

DECEMBER 10, 2009

PORTION OF 3138 FAIRVIEW DR

ZONE CHANGE

From: R-3MF - Multi-Family Residential	
To: B-4 General Business	
Proposed Use: Office Complex	
Acreage: 0.973	
Applicant: FMU, LLC; Woodlands Plaza II, LLC; Fairview Properties, LLC (0912.1768)	
Surrounding Zoning Classifications:	
North: B-4	South: I-1, P-1, I-1, R-1C
East: A-U, R-1C	West: I-2, I-1, P-1

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 general locations.

SPECIFIC LAND USE CRITERIA

- (a) **Building and lot patterns** - 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 21059CO281 D.
- It appears that the subject property is outside the Owensboro Wellhead Protection area per the GRADD map dated March 1999.
- 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 property is part of a large tract that was rezoned at the September 2009, planning commission meeting from R-1A Single Family Residential and A-U Urban Residential to B-4 General Business and R-3MF Multi-Family Residential. The proposal is an increase in the amount of B-4 zoning on the subject property by 0.973 acres which is not a significant increase.

A Traffic Impact Study was submitted in conjunction with the rezoning heard by the commission in September and based on the TIS, a total of nine conditions were placed on the approval. All of those conditions are applicable to the current rezoning since it is a portion of the larger tract that was previously rezoned. The conditions applicable to this portion of the property have been applied to the preliminary plat/final development plan that was submitted in conjunction with the rezoning.

SPECIFIC LAND USE CRITERIA

The applicant’s proposal is in compliance with the Comprehensive Plan. The B-4 General Business zoning of the property will be used for commercial purposes and is a logical expansion of existing B-4 zoning on the subject property. 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 Recommendations

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

Conditions:

1. Provide a public alley connection to Villa Point to the north with a public right-of-way granted through the Woodlands Plaza development to Villa Point constructed per city engineering requirements;
2. Install a left-turn lane at Access 2 as shown on the preliminary development plan;
3. Any use within the B-4 zoning that is not a permitted use in a P-1 zone, will require the installation of a left-turn lane on Fairview Drive at Access 1 as identified on the preliminary development plan;
4. Dedicate a minimum 45’ half right-of-way from Villa Point to the southern portion of the property as shown on the preliminary development plan to allow for future upgrade on Fairview Drive to a five lane cross section;
5. Provide screening meeting the minimum requirements of the zoning ordinance where the proposed residentially zoned property adjoins industrially zoned

property to the west and commercially zoned property to the north;

6. Provide a street stub to the property to the east as shown on the preliminary development plan;
7. All lighting on the subject property shall be directed away from the adjoining single-family residential property;
8. Provide a pedestrian connection to the greenbelt to the south; and,
9. Conduct a traffic signal warrant analysis at the KY 54 and Commonwealth Court intersection.

Findings of Fact:

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The B-4 zoning is proposed as an office park and will be nonresidential in nature and use;
3. The proposal is a logical expansion of existing B-4 zoning on the subject property;
4. The increase in B-4 zoning by 0.973 acres is not a significant increase in the extent of B-4 zoning; and,
5. With the conditions as approved at the September 2009 Planning Commission meeting, the expansion should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.