

APRIL 11, 2019**3636, 3656 HIGHWAY 54****ZONE CHANGE**

From:	R-1A Single Family Residential & A-U Urban Agriculture
To:	B-4 General Business
Proposed Use:	Commercial
Acreage:	3.63
Applicant:	Estate of J. Ann Owen, Executrix, Jennifer Millay (1904.2080)
Surrounding Zoning Classifications:	
North: B-4	South: R-1A, A-U
East: A-U	West: R-1A, B-4

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 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 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 Maps 21059C0143 D and 21059C0281 D.
- 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 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 properties are two tracts totaling 3.63 acres with single family residential structures currently located on each property.

The subject properties adjoin A-U Urban Agriculture and R-1A Single Family Residential properties to the south and east. Along the western boundary, the subject properties adjoin one property that is zoned B-4 General Business and the remaining properties along the western boundary are zoned R-1A Single Family Residential. To the north, across Highway 54, the subject properties adjoin B-4 General Business zoning. The applicant will be required to provide buffering and screening consisting of a 10 foot wide landscape easement with a 6 foot high solid element with one tree every 40 linear feet along the southern boundary of 3636 Highway 54 and the western boundary of 3656 Highway 54, where the subject properties adjoin residentially zoned property. Because of the residentially developed neighborhood surrounding the subject properties, due consideration should be given to any concerns of the neighboring residents with respect to the established lot patterns in the area.

In the vicinity of the subject properties, Highway 54 is classified as a principal arterial roadway with a 500 foot access spacing standard, 75 foot building setback line and 60 foot roadway buffer.

Without a specific use for the subject properties, determining access is difficult. We have consulted with the Kentucky Transportation Cabinet about access to the subject properties and have agreed that once a specific use is determined a traffic impact study may be required and access may be reevaluated. Access to Highway 54 shall be limited to a single access point in alignment with the commercial drive across Highway 54 subject to review and approval by the KYTC and OMPC. Plans regarding access to the subject properties should be submitted to the KYTC and OMPC for review and approval before the access is constructed.

To prevent the need for additional individual access points along Highway 54, ingress/egress easements shall be provided for the properties to the east and west to provide indirect access to Highway 54 should the adjoining properties develop in the future. A final development will be required to address the location of the ingress/easements to the adjoining properties to ensure that they will function efficiently and serve all properties. Ingress/Egress easements were also provided in a similar manner at the Avenue 54 development for the same purpose. These easements are necessary because the next logical point for street access would be in alignments with Bold Forbes Way on the adjacent property and the easements will decrease the number of access points to the already congested Highway 54.

Changes or alterations to the structures or uses on site will require building, electrical, and HVAC permits. The OMPC building and electrical division should be contacted prior to any construction activity or changes.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed B-4 General Business zoning is a logical expansion of B-4 General Business zoning to the north, across Highway 54 and to the west. At 3.63 acres, the proposed B-4 General Business zoning would not significantly increase the extent of B-4 zoning in the vicinity. With a single access point approved by the KYTC the proposed B-4 zone should not overburden the capacity of roadways and other

necessary urban services in the area. However, 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 conditions and findings of fact that follow:

Conditions:

1. Based on a proposed use and results of a potential traffic impact study, access to Highway 54 shall be limited to a single access in alignment with the commercial drive across Highway 54 and subject to review and approval by the KYTC and OMPC;
2. Ingress/Egress easements shall be provided for the properties to the east and west of the subject property for future indirect access to Highway 54; and
3. Submission of a final development plan to establish the location of the ingress/egress easements to the adjoining properties and all other site development requirements required by the zoning ordinance.

Findings of Fact:

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject properties are located in a Business Plan Area where general business uses are appropriate in limited locations;
3. The proposal is a logical expansion of existing B-4 General Business zoning to the north, across Highway 54 and to the west; and,
4. At 3.63 acres, the proposal does not significantly increase the extent of general business zoning in the vicinity; and,
5. With access limited to a single access point in alignment the commercial access across Highway 54, based on a proposed use and review of a traffic impact study if needed, the proposal should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.