septic system.

Development Patterns

The subject properties are 2 tracts totaling 3.839 acres located on Highway 144. The tracts are split zoned R-1A Single Family Residential and B-4 General Business; approximately 1.66 acres is currently zoned B-4 where the remaining 2.17 acres is zoned R-1A. There are existing businesses on each tract, Star Trax video rental and Wonder Whip. Land uses in the vicinity are mixed business and residential.

The applicant has submitted a minor subdivision plat to reconfigure the subject properties. Currently 2430 Highway 144 is a 3.322 acre tract and 2434 Highway 144 is a 0.508 acre tract. The proposed minor subdivision plat would make 2430 Highway 144 0.938 acres and 2434 Highway 144 2.893 acres. Since the property is currently split zoned the minor subdivision plat reconfiguring the property cannot be approved unless the rezoning is approved.

In this vicinity Highway 144 is classified as a minor arterial roadway with a 75 foot building setback line, 50 foot roadway buffer and 500 foot access spacing standard. A plat for the properties was approved in 2015 requiring access to 2430 Highway 144 to be in compliance with the access management manual. Access to 2434 Highway 144 shall be limited to the proposed access points shown for the purpose of one-way traffic; any future redevelopment that eliminates one-way traffic flow may require closure of access points. These access notes will carry over to the new minor subdivision plat.

If the property redevelops, perimeter buffering and landscaping shall be required where the subject properties adjoin residential zoning consisting of a 10 foot landscape easement with one tree every 40 linear feet of the boundary plus a 6 foot high continuous planting, hedge, fence, wall or earth mound. Upon redevelopment, the applicant will be required to provide vehicle use area screening where any proposed parking areas are adjacent to the street right-of-way. All vehicular use areas are to be paved.

Since the property is located within the Owensboro Wellhead Protection Area, according to OMU, if the property will have or produce anything that can contaminate the soil then they must have a groundwater protection plan. OMU, the Kentucky Division of Water and the EPA have been made aware of this rezoning request.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The existing uses on the subject properties are nonresidential in nature and will continue. At approximately a 2.17 acre expansion of the existing B-4 General Business zone the expansion is not a significant increase of the extent of the zone in the vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area, given the uses have existed for some time.

Planning Staff Recommendations

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

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 partially located in a Business Plan Area, where general business uses are appropriate in limited locations and partially located in an urban residential plan area where general business uses are appropriated in very limited locations;
3. The subject properties are nonresidential in nature; and,
4. At approximately a 2.17 acre expansion of the existing B-4 General Business zone the expansion is not a significant increase of the extent of the zone in the vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area, given the uses have existed for some time.