



AUGUST 9, 2007

**100, 102, 108 WOODFORD AV
1501, 1509 W 2ND ST**

ZONE CHANGE

From: B-4 General Business R-4DT Inner-City Residential		
To: B-4 General Business		
Proposed Use: Retail Sales		
Acreage: 1.32+/-		
Applicant: FD Sturgis, LLC (0708.1687)		
Property Zone Existing Use	to North R-4DT Single-Family Residential	
to West B-4, R-4DT Electronics Repair, Vacant	Subject B-4, R-4DT → B-4 Vacant	to East B-4, R-4DT Single-Family Residential, Grocery Store
	to South B-4 Convenience Store, Monument Company	

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 partially located in a Business Plan Area, where general business uses are appropriate in limited locations and partially located in a Central Residential Plan Area, where general business uses are appropriate in very limited locations.

SPECIFIC LAND USE CRITERIA

- (a) Building and lot patterns; outdoor storage areas -**
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 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.

Applicant's Findings

The Land Use Plan Map element of the Comprehensive Plan recommends General Business land uses (B-4) in limited locations for this neighborhood. Applicant is in the process of preparing a lot consolidation for the site and proposes to construct a Family Dollar store. The site extends from W Second Street northwardly to W First Street along the western side of Woodford Avenue. All urban services exist at the site. The resulting 1.32 acre lot will be non-residential in size and lot pattern.

The neighborhood is a mixed-use area of single-family and bachelor apartment residential, general business and retail sales. The site is partially zoned B-4 General Business. Approval of the requested rezoning extending to W First Street will be a logical expansion of the existing commercial land use. The street frontage and business focus will be on W Second Street, an existing arterial thoroughfare.

Existing business uses within the area include a fuel express; a cemetery monument company; a truck brake and wheel business; a laundromat; a utility substation; a pawn shop; a nursing home/extended care business; a motel; a restaurant business and convenience stores.

Historically, the site previously existed principally as a retail food/restaurant business.

Planning Staff Review

The subject property is located in the 100 block of Woodford Avenue and the 1501 block of W 2nd Street. 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 21059CO120 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

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

Development Patterns

The subject property is located in an area of mixed commercial and residential land uses and zoning. As demonstrated in the applicant's findings, land uses in the vicinity include convenience stores, a grocery, single-family residences, a monument company and various other activities.

The proposed zoning has road frontage on W 2nd Street, W 1st Street and Woodford Avenue. In the vicinity of the subject property, W 2nd Street is classified as a principal arterial roadway with a 60 foot roadway buffer and a 500 foot access spacing standard. Woodford Avenue and W 1st Street are both classified as local roadways.

The site currently has several curb cuts along the W 2nd Street road frontage. Since adequate access spacing cannot be met along the W 2nd Street road frontage, no access shall be permitted. Access to Woodford Avenue is preferable since W 1st Street is primarily residential in the vicinity of the subject property. Due to the residential character along the W 1st Street side of the proposed rezoning, consideration should be given to the concerns of neighboring residents with respect to the established lot patterns in their neighborhoods.

A 10 foot landscape buffer with a six foot high element and one tree every 40 linear feet will be required where the subject property adjoins residentially zoned property to the north and west. All vehicular use areas shall be paved and vehicular use area screening will be required when abutting road right-of-way. Also, due to the proximity to residential structures, all lighting for the subject property should be directed away from the residential structures to reduce the impact of the commercial light and glare onto the residential property.

Since the subject property currently consists of several smaller lots, a consolidation plat shall be submitted and approved by the OMPC prior to any construction activity on the site.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. A portion of the subject property is currently zoned B-4 General Business and B-4 zoning exists to the south, west and east and therefore meets the logical expansion criteria. At .132+/- acres, the proposed commercial zoning should not increase the extent of the zone in the vicinity. With no direct access to W 2nd Street, the zoning request should not overburden the roadways or other necessary urban services in the vicinity.

Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. However, due to the encroachment of the commercial zoning into the established residential blockfront along W 1st Street, the Planning Commission should consider the comments and concerns of the neighborhood into consideration. The conditions and findings of fact that support this recommendation include the following:

Conditions:

1. No access shall be permitted to W 2nd Street;
2. A ten foot landscape buffer with a six foot element and one tree every 40 feet shall be installed along the entire west property line where adjoining residential zoning;
3. A consolidation plat shall be submitted and approved by the OMPC prior to any construction activity on the subject property, and,
4. Due to the proximity to existing residential zones, all lighting for the subject property shall be directed away from the residential property to reduce the glare and impact of the lighting on the residential uses.

Findings of Fact:

1. The subject property is partially located in a Business Plan Area where general business uses are appropriate in limited locations and partially located in a Central Residential Plan Area where general business uses are appropriate in very limited locations;
2. The proposed use of the property as a Dollar Store will be nonresidential in use;
3. The proposed zoning change is a logical expansion of an existing general business zoning classification on the subject property and general business zoning located immediately south, east and west of the subject property; and,
4. The development should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.