

MARCH 13, 2003

3400 KY 54

ZONE CHANGE

From: A-U Urban Agriculture		
To: B-4 General Business		
Acreage: 32.62 acres		
Applicant: Woodlands Plaza, LLC, Beverly C. Brabandt, Beverly C. Brabandt & Valerie Ann Lewis, Co-Trustees (0303.1511)		
Property Zone Existing Use	to North B-4, I-1 <i>Commercial, Excavation business</i>	
	to West B-4, I-2 <i>Grocery Store, commercial</i>	to East R-1A <i>Residential</i>
	Subject A-U ↔ B-4 <i>Vacant, residential</i>	
	to South R-1A, A-U <i>Agriculture, residential</i>	

**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 mainly located in a Business Plan Area, where general business uses are appropriate in limited locations. Portion of the subject property is located in an Industrial 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 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.

Applicant's Findings

The proposed rezoning is in accord with the Comprehensive Plan. The majority of the subject property is in a Business Plan Area and the southern portion of said property is in the Industrial Plan Area.

Business Plan Area

- A. The criteria for general business (B-4) is that B-4 is allowed in limited locations. Existing general business zones may be expanded onto contiguous land that generally abuts the same street. The proposed rezoning is an expansion of an existing general business area.
 - 1. There is B-4 General Business zone across Highway 54 to the northeast of said property.
 - 2. There is B-4 General Business zone across Highway 54 to the northwest of said property.
 - 3. There is B-4 General Business zone across Fairview Drive to the southwest of said property.

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.

Industrial Plan Area

- A. The criteria for a general industrial plan area is that business uses are allowed in very limited locations. The proposed rezoning is a logical expansion onto contiguous land of the same use and zone into an industrial plan area.

The expansion into an industrial plan area 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.

IN THE ALTERNATIVE

1. The existing zoning classification given to the property of Urban Agriculture is inappropriate and the proposed zoning classification of B-4 is appropriate because of recent re-zonings in the area. The rezonings are as follows:
 - (a) Rezoning by Mt. Mariah Holdings on October 17, 2000 of 6.361 acres to B-4 General Business located to the northwest at 3251 KY 54.
 - (b) Rezoning by Marathon Fuels on July 24, 1996 of 2 acres to B-4 General Business located to the northeast at 3311 KY 54.
 - (c) Rezoning by IBOK on December 23, 1998, of 11.33 acres to B-4 General Business located to the southwest at the 3200 block of KY 54.

In addition, the subject property for rezoning is located at the intersection a major state highway (KY 54) and Fairview Dr where community-wide businesses have been established and other similar businesses will be established and expanded.

1. There have been major changes of an economic, physical and 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 acres involved. The major changes are:
 - (a) Rezoning by Mt. Mariah Holdings on October 17, 2000 of 6.361 acres to B-4 General Business located at the northwest at 3251 KY 54.
 - (b) Rezoning by Marathon Fuels on July 24, 1996 of 2 acres to B-4 General Business located to the northeast at 3311 KY 54.

- (c) Rezoning by IBOK on December 23, 1998, of 11.33 acres to B-4 General Business located to the southwest at the 3200 block of KY 54.

Planning Staff Review

The subject property contains 32.62 acres of land located on the southeast corner at the intersection of KY 54 and Fairview Dr. The applicant has submitted a preliminary subdivision plat for review in conjunction with this rezoning request. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA

Environment

A portion of the subject property is located within a floodway area. The applicant's preliminary subdivision plat indicates use of the floodway primarily for storm water retention, which is permitted according to the floodplain regulations of Article 18 of the Zoning Ordinance. The applicant is applying to FEMA to move the limits of the floodway so that additional area can be developed, mainly involving the connection of two proposed street segments into a continuous street. A revised preliminary plat must be submitted and approved if these changes come about.

A large portion of the property is located within flood zone AE with a base flood elevation between 416.3 at Fairview Dr to 417.7 at KY 54. No important environmental criteria apply to the subject property.

Urban Services

All urban services are available to the site.

Stormwater Disposal: Horse Fork Ditch bisects the property. The applicant's preliminary plat indicates the southwest corner of the property will contain two retention areas, one north of the ditch and one to the south and east of the ditch. The retention area to the north of the ditch lies within the floodway, while the southernmost retention area is within flood zone AE. The applicants are pursuing a map amendment through FEMA, which would allow fill and street construction through a portion of the ditch by removal of this area from the floodway. A revised preliminary plat will be submitted upon approval of a flood map amendment revising the floodway or flood plain.

Roadway Capacity: Adequate highways, streets, and roads are integral and essential to urban development. The capacity and availability of roadways significantly constrain appropriate locations for future urban

development and the quality of the urban environment. According to the Comprehensive Plan's General Land Use criteria on roadway capacity (U1), a proposed development should not be approved if it would overburden the capacities of existing roadways or would create congestion at intersections, unless appropriate road improvements are currently planned or are committed to by the developer.

KY 54 is a five-lane urban facility. Recent improvements to Fairview Dr include a southbound right-turn deceleration lane and a northbound left-turn deceleration storage lane to access Villa Pt, west of the proposed development. The intersection of KY 54 and Fairview Dr is signalized.

The applicant proposes two street access entrances to the subject property, one on Fairview Dr aligned with Villa Pt and one on KY 54 aligned with Commonwealth Ct.

There is a center left-turn lane on KY 54 for westbound traffic. There is an eastbound right-turn deceleration /storage lane on KY 54 at Fairview Dr.

With the installation of the following improvements, the applicant's proposal would not overburden the capacity of roadways in the affected area.

1. Installation of an eastbound right-turn deceleration/storage lane on KY 54 into the proposed street intersection at Commonwealth Ct.
2. Installation of a northbound right-turn deceleration/storage lane on Fairview Dr into the proposed street intersection at Villa Pt.
3. Increase pavement width north of the proposed street intersection on Fairview Dr to provide for southbound left turn deceleration/storage lane at the proposed street intersection at Villa Pt.

Development Patterns

The subject property is located within an area that contains agricultural, business and residential uses. The subject property is zoned A-U Urban Agriculture and contains two residences and farmland.

Properties to the north across KY 54 are zoned B-4 General Business and I-1 Light Industrial. These properties are used for a variety of business and light industrial uses.

Properties to the east are zoned R-1A Single-Family Residential and A-U Urban Agriculture. These properties contain single-family residences, and a recreational swim club.

Property to the south is zoned A-U Urban Agriculture and is in agricultural and residential use.

Properties to the west across Fairview Dr are zoned B-4 General Business and I-2 Heavy Industrial. The B-4 properties were rezoned in December 1998 and are being developed with commercial uses, including a grocery store. The I-2 Heavy Industrial property is located across Horse Fork Creek and is used by the Kenegy River Electric Corporation.

Intersection & Driveway Spacing

KY 54 and Fairview Dr are both classified as minor arterials. Street intersections and driveways for nonresidential uses are to be space a minimum of 500 feet apart.

The applicant's preliminary subdivision plat indicates street intersection access points will align with existing street intersections on KY 54 and Fairview Dr across from Commonwealth Ct and Villa Pt, respectively. A future access point is provided for across from a commercial driveway on KY 54, which would meet the 500-foot standard. The proposed street intersection to be located on Fairview Dr does not meet the 500-foot spacing standard. Previous approval of the development to the west across Fairview Dr allowed that street intersection to be located 413 feet from KY 54. The location of the proposed access point on the subject property to Fairview Dr is aligned with the existing Villa Pt access, which is the logical place to provide access. It would not be recommended to offset this existing street intersection.

Access to all lots shall be provided only from interior streets, with no access points allowed to Fairview Dr or to KY 54. The applicant's preliminary subdivision plat stipulates access to be provided only from interior streets.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is an expansion of existing general business areas because the subject property is contiguous to existing General Business zones and uses. The applicant's proposal would not significantly increase the extent of the General Business zone within the vicinity. With the installation of roadway improvement items listed above under "Roadway Capacity", the applicant's proposal would not overburden the capacity of roadways and other necessary urban services, which are available in the affected area.

The cited traffic and stormwater drainage issues warrant a final development plan to be approved by the OMPC.

Planning Staff Recommendations

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

Conditions:

1. Submission of a final development plan prior to building permit issuance;
2. Access points on KY 54 shall be limited to two access points as previously approved on a minor subdivision plat approved by the OMPC on May 12, 1997 with an access point aligned with Commonwealth Ct and an access point aligned with the existing drive at Rusher Construction Company.
3. Access onto Fairview Dr shall be limited to one access point aligned with Villa Pt.
4. Installation of right-turn deceleration/storage lanes at all street intersections/driveways on KY 54 and Fairview Dr;
5. Increase pavement width north of the proposed street intersection on Fairview Dr to provide for southbound left turn deceleration/storage lane at the proposed street intersection at Villa Pt; and,
6. Prior to issuance of a building permit, surety shall be posted with the OMPC for all turning deceleration/storage lanes, storm water detention, and landscape materials.

Findings of Fact:

1. The subject property is mainly located in a Business Plan Area, where general business uses are appropriate in limited locations;
2. A portion of the subject property is located in an Industrial Plan Area, where general business uses are appropriate in very-limited locations;
3. The subject property is contiguous to existing B-4 General Business zones and uses;
4. The applicant's proposal is a logical expansion because it would not significantly increase the extent of the B-4 General Business zoning within the area, and would not overburden roadway capacity or other necessary urban services that are available in the affected area, if previously cited improvements to traffic capacity are provided.