



NOVEMBER 14, 2019

**3211 BOLD FORBES WAY, 3655 HIGHWAY
54**

ZONE CHANGE

From:	B-4 General Business w/conditions
To:	B-4 General Business w/out conditions
Proposed Use:	Convenience Store
Acreage:	4.26
Applicant:	Newcomb Oil, LLC; Thomas N. Thompson & Thompson Homes, Inc. (1911.2099)
Surrounding Zoning Classifications:	
North:	R-3MF, R-1C
South:	B-4, A-U
East:	B-4
West:	B-4, A-U

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 Map 21059CO143 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 undeveloped parcels totaling 4.26 acres zoned B-4 General Business. The subject property adjoins B-4 General Business zoning to the west, across Ralph Avenue, as well as to the east and north on properties along Highway 54. The adjoining properties to the west are zoned B-4 General Business and A-U Urban Agriculture; the B-4 zoned property is Planet Fitness while the A-U zoned property is undeveloped. The properties to the east, across Bold Forbes Way are zoned B-4 General Business and are a car dealership and daycare. The properties to the north are zoned R-3MF and R-1A and are used as such. The properties across Highway 54 are zoned B-4 General Business and A-U Urban Agriculture; the B-4 property was rezoned earlier this year and is undeveloped while the A-U property is also undeveloped.

The subject property was rezoned to B-4 General Business in 1976; at that time, the owner of the property, Mr. Thompson, voluntarily placed conditions on the rezoning to limit the uses of the property to low intensity commercial uses that do not sell alcohol. The current applicant, Newcomb Oil, LLC, and the owner, Mr. Thompson, wish to remove those condition in order to locate a convenience store with gas pumps on the properties.

In the vicinity of the subject properties Highway 54 is classified as principal arterial roadway with a 75 foot building setback line, 60 foot road way buffer and a 500 foot access spacing standard. The applicant has submitted a minor subdivision plat and amended final development documenting the access to the site. While the access spacing standard is not met, the current access to Planet Fitness is being relocated to a central location with the subject properties and will be equal distance from the intersection of Bold Forbes Way and the far western access point of Planet Fitness, making this a more desirable location for the Highway 54 access point to this entire development. Additionally, the current access to Bold Forbes Way does not meet the spacing from the intersection with Highway 54; however, this is an existing access point in alignment with the curb cut of the existing median.

The Kentucky Transportation Cabinet has reviewed the proposal and approves of the relocation due east of the existing access point to Highway 54. However, there is some concern of the storage capacity on Bold Forbes Way for the left turn movement into the development. In lieu of a traffic impact study, the KYTC will allow the developer to post a bond for potential roadway improvements to be held for a period of one year from the opening of the fuel station. This will allow adequate time to see how the access on Bold Forbes Way will

perform. If significant traffic issues arise from the left turn movement into the fuel station, KYTC may require the center island on Bold Forbes to be extended toward KY 54 making the access for the development a right-in-right-out access.

Prior to any construction or development, the applicant must obtain approval of a final development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage with approval from the KYTC of the access points. 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 without conditions is a logical expansion of B-4 General Business zoning existing on the subject properties and on the properties to the south, east and west. At 4.26 acres, the proposed B-4 General Business zoning would not significantly increase the extent of B-4 zoning in the vicinity because the zoning is existing to the subject properties. With access limited to a single shared access to Highway 54 and a single access to Bold Forbes Way, as shown on the proposed final development plan, 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:

Condition

1. Approval of a Final Development Plan; and,
2. Post a bond with the KYTC for potential roadway improvements pertaining to the access point on Bold Forbes Way for a period of one year from the opening of the fuel station.

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 is a logical expansion of existing B-4 General Business zoning on the subject property as well as to the south, east and west;
4. At 4.26 acres, the proposal does not significantly increase the extent of the B-4 zoning in the vicinity since the zoning classification is already existing on the site; and,

5. With access limited to a single shared access point to Highway 54 and a single access point to Bold Forbes Way, as shown on the proposed final development plan, as well as provisions from the KYTC to monitor the performance of the Bold Forbes Way access point, the proposal should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.