

**MAY 12, 2005**

**4527 KY 54**

**ZONE CHANGE**

<b>From:</b> B-4 General Business with conditions		
<b>To:</b> B-4 General Business		
<b>Acreage:</b> 2.011 acres		
<b>Applicant:</b> Shamrock Land, LLC (0505.1594)		
<b>Property Zone Existing Use</b>	<b>to North</b> R-1A Single-Family Residential	
<b>to West</b> B-4 Mini-warehouse	<b>Subject</b> B-4 with conditions ➔ B-4 Vacant	<b>to East</b> R-1A Agricultural/ Residential
	<b>to South</b> B-4 Convenient Store/Auto Sales	

**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” and outdoor storage yards, to “Buffers for Outdoor Storage Yards.”

**(b) Logical zoning expansions of proportional scope -** Existing General Business zones may be expanded onto contiguous land that generally abuts the same street. 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 applicant is seeking a General Business zone for this tract. The Land Use Plan identifies the subject property to be in an area for limited use of a General Business zone. The rezoning proposal is in compliance with the Comprehensive Plan. The property was previously rezoned to General Business (i.e. B-4) in 1996 with an access drive condition. The Planning staff now advises subject property requires a rezoning request without said access drive condition due to a change in philosophy by the OMPC staff and technical advisors regarding the specific site access. Applicant requests confirmation of the B-4 zone excluding the previously stated condition (i.e. 1996 access condition).

Specific criteria that apply are as follows:

-Building and lot patterns should conform with criteria for “non-residential development.” This area can best be described as a mixed-use area consisting of general business, agricultural and residential activities. The tract size is such that it will allow for business development and provide parking and screening as required.

-The location of the site at the northeast intersection of KY 54 and Thruston-Dermont Road will meet the criteria for being “major-street oriented.” With the previous reconstruction of KY 54 and the re-alignment of Thruston-Dermont Road the commercial use of this property will not overburden the adjoining roadways.

-The requested rezoning is a logical expansion of existing business zones at the southeast, southwest and west

intersections of KY 54 and Thruston-Dermont Road/Millers Mill Road. The criteria for expanding a zone across a street suggests the expansion be at least five acres in size and even though this tract is approximately two acres, this could allow for future expansion east onto currently vacant land which has frontage along KY 54 with a high potential for future commercial development.

-The northeast intersection of KY 54 and Thruston-Dermont Road has had a history of commercial use for many years until the re-alignment of Thruston-Dermont Road which encompassed the corner lots use as a grocery and gas station.

All utility services are available to the site. Sanitary sewage disposal will be provided via extension of the existing sanitary sewer system (extended southwest along the eastern Thruston-Dermont Road right-of-way). Recently OMPC staff, the GRADD Transportation Planner and KYTC staff recommended an access point to the site off of Thruston-Dermont Road and a very limited ingress from KY 54. The previously approved rezoning (recommendation dated 12 September 1996) was approved contrary to the above referenced access point recommendations as determined by the applicable authorities. This rezoning request is proposed in order that the conditional site access be consistent with the more contemporary transportation planning and recommendations.

## Planning Staff Review

The subject property is located in the 4500 block of KY 54. 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 located in a wetlands area. The subject property does not appear to be in a special flood hazard area per FIRM Map 21059CO285 C. It appears that the subject property is not designated as prime agricultural land according to the "Important Farmlands" map created by the US Department of Agriculture Soil Conservation Service dated March 1980. 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.

It appears that the subject property is outside the Owensboro Wellhead Protection area according to a map created by the GRADD office dated March 1999.

#### Urban Services

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

#### Development Patterns

The subject property is located in an area of mixed residential, agricultural and commercial uses. The property to the north and east are zoned R-1A Single-Family Residential while the properties to the south and west are zoned B-4 General Business. The subject property is currently zoned B-4 General business with a condition on access.

When approved in 1996, the rezoning of the subject property was accompanied by a development plan that limited access to the site to a single drive along the western property boundary on KY 54. The development plan from that rezoning has expired and based on the proposed use and development of the property, access as approved in 1996 is not appropriate today. Due to the eastbound dedicated left-turn lane on KY 54, sufficient storage of left turning vehicles to the subject property cannot be accomplished. The lack of proper left-turn storage for the site at this location would be a significant safety concern for vehicles entering the subject property and for motorists on KY 54. Both KY 54 and Thruston-Dermont Road are classified as minor arterial roadways with access spacing requirements of 500 feet. Based on the size of the lot, those minimum requirements cannot be met. However the site must be provided appropriate access.

From conversations with the GRADD office and KYTC, the access plan for the site would include a full access to Thruston-Dermont Road and a right-turn in only access on KY 54. As the applicant points out in their findings, the potential for commercial development to the east of the subject property is very likely and it should therefore be considered with this rezoning. Interconnection should be provided to the vacant tract via a public access easement. The applicant's desire for a full access to KY 54 could be accomplished through this interconnection to a future full access on the adjacent property and the limited right-in only access currently proposed with this development could be eliminated. Interconnection via a public access easement is also recommended to the residentially zoned property to the north in the event that it develops commercially in the future.

Since the subject property does adjoin residentially zoned property, screening will be required. A 10' landscape easement shall be installed along the north and east property boundaries with one tree every 40 linear feet and a continuous six foot high planting, hedge, fence, wall or earth mound.

### **SPECIFIC LAND USE CRITERIA**

The applicant's proposal is in compliance with the adopted Comprehensive Plan. The site is currently zoned B-4 General Business with a condition on access and the adjoining property to the south and west are also zoned B-4. Based on the information submitted with the proposal and the accompanying development plan, the applicant's proposal should not significantly increase the extent of the General Business zone within the vicinity and it should not overburden the capacity of roadways or other necessary urban services that are available in the affected area.

### **Planning Staff Recommendations**

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The conditions and findings of fact that support this recommendation include the following:

#### **Conditions:**

1. Access to the subject property shall be limited to the proposed full access on Thruston-Dermont Road and the right-turn in only on KY 54;
2. Interconnection via a public access easement should be provided to the adjoining property to the east which could provide a future full access for the subject property to KY 54 at which time the right-turn in only access currently proposed on KY 54 shall be eliminated;
3. Interconnection via a public access easement should be provided to the adjoining property to the north that is currently residentially zoned; and,
4. Install a 10' landscaping easement along the north and east boundaries of the property with one tree every 40 linear feet with continuous six foot high planting, hedge, fence, wall or earth mound.

#### **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 currently zoned B-4 General Business with an access condition that will be replaced with this rezoning; and,
3. The applicant's proposal should not significantly increase the extent of B-4 General Business zone within the area and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.