

AUGUST 12, 2010

**PORTIONS OF 2401-2501
BLKS BARRON DR
ZONE CHANGE**

From: A-U Urban Agriculture	
To: B-4 General Business	
Proposed Use: General Business	
Acreage: 37.648	
Applicant: Massie-Clarke Development Co., Inc.; James C. Ellis Estate (1008.1780)	
Surrounding Zoning Classifications:	
North: R-1C	South: A-U, I-1
East: R-1B	West: B-4

Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business zone. The subject property is located in an 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.

(c) Expansions across intervening streets - In Urban Residential plan areas, the expansion of an existing General Business zone across an intervening street should be at least **one-and-one-half (1.5) acres** in size, but should not occur if this would significantly increase the extent of the zone in the vicinity.

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 Map 21059CO257 D.
- It appears that the subject property is not within 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 a portion of an approximately 82 acre tract located on Barron Drive near the Carter Road and Wendell Ford Expressway interchange. The zone and use of the property to the north and east is single-family residential. The property to the west is zoned B-4 and is a vacant tract while the property to the south is zoned A-U and I-1.

The applicant has submitted three separate zoning requests, a preliminary development plan and a traffic impact study for the entire property. The 37.648 acre commercial portion of the rezoning is located on the western portion of the subject property and covers the entire road frontage along Barron Drive. The commercial portion does adjoin residentially zoned property to the north which requires a 10’ landscape buffer with a six foot solid wall or fence and one tree every 40 linear feet. Also, due to the proximity to residential structures, all lighting for the subject property shall be directed away from the residential structures to reduce the impact of the commercial light and glare onto the residential property. All vehicular use areas are required to be paved and vehicular use area screening is required where pavement abuts road right-of-way.

The preliminary development plan submitted in conjunction with the rezoning request shows two street intersections to Barron Drive. The drive located closest to Carter Road is called Site Access #2 while the drive furthest from Carter Road is called Site Access #1. A few of the road frontage lots also have individual drive access points proposed that are in conformance with the requirements of the access management manual. In the vicinity of the subject property, Barron Drive is classified as a collector roadway with a 250’ spacing standard, a 60’ building setback and a 30’ roadway buffer. The preliminary development plan also shows four street connections to streets stubbed to the property line from previous development surrounding the subject property.

In order to determine the impact the development will have on the transportation network, the applicant submitted a Traffic Impact Study (TIS) in conjunction with the rezoning request. The TIS is intended to identify traffic generated by the site and ways to mitigate the impact of the increased traffic on the surrounding transportation network. The Kentucky Transportation Cabinet, City of Owensboro Engineer, Daviess County Engineer, GRADD transportation planner Keith Harpole, and OMPC staff all received a copy

of the TIS and reviewed the results. The TIS calls for various roadway improvements and, based on the review of the various agencies, other roadway improvements may be required.

The TIS indicates two stages of development are anticipated. The first phase of development includes the entire residential portion of the proposed development and 25,000 square feet of commercial development. The second phase is the remainder of the commercial development. The controlling factor in the implementation of Phase 2 improvements is the 25,000 square feet of commercial development. Regardless of the timing of the residential development, when the 25,000 square foot threshold for commercial development is met, all roadway improvements must be implemented.

The preliminary development plan submitted in conjunction with the rezoning request, shows Access 2 as the main access to the commercial portion of the development. Access 2 shall be installed with the first final plat of Phase 2 development along with all required roadway improvements as established in the TIS. The recommended roadway improvements as determined by the TIS include the following:

1. Provide sufficient capacity for eastbound left-turns on Barron Drive at Site Access 1 during the design process and as part of Phase 1 construction per KYTC specifications.
2. Install a traffic signal at the Carter Road and Barron Drive prior to any development after Phase I or as required by KYTC.
3. Install a northbound right-turn lane on Carter Road no later than the end of Phase 1 if not already installed by others.
4. The first access on Barron Drive shall be no closer than 700 feet from the stop bar on Barron Drive at Carter Road.
5. Provide sufficient left-turn capacity for eastbound Phase II site traffic on Barron Drive at Site Access 2 per KYTC specifications.
6. Extend the westbound left turn lane on Barron Drive at Carter Road from 125 feet to 225 feet prior to the implementation of Phase 2 of the development at the cost of the developer.
7. Prior to development beyond Phase 1, widen Barron Drive to accommodate three 11-foot lanes with a center two-way turn lane between Carter Road and Site Access 1 (easternmost site access).
8. Provide a minimum of 250 feet of separation between any site accesses.
9. Connect the internal sidewalk system to the existing sidewalk system.
10. Review with local officials the need for additional traffic control at Tamarack Road and Barron Drive before Phase 2.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The B-4 General Business zoning is a logical expansion of existing B-4 zoning located immediately east of the subject property across Barron Drive. At 37.648 acres the subject property exceeds the 1.5 acre minimum. With the implementation of the roadway improvements required by the traffic impact study and additional comments from the reviewing agencies, the proposed rezoning expansion 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:

General Conditions:

1. Surety for roadway improvements for each individual phase will be posted at the time of final platting and must be installed prior to the issuance of any occupancy permit for that phase of development except for the left-turn lane on Barron Drive at Access 1 as stated in Phase 1, Item 2.
2. Any commercial development beyond the 25,000 square foot threshold as established in the Traffic Impact Study will trigger the need for all roadway improvements to be completed.
3. Provide a minimum of 700 feet of spacing between the stop bar on Barron Drive at the Carter Road intersection and Site Access 2.
4. Provide a minimum of 250 foot spacing between any site access points.
5. Connect internal sidewalks to the existing sidewalk system.
6. Submission and approval of a final development plan.
7. Due to the proximity to residential structures, all lighting for the subject property shall be directed away from the residential structures to reduce the impact of the commercial light and glare onto the residential property.

Phase I Conditions:

1. Install Access 1 to serve as the main access to Phase 1 development with the first final plat.
2. On Barron Drive at the intersection of Site Access 1, install an eastbound left-turn lane per KYTC specifications when the 125th lot is final platting.

Phase II Conditions:

1. Install a traffic signal at the Carter Road and Barron Drive intersection if the signal has not been installed by others.
2. Install a northbound right-turn lane on Carter Road at Barron Drive per KYTC specifications.
3. Extend the westbound left-turn lane on Barron Drive at Carter Road from 125 feet to 225 feet or as required by KYTC.
4. Provide sufficient left-turn lane capacity for eastbound traffic on Barron Drive at Site Access 2 per KYTC specifications.

5. Widen Barron Drive from the Carter Road intersection to Site Access 1 (the easternmost site access) to accommodate three 11-foot lanes with a center, two-way left-turn lane.
6. Review with local officials the need for additional traffic control at Tamarack Road and Barron Drive.

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 use as a commercial center will be nonresidential in nature and use;
4. The proposal is a logical expansion of existing B-4 zoning located across Barron Drive to the east;
5. At 37.648 acres, the proposal exceeds the 1.5 acre minimum recommended in the Comprehensive Plan; and,
6. With roadway improvements as required by the traffic impact study and the reviewing agencies, the expansion should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.