



NOVEMBER 8, 2007

1501 W 2ND ST

ZONE CHANGE

From: B-4 General Business with conditions		
To: B-4 General Business		
Proposed Use: Retail Sales		
Acreage: 1.32+/-		
Applicant: FD Sturgis, LLC (0711.1698)		
Property Zone Existing Use	to North R-4DT Single-Family Residential	
to West B-4, R-4DT Electronics Repair, Vacant	Subject B-4 ➔ 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. A lot consolidation for the site has been approved. The site extends from W 2nd Street northwardly to W 1st 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. Existing business uses within the area include a Fuel Express; a cemetery monument company; a truck wheel and brake 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 drive-in food/family restaurant business.

The subject property was rezoned on August 9, 2007, from R-4DT and B-4 to B-4 with conditions. The request for rezoning is to amend the zone of the subject property from B-4 with conditions to B-4 with an amendment so as to remove the condition of access control onto W 2nd Street.

The reasons for the removal of the condition prohibiting access to W 2nd Street are as follows:

1. The applicant proposes to construct a Family Dollar Store on the site. The Family Dollar Store company will not lease the subject property without an access to the property from W 2nd Street.
2. The street frontage and business focus should be on W 2nd Street, an existing arterial thoroughfare.
3. Allowing access to the subject property from W 2nd Street will not cause additional traffic issues in that W 2nd Street is a one-way street and there will be less conflicting turn movements than on a two-way street. The service customer area for the Family Dollar Store is the current neighborhood and traffic normally traveling along W 2nd Street.
4. The property has previously been used as a drive-in restaurant and, more recently, as a family restaurant. These businesses were allowed three access points to their property from W 2nd Street. Historically, in rezoning cases where the property has had two existing access points along an arterial street, the OMPC Board has granted at least one access point from the property to an arterial street. There are cases on KY 54 and south Frederica Street where the OMPC Board has approved such access points. Similarly approved plans allowed W 2nd Street access for two driveways at 1428 W 2nd Street (Tobacco Barn/Fuel Express) and two driveways located at 1315 W 2nd Street (Cadillac Restaurant).
5. The proposed access point from W 2nd Street will be located at a point on said arterial street that is the farthest point away from the intersection of Woodford Avenue.
6. If the only access point to the subject property is on Woodford Avenue, it will be difficult for incoming and outgoing trucks to get on and off the property efficiently. Under the new proposal, truck traffic will flow around the site more efficiently and safely avoid maneuvering onto Woodford Avenue.
7. The access manual is a guideline and cannot be rigidly implemented in the older developed sections of town. To allow the proposed zone change with access to W 2nd Street and the construction of a Family Dollar Store will provide revitalization and redevelopment of the existing inner-city neighborhood.

Planning Staff Review

The subject property is located in 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. Based on the preliminary FIRM maps dated July 7, 2007, the subject property is not located in a special flood hazard area per map 21059CO119 D. 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 three curb cuts along the W 2nd Street road frontage. The development plan submitted in conjunction with the rezoning shows the elimination of two of the access points. One access point is proposed as far west along the property frontage on W 2nd Street. The applicant is providing an ingress/egress easement to the adjoining property to the west so that additional access points may be eliminated in the future if additional property along this block of W 2nd Street redevelops. 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 property was rezoned in August, a consolidation plat has been approved by the OMPC. A final development plan has been submitted in conjunction with this rezoning request detailing the location of the proposed drive to W 2nd Street and other pertinent site information.

SPECIFIC LAND USE CRITERIA

The proposed rezoning meets the requirements of the Comprehensive Plan and a very similar proposal was previously approved by the Planning Commission. The entire tract is currently zoned B-4 General Business and the sole reason for this rezoning is to remove an access condition.

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. An ingress/egress easement shall be provided to the adjoining property to the west to provide future interconnection as shown on the development plan submitted in conjunction with the rezoning;
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; and,
3. 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 subject property is currently completely zoned B-4 General Business; and,
4. The elimination of two access points along the W 2nd Street road frontage and the ingress/egress easement provided to the property to the west for future interconnection will bring the site significantly more in compliance with the standards of the Access Management Manual.