

SEPTEMBER 10, 2009

3118, 3138 FAIRVIEW DR

ZONE CHANGE

From:	R-1A Single-Family Residential A-U Urban Agriculture
To:	B-4 General Business R-3MF Multi-Family Residential
Proposed Use:	Office Complex, Multi-Family Residential
Acreage:	27.62
Applicant:	FMU, LLC; Woodlands Plaza II, LLC; Fairview Properties, LLC (0909.1761)
Surrounding Zoning Classifications:	
North: B-4	South: I-1, P-1, I-2, R-1C
East: A-U, R-1C	West: I-2, I-1, P-1

Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business zone and an R-3MF Multi-Family Residential zone. The subject property is located in a Business Plan Area, where business and urban mid-density residential uses are appropriate in limited locations.

SPECIFIC LAND USE CRITERIA

General Business Uses

- Building and lot patterns** - Building and lot patterns should conform to the criteria for **"Nonresidential Development" (D7)**, and outdoor storage yards, with **"Buffers for Outdoor Storage Yards: (D1)**.
- 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.

Urban Mid-Density Residential Uses

- Building and lot patterns** - Building and lot patterns should conform to the criteria for **"Urban Residential Development" (D6)**.
- Existing, expanded or new sanitary sewers** - Urban Mid-density Residential uses should occur only where sanitary sewer systems exist or may be expanded, or where new systems may be property established.
- New locations near major streets** - In Business plan areas, new locations of Urban Mid-density Residential use should be **"major-street-oriented" (D2)**.
- New locations adjoining nonresidential uses** - If new locations of Urban Mid-density Residential uses are located in Business plan areas, they should be sited on the fringes of such areas where they would serve as **"buffer-uses" (D1)**.

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 partially located in a special flood hazard area per FIRM Maps 21059CO142 & 281 D.
- It appears that the subject property is outside the Owensboro Wellhead Protection area per the GRADD map dated March 1999.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

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, industrial, residential and professional zonings. The site is currently used for single-family residential purposes. The applicant proposes a development consisting of commercial, office and multi-family residential uses. A preliminary development plan was submitted in conjunction with the rezoning request that details the areas of proposed B-4 General Business zoning and the R-3MF Multi-Family Residential zoning. The preliminary development plan also incorporates into the development a smaller tract along Fairview Drive that was previously rezoned to P-1 Professional/Service. As shown on the preliminary development plan, the B-4 portion of the property is located immediately south of the Woodlands Plaza development and consists of just over four acres of property. The R-3MF zoning encompasses the remainder of the property.

In the vicinity of the subject property, Fairview Drive is classified as a minor arterial roadway with a 500 foot driveway spacing standard. The preliminary development plan shows two access points to the subject property. Two access points to Fairview Drive are necessary based on the Traffic Impact Study submitted in conjunction with the rezoning. Access to Fairview Drive shall be limited to the two access points only and no individual drives shall be permitted. The development also includes a connection to Villa Point to the north through the Woodlands Plaza subdivision and a street stubbed to the east which would connect with the vacant area to the rear of the Splash development.

Due to the size of the proposal, the applicant provided a Traffic Impact Study with the rezoning submission to evaluate the transportation impact the development will have on the transportation network. The TIS recommends that a left-turn lane be installed at Access 2 on Fairview Drive (drive furthest from Villa Point) and provide a connecting street to the commercial development to the north to connect with Villa Point. The study also discusses the potential need for restriction of left-turn and through movements on Villa Point at the Fairview Drive intersection due to delays resulting from the queuing of northbound traffic at the KY 54 signal. Finally, the study suggests that a traffic signal warrant analysis should be conducted at KY 54 and Commonwealth Court.

At this time, all reviewing agencies have not had the opportunity to completely review the TIS. Planning staff has requested additional information in regards to assumptions in the study about trip generation for the B-4 portion of the property and distribution of traffic between the two access points on Fairview Drive. Based on the TIS information, trip generation for the B-4 portion of the property was calculated at a rate consistent with general office use but does not take into consideration the potential of higher intensity uses such as restaurants and retail establishments. Depending on the changes to trip generation rates, the need for a left-turn lane at both access points may exist. Staff has also raised the question about providing right-turn tapers or large radii at the access points to allow traffic to move from the roadway more quickly. The TIS states that no right-turn lane or taper improvements are warranted. The city engineering and KYTC staffs have not fully reviewed the TIS at this point. Conditions on the rezoning may be altered prior to the planning commission meeting based on results of trip generation rate analysis and complete review by the city engineering office and the KYTC. If the agencies have not completed their review prior to the meeting date, the rezoning request should be postponed. At this point, the city engineering office has requested that sufficient right-of-way be dedicated to allow for the future widening of Fairview Drive to five lanes.

Due to the proximity to the existing single-family residential development, all lighting on the site should be directed away from the surrounding residential uses. Landscape buffers are required where the proposed R-3MF property adjoins industrial zoning to the west and commercial zoning to the north. The screening element should conform to the requirements of the zoning ordinance and include a six foot element and one tree every 40 linear feet or a double row of staggered pine trees.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The B-4 General Business portion of the property will be used for commercial purposes and

is a logical expansion of existing B-4 zoning located immediately north of the subject property. The R-3MF portion will be residential in nature. Sanitary sewer service is currently available to the site and all building will be served by sanitary sewer. The site is near a major street with two access points to Fairview Drive and the subject property is located on the fringes of the business plan area and could serve as a buffer between the commercial zoning to the north and the single-family residential zoning to the south.

Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. This recommendation is made subject to the conditions and findings of fact that follow:

Conditions:

1. Provide a street connection to Villa Point to the north;
2. Install a left-turn lane at Access 2 as shown on the preliminary development plan;
3. Provide screening meeting the minimum requirements of the zoning ordinance where the proposed residentially zoned property adjoins industrially zoned property to the west and commercially zoned property to the north;
4. Provide a street stub to the property to the east as shown on the preliminary development plan;
5. All lighting on the subject property shall be directed away from the adjoining single-family residential property; and,
6. Other conditions as deemed necessary by the revisions to the TIS based on trip generation rates and complete review by the city engineering and KYTC staffs.

Findings of Fact:

1. The subject property is located in a Business Plan Area, where business and urban mid-density residential uses are appropriate in limited locations;
2. The B-4 portion will be nonresidential in nature and is a logical expansion of existing B-4 zoning located immediately north of the subject property;
3. The R-3MF portion will be residential in nature;
4. Sanitary sewer service is currently available to the site;
5. The subject property is major street oriented with two access points to Fairview Drive; and,
6. The R-3MF zoning is located on the fringes of the business plan area and could serve as a buffer between the commercial property to the north and the single-family residential property to the south.