

DECEMBER 12, 2002

100 BLOCK WEIKEL DR

ZONE CHANGE

From:	R-2MF, R-3MF Multi-Family Residential	
To:	B-4 General Business	
Acres:	4.37 acres	
Applicant:	Goetz Development Company c/o Mike Goetz, partner (0212.1506)	
Property Zone Existing Use	to North R-1B Residential	
to West R-2MF, R-3MF Apartments	Subject R-2MF, R-3MF ↻ B-4 Vacant	to East A-R Vacant
	to South B-4 General Business	

**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 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 “**Non-residential 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 Central Residential, Urban Residential, Future Urban, and Professional/Service 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.

Applicant's Findings

The proposal for re-zoning is in accord with the Comprehensive Plan. General business uses are allowed in very-limited locations.

- (A) The proposal for re-zoning conforms to the criteria for non-residential development. There is a natural barrier along Harsh ditch tributary between the Wilder Drive neighborhood and the subject property. The natural barrier includes a wide paved ditch area and an existing tree line. The ditch and the tree line screen and separate the respective land uses.

The existing wooded area along the paved ditch will be retained to buffer the commercial land use from the residential use to the north.

The proposed lot shape and size are non-residential in character.

Any future outdoor storage area will be buffered

according to the zoning ordinance.

- (B) The proposal is a logical expansion of the area and is contiguous and adjacent to B-4 uses, which are directly across the by-pass and abut the subject property on the same street, that being J R Miller Blvd. The expansion of the general business zone will not significantly increase the extent of the zone in the vicinity of the expansion. With the completion of J R Miller Blvd and the recent expansion of J R Miller Blvd and extension of Martin Luther King Loop, additional traffic will not over-burden the capacity of roadways and all other necessary urban services that are available in the affected area.
- (C) The land use map designates the subject property as urban residential. The expansion of the B-4 General Business across the by-pass satisfies the criteria for the expansion across intervening streets since the proposed site will contain at least 1 ½ acres.

The owners of the commercial properties, which are zoned B-4 and located immediately to the south of the subject property and across the by-pass, received notice of this proposed rezoning as required by the OMPC staff. Therefore, those properties are considered as a part of the vicinity. The adjoining neighborhood in the vicinity to the south is predominantly B-4 General Business. This is a substantial area of existing general business land use (B-4) and the rezoning of the subject site will not substantially increase B-4 in this vicinity.

- (D) The proposed site will contain a separate and distinct commercial land use. According to the proposed plan Kipling Dr will not be extended into the proposed site. Commercial traffic will not flow from the commercial site into the residential neighborhood located to the north of the proposed site.

IN THE ALTERNATIVE:

1. The existing zoning classification given to the property of R-2MF and R-3MF is inappropriate and the proposed zoning classification of B-4 is appropriate.
 - a. Once J R Miller Blvd was constructed the use of the frontage of the subject property along J R Miller Blvd ceased to be residential and the highest and best use of said property became commercial. This is especially true since J R

Miller Blvd has been extended to include the Martin Luther King Loop from Southtown Blvd to Frederica St and more and more traffic is using J R Miller Blvd.

- b. The property located to the south at or near the crossing of the by-pass and J R Miller Blvd has been re-zoned commercial B-4 after the construction of J R Miller Blvd. The subject property is also located at the crossing of J R Miller Blvd and the by-pass and the zoning of said property should be changed to the same commercial use, B-4.
 - c. The 11-acre tract of land directly across J R Miller Blvd and to the east of the subject property was a barrow pit. Certainly, residential development would not occur across from such an unsightly activity. The 11-acre barrow pit has been filled and is now being marketed as commercial property.
2. There have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted comprehensive plan and those changes have substantially altered the basic character of the area involved. The major changes are:
 - a. The construction of J R Miller Blvd may have been considered in the proposed land use plan; however, not to the extent it has been recently expanded. The J R Miller Blvd has been extended to include the Martin Luther King Loop from Southtown Blvd to Frederica St. Now more than ever before, traffic is being re-routed from Frederica St to J R Miller Blvd thereby making J R Miller a more traveled thoroughfare.
 - b. The property directly to the east, containing approximately 11 acres, which was previously a barrow pit lake, has been recently filled and being marketed as a commercial property.
 - c. The OMPC has made recent re-zoning changes in the area and in similar limited locations.
 - (1) At the OMPC meeting in February 2001, The OMPC Board approved for Steve Aull, doing business as Sports Warehouse, a tract of approximately 2.3 acres for B-4 General Business use. This property is near the intersection of Sutherland

- Rd and Salem Dr.
- (2) At the OMPC meeting in September 2001, the OMPC Board approved for Jim Hawkins a tract of approximately 1.1 acres for B-4 General Business use. The property is near the intersection of Sutherland Rd and Salem Dr.
- (3) At the OMPC meeting in May 1990, the OMPC Board approved the Lucky Strike Loop area of approximately 18 acres for B-4 General Business use. This property is diagonal to the subject property on the east side of J R Miller Blvd.

Planning Staff Review

The subject property is located in the 100 Block of Weikel Dr, with frontage on J R Miller Blvd. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA

Environment

The subject property is partially located in a special flood hazard area with a Base Flood elevation of 394 feet above sea level. No other important environmental criteria apply to the subject property.

Urban Services

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

Roadway Capacity

J R Miller Blvd is identified as a minor arterial between Byers Av and Southtown Blvd, with a mid-1980s traffic count projection of under 10,000 vehicles per day, which is exceeded today. In 1985, when J R Miller Blvd was constructed, it included a planned intersection adjoining the subject property to accommodate the future extension of Weikel Dr to and across J R Miller Blvd. Already in place are the street turnouts for the extension of Weikel Dr and adequate street width for northbound and southbound left-turn lanes onto Weikel Dr. Once it is connected, the traffic lanes on J R Miller Blvd will have to be re-stripped to include the left-turn lanes.

According the Access Management Manual for the Owensboro-Daviess County Urban Area, a right-turn deceleration lane should not be considered on lots with frontage of less than 150 feet. The portion of the subject property north of Weikel Dr has approximately 123 feet of

frontage along J R Miller Blvd and therefore would not accommodate a separate, southbound right-turn lane.

Development Patterns

The subject property is part of an approved preliminary subdivision plat approved in 1985, which was intended for multi-family development. The subject zoning change would alter the 1985 plan by zoning an area of approximately 4.37 acres to B-4 General Business. A revised preliminary plat has been submitted in conjunction with this rezoning request that would adjust the lot pattern to accommodate proposed business lots.

To the north of the subject site, property is zoned R-1B and is developed with single-family housing. An east-west segment of Harsh Ditch physically separates the subject site from the residential area to the north. The 1985 preliminary plat anticipated improving the neighborhood's connection to the community's highway transportation network via extension of Kipling Dr to the south across Harsh Ditch to intersect with the planned Weikel Dr extension to J R Miller Blvd.

The property to the west is zoned R-2MF and R-3MF and is being developed with multi-family residential units. Property to the east across J R Miller Blvd remains A-U Urban Agriculture and is vacant. Property to the south across the Wendell Ford Expressway is zoned B-4 General Business and is vacant, developed lots that are zoned B-4 General Business, but not yet built upon. Further to the south and west lies the community's primary business district.

The applicant argues that the existing zoning classification of R-2MF and R-3MF is not appropriate. Rather, the R-2MF and R-3MF Multi-Family Residential zones are indeed *appropriate* as buffers between the R-1B Single-Family Residential to the north and the Wendell Ford Exwy and B-4 General Business zone to the south. However, given the physical separation by Harsh Ditch of the subject property and the residential area to the north, B-4 General Business could also be an appropriate zoning classification for the subject property as a logical expansion of B-4 General Business zoning to the south. Weikel Dr has been approved to connect to J R Miller Blvd, giving the subject property orientation to a major street that will provide a transportation connection to the residential neighborhood to the north.

Land-Use Intensity, Clusters and Buffers

In addition to the natural buffer of Harsh Ditch located between the subject property and the residential property to the north, screening in accordance with the requirements of the Zoning Ordinance must be provided. A minimum 6-

foot high solid element with one tree per 40 linear feet of boundary within an average 10-foot wide landscape easement is required between business and residential land use.

Intersection & Driveway Spacing

J R Miller Blvd has special access control policies adopted by the Transportation Policy Committee, the Owensboro Metropolitan Planning Commission and the City of Owensboro in 1985. The extension of Weikel Dr to intersect with J R Miller was approved in accordance with these standards as a new street leg that would connect the boulevard to the public street system serving the adjoining neighborhood. Driveway access to the subject property shall be via Weikel Dr and is prohibited along J R Miller Blvd.

Roadway Buffer Standards

A 40-foot roadway buffer from the centerline of J R Miller Blvd applies to the subject property. No required landscaping or parking may be located within this roadway buffer.

SPECIFIC LAND USE CRITERIA

The expansion of an existing General Business zone across an intervening street should be at least one and one-half acres in size, but should not occur if this would significantly increase the extent of the zone in the vicinity. The subject property contains 4.37 acres. The area south of the bypass is heavily general business zones and uses. The expansion of the existing, contiguous B-4 General Business zone would not significantly increase the extent of the zone in the vicinity. The subject property is contiguous to a large area of B-4 General Business zone and use that abuts J R Miller Blvd. The location of the Harsh Ditch between the R-1B Single-Family residential property and the proposed B-4 General Business provides a natural, moderate buffer between the two uses.

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. No driveway access points shall be allowed to the subject property from J R Miller Blvd. Access shall be limited to Weikel Dr.
2. A minimum 6-foot high solid element with one tree per 40 feet of linear boundary in an average 10-foot wide landscape easement shall be provided between the subject property and residential property to the north and west.

Findings of Fact:

1. The subject property is located within an Urban Residential Plan Area, where general business uses are appropriate in very-limited locations;
2. The subject property is contiguous to existing B-4 General Business zones that generally abut the same street;
3. The subject property contains 4.37 acres of land, which exceeds the minimum criteria of one and one-half acres in size for expansion across an intervening street;
4. The subject property is buffered from the adjoining R-1B Single-Family residential property by Harsh Ditch; and,
5. The applicant's proposal is a logical expansion of existing B-4 General Business zone that will not significantly increase the extent of zone in the vicinity and will not overburden the capacity of roadways and other necessary urban services that are available in the affected area.