

**AUGUST 12, 2010**

**PORTION OF 4300 HIGHWAY 54**

**ZONE CHANGE**

<b>From:</b> A-U Urban Agriculture
<b>To:</b> B-4 General Business
<b>Proposed Use:</b> General Business
<b>Acreage:</b> 7.72
<b>Applicant:</b> Lake Forest Community, LLC (1008.1785)
<b>Surrounding Zoning Classifications:</b>
<b>North:</b> A-U, R-3MF, B-4 <b>South:</b> R-1C
<b>East:</b> B-4, R-1C <b>West:</b> R-1C

**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.

**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 Map 21059CO281 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 located along Highway 54 and encompasses the remaining road frontage between the Lake Forest residential subdivision and the Millers Mill Plaza commercial development. The property to the west and south is zoned R-1C and is part of the Lake Forest Subdivision. The property to the north and east is primarily zoned B-4 General Business with additional R-3MF Multi-Family Residential and A-U Urban Agriculture zoning.

The proposed zoning change is an extension of the Millers Mill Plaza commercial development that was rezoned in September and October of 2007. Springhill Drive was stubbed to the property line with the intent to connect to Lake Forest Drive when the subject property was developed and will connect with a stub of Springhill Drive that connects to Lake Forest Drive.

In the vicinity of the subject property, Highway 54 is classified as a minor arterial roadway with a 500’ spacing standard, a 75’ building setback and a 50’ roadway buffer. The applicant proposes a street connection to Highway 54 in alignment with Gate Way with an eastbound right-turn decel and storage lane on Highway 54. The access point and right-turn lane shall be constructed in accordance with the regulations of the Kentucky Transportation Cabinet and will require a permit prior to construction. The right-turn lane shall be installed unless the projected volume of the intersection traffic does not warrant the turn-lane as applied to the auxiliary turn lane policy of the KYTC. The street connection is the only access that is permitted to Highway 54. All individual lot access shall be from internal streets only.

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 south. 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 shall be directed away from the residential structures to reduce the impact of the commercial light and glare onto the residential property.

A preliminary and final plat will be required for review of the public improvements as part of the development process.

**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 along Highway 54. At 7.72 acres in size, the proposed rezoning expansion should not overburden the capacity of roadways and other necessary urban services that are available in the affected area with the proposed access and roadway improvements to Highway 54.

## Planning Staff Recommendations

The planning staff recommends approval subject to the conditions and findings of fact that follow:

### Conditions:

1. Access to Highway 54 shall be limited to a single access point in alignment with Gate Way. All individual lot access shall be from internal streets only;
2. Install a right-turn lane on Highway 54 at the access in alignment with Gate Way unless the projected intersection traffic does not meet the warrants of the Kentucky Transportation Cabinet policy for auxiliary turn lanes;
3. A 10 foot landscape easement with a six foot element and one tree every 40 feet shall be installed along the south property line where adjoining residential zoning; and,
4. 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. 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 of the property as a commercial subdivision will be nonresidential in use;
4. The proposed zoning change is a logical expansion of an existing general business zoning classification located immediately east of the subject property; and,
5. With the installation of an access point to Highway 54 and improvements required by the Kentucky Transportation Cabinet, the development should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.