

**NOVEMBER 9, 2017**

**1721, 1731 W PARRISH AVE, 1450 WERNER AVE**

**ZONE CHANGE**

<b>From:</b>	B-4 General Business & R-4DT Inner City Residential
<b>To:</b>	<b>B-4 General Business</b>
<b>Proposed Use:</b>	Neighborhood Grocery/Convenience Store with Fuel Pumps
<b>Acreage:</b>	2.62 acres
<b>Applicant:</b>	JR Food Stores, Inc.; Winn Leasing Corporation (1711.2022)
<b>Surrounding Zoning Classifications:</b>	
<b>North: R-4DT</b>	<b>South: R-1A</b>
<b>East: R-4DT</b>	<b>West: B-4, R-4DT</b>

**Proposed Zone & Land Use Plan**

The applicant is seeking a 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 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 21059CO119D.
- It appears that the subject property is not 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, including sanitary sewer service.

**Development Patterns**

The subject property is a 2.62 acre parcel located on West Parrish Avenue between Independence Avenue and Werner Avenue. A consolidation plat from 1987 created the property as it is today at 2.62 acres, however, that

consolidation also created split zoning on the property. The majority of the property, approximately 2.24 acres, is zoned B-4 General Business. Approximately 0.36 acres of the property is zoned R-4DT Inner City Residential. Two single family residential structures sit on the portion of the property currently zoned R-4DT. Those structures are proposed to be torn down with the redevelopment of the property. There is one vacant building on the remainder of the property; all the other buildings were demolished in 2015. All the surrounding properties are residential in nature.

In this vicinity West Parrish Avenue is classified as a principal arterial roadway with a 75 foot building setback line, 60 foot roadway buffer and 500 foot access spacing standard. Independence Avenue and Werner Avenue are classified as local roadways.

There are currently 2 existing access points to Werner Avenue, wide open access to Independence Avenue and an approximately 80 foot wide access point to West Parrish Avenue. A conceptual plan submitted to the Kentucky Transportation Cabinet shows the 2 access points to Werner Avenue being relocated and reduced to 30 feet and 35 feet wide and the access point to West Parrish Avenue being reduced to 35 feet wide. While the proposed access to West Parrish Avenue does not meet access spacing standards, it would not be recommended, in this location, to eliminate the access to West Parrish Avenue; the proposal does however show a reduction in the width of the access, bringing it more into compliance.

Access to West Parrish Avenue shall be limited to a single 35 foot wide access as shown on a conceptual plan submitted to the KYTC for approval. Access to Werner Avenue shall be limited to the two access points as shown on the conceptual plan, not to exceed 40% of the total road frontage on Werner Avenue. No additional access to West Parrish Avenue or Werner Avenue shall be permitted. Any future access to Independence Avenue shall comply with the access spacing standards, not to exceed 40% of the total road frontage on Independence Avenue.

When 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 consisting of a 3' foot tall continuous element and one tree every 40 linear feet of the vehicular use boundary where any proposed parking areas are adjacent to the street right-of-way. All vehicular use areas are to be paved. Given the proximity to residential uses, any proposed lighting shall be directed away from the residentially zoned properties.

Prior to any construction activity on 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. 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 uses on the subject property are nonresidential in nature. The approximately 0.36 acre expansion of the existing B-4 General Business zone is not a significant increase of the extent of the zone in the vicinity. With access limited to a single access point to West Parrish Avenue, the proposal should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

**Planning Staff Recommendations**

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

**Conditions:**

1. Access to West Parrish Avenue shall be limited to a single access as shown on a conceptual plan submitted to the KYTC for approval.
2. Access to Werner Avenue shall be limited to the two existing access points as shown on the conceptual plan, not to exceed 40% of the total road frontage on Werner Avenue.
3. No additional access to West Parrish Avenue or Werner Avenue shall be permitted.
4. Any future access to Independence Avenue shall comply with the access spacing standards, not to exceed 40% of the total road frontage on Independence Avenue.

**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 proposed use is nonresidential in nature;
4. The approximately 0.36 acre expansion of the existing B-4 General Business zone is not a significant increase of the extent of the zone in the vicinity; and,
5. With access limited to a single access point to West Parrish Avenue, the proposal should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.