

JULY 14, 2005

3738 RALPH AVE

ZONE CHANGE

From:	A-U - Urban Agriculture R-1A - Single-Family Residential	
To:	B-4 - General Business	
Acreage:	1.445 acres	
Applicant:	Woodlands Investment LLC, Frank & Linda Hayden (0507.1603)	
Property Zone Existing Use	to North	R-1A/B-4 Pending Residential - Proposed Commercial
	to West	Subject A-U, R-1A ⇌ B-4 Residential
Woodlands Plaza		to East R-1A Single-Family Residential
	to South	A-U Splash Swim Club

**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 “Nonresidential Development” and outdoor storage yards, with “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

Subject property is located in an Urban Residential Plan Area where General Business uses are appropriate in very limited locations. The property consists of a 1.445 acre residential lot. The applicant proposes to expand the Woodlands Plaza Commercial Development currently under construction. Submitted herewith is a revised conceptual plan showing a tentative layout of the site including the extension of Villa Point to Ralph Avenue. Applicant also agrees to reconstruct Ralph Avenue from KY 54 to Villa Point with 34’ improvement including curb and gutter and sidewalk.

Specific land use criteria that apply to this application are as follows:

(a) Building and lot patterns - should conform to the criteria for “Non-Residential Development.”

The proposed rezoning is a limited expansion of non-residential (commercial) development and is a logical expansion of contiguous property situated between the east limits of Woodlands Plaza and Ralph Avenue. The proposed rezoning conforms to the criteria for “redevelopment of Residential Areas.”

(b) Logical zoning expansions of proportional scope - Proposed rezoning is a logical expansion onto contiguous land abutting on Ralph Avenue. All services are immediately available from Woodlands Plaza. The expanded development will be served by existing street

access points on KY 54 and Fairview Drive, each of which includes provisions for turn lanes as previously approved for Woodlands Plaza.

The proposed rezoning meets all applicable criteria as set forth in the Comprehensive Land Use Plan.

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

Planning Staff Review

The subject property is located in the 3700 block of Ralph Avenue. 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 are available to the site. Sanitary sewer is proposed to be extended to serve the subject property.

Development Patterns

The subject property is the last single-family residential lot on the west side of Ralph Avenue. The other six lots along with two lots with frontage along KY 54 received a favorable vote at the June 9, 2004 Planning Commission meeting. At that time, the applicants made the commitment to extend Villa Point Drive to intersect with Ralph Avenue and to improve Ralph Avenue to a typical

34 foot commercial cross-section with curb and gutters and sidewalks. The applicant has restated those commitments in their findings for this application.

Single-family residences which are part of the established residential neighborhood along Ralph Avenue are located to the east of the subject property. The Splash Swim Club is located south of the subject property. To the west and north is property that is currently in the development stage for the Woodlands Plaza commercial development.

As part of the conceptual development plan submitted with the rezoning application, no direct access is proposed to Ralph Avenue for the commercial property. All access will be via Villa Point Drive. A final development plan must be submitted and approved by the OMPC prior to the issuance of any building permits. A preliminary and final subdivision plan must also be submitted for the overall development due to the extension of public services.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the adopted Comprehensive Plan. The proposed development will be non-residential in use and it is a logical expansion of an existing B-4 General Business zone immediately west of the subject property. The expansions of the B-4 zone should not significantly increase the extent of the zone in the vicinity of the expansion and should not overburden streets and other necessary urban services that are available in the affected area provided that surety is posted for improvements to Ralph Avenue at the time of the final subdivision plat.

However, when specific criteria will allow expansion of nonresidential land uses in built up neighborhoods, due consideration should be given to the concerns of neighboring residents with respect to the established lot patterns in their neighborhoods.

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. No direct access shall be permitted to Ralph Avenue. Access to the subject property shall be limited to Villa Point Drive only;
2. A 10 foot landscape buffer with one tree every 40 linear feet and a 6 foot high planting, hedge, fence,

wall or earth mound shall be installed as a buffer along adjoining residentially zoned properties;

3. The applicant shall improve Ralph Avenue from KY 54 through the intersection of Villa Point Drive. This improvement includes widening to the southern end of the radii at the intersection and tapering from the 34 foot cross-section to the existing cross-section at a speed limit:1 taper. Surety for the improvements shall be posted with the final plat submission;
4. No building permits shall be issued until a final development plan is submitted and approved by the OMPC; and,
5. A preliminary and final subdivision plat must be submitted for the subject property due to the extension of public services.

Findings of Fact:

1. The subject property is located in an Urban Residential Plan Area, where general business uses are appropriate in very limited locations;
2. The proposal is a logical expansion of existing B-4 General Business zone immediately west of the subject property; and,
3. If commitments are made by the developer to bond improvements to Ralph Avenue expansion of the contiguous B-4 General Business zone should not significantly increase the extent of the zone within the vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.