



OCTOBER 12, 2006

3611 RALPH AV, 3628 KY 54

ZONE CHANGE

From: R-1A Single-Family Residential		
To: B-4 General Business		
Proposed Use: Commercial		
Acreage: 0.847		
Applicant: MPG Commercial LLC (0610.1659)		
Property Zone Existing Use	to North B-4, A-U Hardware Store (Closed)	
to West R-1A, B-4 Immanuel Baptist Church, Undeveloped	Subject R-1A ↻ B-4 Vacant	to East R-1A Residential
	to South R-1A Residential	

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 an Urban Residential 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.
- (c) **Expansions across intervening streets** - In Urban Residential plan areas, the expansion of an existing General Business zone across an intervening street should be at least **one-and-one-half (1.5) acres** in size, “**arterial street-oriented**” and sited at corners of intersecting streets if located in close proximity to existing dwellings.

Applicant's Findings

Subject property is located in an Urban Residential Plan Area where General Business uses are appropriate in very limited locations. The property consists of two (2) residential lots fronting on KY 54 and Ralph Avenue, containing a total of 0.847 acres. The applicant proposes to develop the subject property as a single commercial corner lot as shown on a conceptual site plan submitted herewith.

Specific use of the subject property is not known at this time. The site plan shows a typical fast food restaurant with drive through facilities which requires that parking be provided at one space per 100 square feet of net floor area. Other potential uses would most likely have less demanding parking requirements. Access to the property is to be limited to access points on Ralph Avenue. No direct access is proposed to KY 54.

Specific land use criteria that apply to this application are as follows:

(a) Building and lot patterns should conform to the criteria for “Nonresidential Development”

The proposed rezoning is a limited expansion of non-residential (commercial) development and is a logical expansion of existing B-4 zoning and use (Woodlands Plaza and various businesses across KY 54 between Commonwealth Drive and Thoroughbred Acres). The proposed rezoning conforms to the criteria for “Redevelopment of Residential Areas.”

As shown on the site plan, access to the subject property shall be limited to Ralph Avenue. No entrances will be located on KY 54. Perimeter landscaping will be provided along Ralph Avenue and KY 54. A 10 foot landscape buffer will be provided along residential properties situated to the east and south of the subject property.

(b) Logical zoning expansions of proportional scope.

Proposed rezoning is a logical expansion of existing B-4 zoning and uses along Ralph Avenue and KY 54. All services are immediately available. The subject property will be served by Ralph Avenue which has recently been reconstructed with curb and gutter, sidewalks, storm drainage and other necessary infrastructure.

(c) Expansion across intervening streets.

The proposed rezoning is an expansion of existing General Business zoning across an intervening street consisting of 0.847 acres, less than the suggested 1.5 acre guideline contained in the Comprehensive Plan. However, the Comprehensive Land Use Plan did not anticipate the development of Woodlands Plaza including the reconstruction of Ralph Avenue and extension of Villa Pointe interconnecting the subject property with KY 54 and Fairview Drive. With improvements complete on Ralph Avenue, it is anticipated that other properties to the east of Ralph Avenue will develop as nonresidential uses.

The proposed rezoning is in substantial compliance with applicable criteria as set forth in the Comprehensive Land Use Plan.

In addition, the subject property for rezoning is located near the intersection of a major state highway (KY 54) and Fairview Drive where community-wide businesses have been established and other similar business will be established and expanded.

There have been major changes of economic, physical or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan and those changes have substantially altered the basic character of the properties involved. The major changes are:

(a) Rezoning by Mt. Mariah Holdings on October 17, 2000, of 6.361 acres to B-4 General Business located to the northeast at 3251 KY 54.

(b) Rezoning by Marathon Fuels on July 24, 1996, of two acres to B-4 General Business located to the northeast at 3311 KY 54.

(c) Rezoning by IBOK on December 23, 1998, of 11.33 acres to B-4 General Business located to the southeast at 3200 block KY 54.

(d) Rezoning by Woodlands Plaza, LLC on February 20, 2003, of 32.62 acres to B-4 General Business located to the east at 3400 KY 54.

(e) Rezoning by Site Inc. (Wal-Mart) on February 12, 2004, of 34.0 + acres to B-4 General Business located to the northeast at 3123, 3151, 3175, 3211 KY 54 and portions of 3441 and 3509 Fairview Drive.

(f) Rezoning by Woodlands Plaza, Section 2 last year extending B-4 General Business to Ralph Avenue.

Planning Staff Review

The subject property is located in the 3601 block of Ralph Avenue and the 3600 block of KY 54. 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 21059CO145C. 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

All urban services, including sanitary sewers, are available to the site.

Development Patterns

The subject property is located in a residential and developing commercial area. R-1A zoning is located to

the east, west and south of the subject property with single-family residences, vacant land and a church as the primary land uses. B-4 zoning is located to the north and west of the subject property and is occupied by a vacant hardware store and a large developing commercial center. A portion of the property to the north is also zoned A-U Urban Agriculture.

In the vicinity of the subject property, KY 54 is classified as a minor arterial roadway with a 500 foot drive spacing standard and Ralph Avenue is classified as a local roadway. Based on the amount of road frontage along KY 54, access spacing standards could not be met on the subject property and the applicant has committed to no access to KY 54 as part of this rezoning applications.

The applicant also points out in their findings the numerous changes that have taken place in the vicinity of the subject property that have preceded this application, all of which received a favorable recommendation from the Planning Commission. However, this application differs from all the previous rezonings in the fact that it does not meet the criteria of the Comprehensive Plan in regards to the size of the proposed rezoning. According to the Comprehensive Plan, in order to expand the B-4 General Business zoning across an intervening street, the total size of the subject property should be at least 1.5 acres. As proposed, the subject property is just over half of the required size.

As noted in their findings, the smallest similar rezoning in the vicinity was 2.0 acres with the next smallest being just over four acres by Woodlands Investments, LLC in June 2005, which provided for the extension of Villa Point to Ralph Avenue and upgraded Ralph Avenue to a standard commercial street. Two of the rezonings were over 30 acres in size with another over 11 acres.

The size of the property proposed for rezoning is important because the larger the proposal, the better the overall planning for the area will be. With a single, isolated development located at a major street intersection, especially without a development plan that would specify a use and proposal, it is nearly impossible to determine how that property will be incorporated into the overall area as it develops. The applicant did commit to no access to KY 54, but if the subject property were rezoned, the adjoining property at 3636 KY 54 would likely meet the criteria to rezone to B-4 and the conceptual site plan submitted provides no access to that property. The property at 3636 KY 54 could then request rezoning and request access onto KY 54 at a spacing that would not come close to meeting the spacing standard and could cause significant traffic issues.

The desirable alternative would be a rezoning more similar to the four or six acre size development mentioned by the

applicant that would provide a better overall understanding of how the area would develop. That way, an additional access to KY 54 that meets spacing standards, the further eastern expansion of Villa Point, the potential for a right-turn lane on KY 54 at Ralph Avenue and an integrated roadway network throughout the entire development could be explored and better addressed than has been done in this proposal.

Although the warrants to install a right-turn lane on KY 54 at the Ralph Avenue intersection would likely not be met by this single development; as Ralph Avenue continues to develop commercially, it is likely that one might be required in the future. Historically, the requirements for roadway improvements have been the responsibility of the applicant which creates the need. However, since the need for a turn-lane might be warranted in the future, should provisions be made to share the cost of that improvement? When larger tracts are developed it is much easier to evaluate the potential impact on the transportation and to determine when warrants are met for improvements. However, smaller, singular developments such as the proposal make that process more difficult.

With the expansion of B-4 zoning to the western size of Ralph by Woodlands Investments, LLC in June 2005, planning staff has anticipated that that commercial activity would continue along the east size of Ralph Avenue and beyond with the extension of Villa Point. These properties certainly have commercial potential given their proximity to Woodlands Plaza and the reconstruction of Ralph Avenue to a commercial street; however, the change needs to be accomplished in an orderly fashion that takes the previously mentioned considerations into account.

Until the time that additional land is available for development in conjunction with the subject property, the proposal is premature. It appears that some land surrounding the subject property is currently vacant for potential development. At the time when additional land is available for development, a development plan should be submitted in conjunction with a proposed zoning change to include specifics about the uses for the subject property. The current submittal, although showing a fast food restaurant that considers a worst case parking requirement, is speculative and subject to change.

SPECIFIC LAND USE CRITERIA

According to the Comprehensive Plan, General Business uses are appropriate in very-limited locations within an Urban Residential Plan Area.

The application submitted conforms to some specific criteria of the Comprehensive Plan requirements; however, it does not meet the minimum size of 1.5 acres to qualify as a logical expansion across an intervening street. It is

anticipated that this property will at some point zone to commercial as commercial development has progressed along KY 54 over the past several years. However, this application is premature in that it does not, and cannot, effectively address the goal of an overall, comprehensive approach to the redevelopment of this commercial area more in keeping with the larger rezonings that have preceded this proposal and instigated the beneficial and planned commercial growth along the KY 54 corridor.

Planning Staff Recommendations

Staff recommends denial because the proposal is not in compliance with the community's adopted Comprehensive Plan. The findings of fact that support this recommendation include the following:

Findings of Fact:

1. The subject property is located in an Urban Residential Plan Area, where general business uses are appropriate in very-limited locations;
2. The subject property does not meet the specific criteria in the Comprehensive plan to qualify as a logical expansion across an intervening street of an existing General Business zone within an Urban Residential Plan Area because it is significantly smaller than the recommended 1.5 acres;
3. The proposal will be an isolated development with minimal provisions for integration into a larger area anticipated for commercial growth;
4. The result of this rezoning could by default require additional, single access points to KY 54 which would not be desirable and would not be conforming to the existing access standards potentially causing unsafe vehicular access; and,
5. The incorporation of the subject property along with adjacent properties which are currently vacant or prime for redevelopment would better serve the commercial needs of the vicinity and allow for a comprehensive, integrated commercial development more similar to previous rezonings along the KY 54 corridor.