



JUNE 11, 2009

PORTION OF 3500 VILLA PT

ZONE CHANGE

From: B-4 General Business		
To: A-U Urban Agriculture		
Proposed Use: Consolidation to Splash Property		
Acreage: 0.094		
Applicant: HAMR, LLC (0906.1753)		
Property Zone <i>Existing Use</i>	to North B-4 Strip Mall, Vacant	
to West B-4 Kohl's	Subject B-4 ➔ A-U Vacant	to East R-1A, A-U Residential, Vacant
	to South A-U Splash Swim Club	

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 an A-U Urban Agriculture zone. The subject property is located in a Business Plan Area, where agricultural/recreational uses are generally not recommended.

Applicant's Findings

Applicant requests that the subject property consisting of a narrow strip of land 15 feet in width be rezoned from B-4 General Business to A-U Urban Agriculture in order to allow a division and consolidation plat be approved. The strip of land is to be conveyed by the applicant to Invision, LLC, owner of the Splash swim club.

The proposed rezoning is a logical expansion of the existing A-U zone and will have no impact on existing land uses as the strip of land runs along and parallel to a retaining wall constructed by the applicant during the development of the strip center on Villa Point. The elevation differential between the two parcels causes the subject parcel to be inaccessible except from Ralph Avenue. Consolidation with the Splash property will provide additional buffer to the commercial development. Building and lot patterns, capacity of roadways and necessary urban services will not be affected.

Planning Staff Review

The subject property is located in the 3500 block of Villa Point. 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 21059CO281 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 a narrow strip of land that is part of an approved commercial development on Villa Point. Surrounding land uses include the Splash Swim Club, Kohl's commercial center and residential.

As stated by the applicant, the 15 foot strip of land is proposed for consolidation to the existing Splash development to the south. The narrow strip of land is located at the top of a retaining wall constructed as part of the commercial development on the subject property and is not usable by the applicant. A minor subdivision has been submitted in conjunction with the rezoning application to divide and consolidate the property.

The property to the south is the Splash Swim Club which is in operation under a Conditional Use Permit as a major outdoor recreation use within an agricultural zone. Major outdoor recreational uses can be conditionally permitted within any zone. However, since the entire Splash property is currently zoned A-U Urban Agriculture, the proposed change in zoning for consolidation purposes is an appropriate change in zoning.

SPECIFIC LAND USE CRITERIA

Agricultural uses are generally not recommended within a Business Plan Area. However, the applicant proposes to divide 15 feet of unusable property from their commercial development and consolidate it with an existing major outdoor recreational use to the south. The major outdoor recreational use has an existing Conditional Use Permit approved for the use of the property. The limited expansion of agricultural zoning will provide additional property for the Splash development while not impacting the existing commercial development from which it is removed. Since the property is unusable by the commercial development due to the elevation change from the retaining wall, and it will provide additional buffer on the Splash property from the commercial zoning, the proposed zoning for the subject property is more appropriate than the existing zoning.

Planning Staff Recommendations

Staff recommends approval because the proposed zoning is more appropriate than the existing zoning.. The condition and findings of fact that support this recommendation include the following:

Condition: Approval of a minor subdivision plat and amended final development plan.

Findings of Fact:

1. The subject property is located in a Business Plan Area, where agricultural/recreational uses are generally not recommended;
2. The subject property is unusable to the applicant due to a significant elevation change on the commercial property;
3. The subject property will be consolidated with an existing major outdoor recreational use located immediately to the south which is currently zoned A-U; and,
4. Since the property is unusable by the commercial development due to the elevation change from the retaining wall, and it will provide additional buffer on the Splash property from the commercial zoning, the proposed zoning for the subject property is more appropriate than the existing zoning.