

**AUGUST 12, 2004**

**3118 ALVEY PARK DRIVE E**

**ZONE CHANGE**

**From:** I-1 – Light Industrial

**To:** B-4 – General Business

**Acreeage:** 0.640 acres

**Applicant:** Robert H. Steele (0408.1565)

<b>Property Zone Existing Use</b>	<b>to North</b> B-4 Auto Parts Store	
<b>to West</b> B-4 Bank, Undeveloped	<b>Subject</b> I-1 → B-4 Vacant	<b>to East</b> B-3, I-1, R-3MF Strip Center, Undeveloped
	<b>to South</b> I-1 Undeveloped	


**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 a Business Plan Area, where general business uses are appropriate in 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 general 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**

Subject property is located in a Business Plan Area where general business uses are appropriate in limited locations. Applicant proposes to construct a 100’ x 70’ commercial building fronting on Alvey Park Drive East. A site plan showing the plan layout, access, vehicle use area and drainage improvements is being prepared for the site (see attached preliminary site plan).

Specific Criteria that apply are as follows:

(a) Building and lot patterns.

Subject property is located in a mixed use and mixed zoning area. Existing land uses in the immediate area include Autozone, Inc., South Central Bank, Henry’s Plumbing and a Strip Shopping Center with multiple uses. Zoning consists of a combination of B-3, B-4 and I-1 zoning classifications.

(b) Logical zoning expansion.

The proposed zoning change is a logical expansion of existing B-4 zoning to the north and west of the subject property.

(e) New locations in business plan area.

Proposed rezoning is a logical expansion of B-4 zoning and use and does not constitute a new location.

The proposed rezoning is in compliance with the

comprehensive land use plan.

## Planning Staff Review

The subject property is located in the 3100 block of Alvey Park Drive East. Land use criteria applicable to this proposal are reviewed below.

### GENERAL LAND USE CRITERIA

#### Environment

According to a study prepared by the US Department of Agriculture Soil Conservation Service dated March 6, 1990, it appears that the subject property is not in a wetlands area.

The subject property does not appear to be in a special flood hazard area per FIRM Map 21059CO140 C.

It appears that the subject property is not in the Owensboro Wellhead Protection area according to a map created by the GRADD office dated March 1999.

However, the developer is responsible for obtaining permits as may be required by 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 are available to the site.

#### Development Patterns

The proposed rezoning is located in an area of mixed general business and industrial uses and zones. B-4 zoning classifications exist to the north and west of the property as well as B-3, I-1 and R-3MF on adjacent property.

The proposed use of the subject property is a commercial establishment that will utilize a shared access with Autozone to the north and a proposed secondary access on Alvey Park Drive East.

At present, no curb and gutter exists along the west side of Alvey Park Drive East. To more efficiently define access locations for the proposed rezoning, curb and gutter should be installed along the entire frontage of the property. Landscaping should be installed per Zoning Ordinance requirements.

A preliminary site plan submitted in conjunction with this rezoning request indicates a restaurant use for the subject property. The preliminary site plan depicts extension of

the existing curb and gutter and vehicular use area landscaping.

### SPECIFIC LAND USE CRITERIA

The subject property is located in a Business Plan Area, where general business uses are appropriate in limited locations. According to the Comprehensive Plan in order to be rezoned, the property must be nonresidential in use and qualify as a logical expansion. The proposed use is a commercial establishment which satisfies the requirement for nonresidential use. It is also a logical expansion of B-4 General Business use since there is existing B-4 zoning adjacent to this site and the change in zoning will not significantly increase the extent of the zone in the vicinity and will not overburden roadway capacity or other necessary urban services.

## 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. Install curb and gutter along the property frontage on Alvey Park Drive East.

#### Findings of Fact:

1. The subject property is located in a Business Plan Area where general business uses are appropriate in limited locations;
2. The subject property is immediately adjacent to B-4 General Business Zone to the north and west; and,
3. The applicant's request is a logical expansion of the B-4 General Business zone on the same street that will not significantly increase the extent of the zone in the vicinity and will not overburden the capacity of roadways and other necessary urban services that are available in the affected area.