

FEBRUARY 9, 2006

2600, 2624, 2626 NEW HARTFORD RD

ZONE CHANGE

From: R-1C Single-Family Residential		
To: B-4 General Business		
Proposed Use: Commercial/Retail Sales		
Acreage: 1.1 +/- acres		
Applicant: Southside Wesleyan Church (0602.1631)		
Property Zone Existing Use	to North R-1C Residential	
to West R-1C Residential	Subject R-1C ⇄ B-4 Church, Residential	to East B-4 Retail Sales, Bank
	to South B-4 Church	

GENERAL LAND USE CRITERIA
Apply, if marked below:

Described in Comprehensive Plan on pages 445-448

Environmental ☒

- E1** Flood Plains
- E2** Steep Slope
- E3** Historical & Archaeological Sites
- E4** Soils
- E5** Plant & Animal Life

Urban Services ⌘

- U1** Roadway Capacity 
- ⌘ **U2** Electricity Supply
- ⌘ **U3** Water Supply
- ⌘ **U4** Stormwater Disposal
- ⌘ **U5** Sanitary Sewage Disposal

Development Patterns ❖

- D1** Land-Use Intensity, Clusters and Buffers
- D2** Land Use versus Street Function
- ❖ **D3** Intersection & Driveway Spacing
- ❖ **D4** Roadway Buffer Standards
- D5** Lot Sizes & Proportions
- D6** Residential Development
- ❖ **D7** Non-Residential Development
- D8** Building Quality

Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business zone. The subject property is located in a Professional/Service 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” and outdoor storage yards to “Buffers for Outdoor Storage Yards.”
- (b) Logical zoning expansions of proportional scope -** Existing General Business zones may be expanded onto contiguous land that generally abuts the same street. 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.

Applicant's Findings

The proposed rezoning is in compliance with the Community’s Comprehensive Plan. Said plan recommends General Business (B-4) land uses in very limited locations for the exiting land use area. The overall character and general land use along the New Hartford Road frontage is General Business. The Comprehensive Plan may not have anticipated the growth of the existing church congregation and relocation of the church facility away from the subject site. The site may have been designated as a Professional/Service land use due to the pre-existing church facility prior to the land use ordinance.

With the relocation of the church to a new facility, the owners request the site be rezoned to a general business use for the highest and best use of the land within the similar land use neighborhood. The site is adjacent to General Business land use/zoning on the east and south sides of the tracts. Rezoning will be a logical expansion of the current commercial land use areas. Both adjoining tracts abut New Hartford Road as does the subject site.

The lot pattern will become a larger tract which conforms to non-residential development. Existing land uses and building layout are non-residential in use and general character. Rezoning this small tract will not significantly increase the B-4 land use in the area. Recent improvements to E 25th Street, E 27th Street and to the New Hartford Road corridor will assure that the roadway

capacity will be adequate for the modest rezoning parcel size.

All urban services currently serve the site. Sanitary sewer service is provided by an on-site disposal system. Rezoning the site will not increase the demand on the existing urban services to the area.

Planning Staff Review

The subject property is located in the 2600 block of New Hartford Road. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA

Environment

According to a study prepared by the US Department of Agriculture Soil Conservation Service dated March 6, 1990, it appears that the subject property is not located in a wetlands area. The subject property is not located in a special flood hazard area per FIRM Map 21059CO140 C. The developer is responsible for obtaining permits as may be required by the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

It appears that the subject property is outside the Owensboro Wellhead Protection area according to a map created by the GRADD office dated March 1999.

Urban Services

Electricity, water and gas are available to the subject property. Sanitary sewage disposal would be accomplished by an on-site septic system.

Development Patterns

The subject property is located in an area of mixed commercial and residential land uses. The property to the north and west is zoned R-1C and occupied by residences. The property to the east and south are zoned B-4 and occupied by retail sales, a bank and a church.

In the vicinity of the subject property New Hartford Road is classified as a principal arterial roadway with a 500 foot spacing standard and a 40 foot roadway buffer. There are currently several individual access points along New Hartford Road that serve the subject property. With the redevelopment of the site, those access points shall be closed and a maximum of one access point may be permitted on New Hartford Road. Access to New Hartford Road shall be addressed on a final development plan to be

submitted and approved by the OMPC. If the property is not consolidated into one tract, one access point could jointly serve lots fronting New Hartford Road and the corner lot would be limited to access on Sunrise Drive only.

Sunrise Drive is classified as a local street with no spacing standards for access expect for a 50 foot corner clearance requirement. However, currently access along Sunrise Drive is completely open with vehicles backing to/from the street right-of-way onto the subject property. The open access shall be eliminated with defined access points established. Curbing shall be installed and paved areas within the right-of-way shall be returned to grass.

Landscape screening will be required along the entire western boundary of the subject property since it adjoins residentially zoned property. The screening should include a 10 foot landscape easement with a six foot high element and one tree every 40 linear feet.

The subject property is currently comprised of three individual lots. Since a portion of the subject property is located within the city limits and a portion is located outside the city limits, the applicant would be required to annex in order to consolidate the three separate parcels into one tract.

SPECIFIC LAND USE CRITERIA

The applicant's request meets the specific criteria of the Comprehensive Land Use Plan. Proportional expansions of general business zones and uses are permitted when logical expansion criteria are met. There is B-4 zoning located immediately south of the subject property and the expansion of existing the General Business zones abutting the same street is acceptable in this plan area. The rezoning of the subject property should not overburden the roadway network and other urban services that are available in the vicinity.

Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The conditions and findings of fact that support this recommendation include the following:

Conditions:

1. Submittal and approval of a final development plan;
2. Access for the subject property to New Hartford Road shall be limited to a maximum of one access point;

3. Open access along Sunrise Drive shall be eliminated with defined curb cuts established. Curbing shall be installed and pavement in the right-of-way shall be removed and returned to grass; and,
4. A 10 foot landscape buffer with a six foot high element and one tree every 40 linear feet shall be installed along the southern property line of the subject property.

Findings of Fact:

1. The subject property is located in a Professional/Service Plan Area where general business uses are appropriate in very-limited locations;
2. Lots fronting New Hartford Road in the vicinity are non-residential in nature on the east and west;
3. The proposal is a logical expansion of B-4 General Business zone and use located immediately south of the subject property; and,
4. The expansion of the B-4 General Business zone will not significantly increase the extent of the zone in the vicinity and will not overburden the capacity of roadways and other necessary urban services that are available in the affected area.