

APRIL 14, 2016

2426, 2428, 2430 J R MILLER BLVD

ZONE CHANGE

From: R-1C Single Family Residential	
To: B-4 General Business	
Proposed Use: General Business	
Acreage: 0.36+/-	
Applicant: Kessinger, LLC (1604.1952)	
Surrounding Zoning Classifications:	
North: R-1C	South: B-4
East: I-1	West: R-1C

Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business zone. The subject property is located in a 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” (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 Maps 21059CO138D.
- It appears that the subject property is not within the Owensboro Wellhead Protection area per the OMU map dated 2015
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA, the EPA, the OMPC building/electrical/HVAC division or other state and federal agencies as may be applicable.

Urban Services

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

Development Patterns

The subject properties are 3 tracts that total 0.36+/- acres. Currently there is a single family residence located on each tract. The applicant proposes to rezone the property to B-4 General Business to allow potential future commercial use of the property.

Properties in this area are zoned commercial, residential and industrial. Franey’s Food Mart abuts the subject property to the south and is zoned B-4. The Colonial Bakery is located across JR Miller Boulevard to the east. Residential properties are located to the north and west.

If the rezoning is approved, the applicant will be required to provide landscape buffer screening in compliance with Article 17 of the zoning ordinance along the northern property boundary where adjacent to residential property. Although the properties to the west are also zoned residentially there is an alley that separates the subject properties from the adjoining properties to the west so the landscaping buffer screening would not be required in this area.

J R Miller Boulevard in this location is classified as a minor arterial roadway and the subject property must comply with the special access control policy for J R Miller Boulevard adopted by TAC October 24, 1985. Currently the subject properties are accessed by a frontage road that runs parallel to J R Miller Boulevard with only one access point to J R Miller Boulevard for the properties in question and the neighboring commercial property to the south. Because of the access control policy, access to the subject properties shall be limited to the existing single access to J R Miller Boulevard through the frontage road and the alleys to the south and west.

Prior to any non-residential occupancy of the property the applicant must obtain approval of a site plan or development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage. Jim Mischel with the OMPC Building, Electrical & HVAC department shall be contacted before any construction activity takes place on the properties.

SPECIFIC LAND USE CRITERIA

The applicant’s proposal is in compliance with the Comprehensive Plan. The proposed use as general business conforms to the criteria for nonresidential development. The proposed B-4 General Business zoning is a logical expansion of B-4 General Business zoning to the south. The proposal is not a significant increase in general business zoning in the vicinity 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. Access to the property shall be limited to the existing single access point to J R Miller Boulevard through the frontage road and the alleys to the south and west. No additional access to J R Miller Boulevard shall be permitted.
2. The applicant shall provide landscape buffer screening in compliance with Article 17 of the zoning ordinance along the northern property boundary where adjacent to residential property.

Findings of Fact:

1. Staff recommends approval because the proposal is in compliance with the community’s adopted Comprehensive Plan;
2. The subject property is located in an Urban Residential Plan Area where general business uses are appropriate in very limited locations;
3. The proposed use as general business conforms to the criteria for nonresidential development;
4. The proposal is a logical expansion of existing B-4 General Business zoning to the south; and,
5. At 0.36+/- acre, the proposal does not significantly increase the extent of general business zoning in the vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.