

OCTOBER 13, 2005

2800, 2810 KY 54, 3200 ALVEY PARK DR W

ZONE CHANGE

From: A-U Urban Agriculture MHP Manufacture Housing Park I-1 Light Industrial		
To: B-4 General Business		
Acreage: 75.617 acres		
Applicant: B&K Development, LLC (0510.1609)		
Property Zone Existing Use	to North R-1A Residential	
to West A-U, R-3MF Farm land, Proposed Residential	Subject A-U, MHP, I-1 ⇄ B-4 Commercial	to East B-4, I-1 General Business, Light Industrial
	to South A-U, I-2 Retention Basin, Greenbelt, Soccer Complex	

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 partially located in a Business Plan Area where general business uses are appropriate in limited locations and partially 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 areas - 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(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 primarily in a Business Plan Area where General Business uses are appropriate in limited locations. The southern most part of the property is located in an Industrial Plan Area where General Business uses area appropriate in very limited locations. The property consists of 75.617 acres fronting on KY 54, the Wendell Ford Expressway, and Alvey Park Drive West. The applicant proposes to develop the property as a retail shopping complex with potential uses including a specialty retail center, home improvement superstore, multiplex theatre, bowling alley, discount superstore, electronics superstore, restaurants, banks, video rental, furniture store, office superstore and other retail development. Submitted herewith is a conceptual plan showing a tentative layout of the site including proposed streets and access points to KY 54, Highland Pointe Drive and Alvey Park Drive West.

Specific land use criteria that applies to the application are as follows:

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

The proposed rezoning is a logical expansion of non-residential (commercial) development and is a logical expansion of contiguous property situated on Highland Pointe, KY 54 and Alvey Park Drive.

(b) Logical zoning expansions of proportional scope.

Proposed rezoning is a logical expansion onto contiguous land abutting on Highland Pointe, KY 54 and Alvey Park Drive West. All urban services are immediately available to the property. Primary access to the development will be provided by extending Highland Pointe Drive. A right-turn land was constructed when Highland Pointe was developed. A traffic signal has since been added. Secondary access from KY 54 will be provided with a proposed right-turn lane and right-turn in, right-turn out aligning with Wimsatt Court. A street connection to Alvey Park Drive is also proposed. A traffic impact study has been completed by William B. Hayes, Jr., P.E., PTOE, of Barge, Waggoner, Sumner & Cannon, Inc. and is incorporated herein by reference.

(d) New locations in business plan areas.

Criteria not applicable to this application.

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

In addition, the subject property is located on a major state highway (KY 54) which is currently experiencing significant commercial growth including Highland Pointe, Wal-Mart, Villa Point, Ibok Development and Woodlands Plaza.

There have been major changes of 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 subject property, as well as all properties along KY 54 from the U.S. 60 By-pass to Thruston-Dermont Road. These changes include the following:

(a) Rezoning by Mt. Mariah Holdings on October 17, 2000, of 6.361 acres to B-4 General Business located to the northeast at 3251 Highway 54.

(b) Rezoning by Marathon Fuels on July 24, 1996, of 2 acres to B-4 General Business located to the northeast at 3311 Highway 54.

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

(d) Rezoning by Woodlands Plaza, LLC on February 20, 2003, of 32.62 acres to B-4 General Business located to

the east at 3400 Highway 54, and recent expansion of this development to Ralph Avenue.

(e) Rezoning by Site Inc. (Wal-Mart) on February 12, 2004, of 34.0 +/- acres to B-4 General Business located to the northeast at 3123, 3151, 3175, 3211, Highway 54 and portions of 3441 and 3509 Fairview Drive.

Planning Staff Review

The subject property is located in the 2800 block of KY 54 and the 3200 block of Alvey Park Drive W. 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 is partially located in a special flood hazard area per FIRM Map 21059CO140 C and 21059CO280 C. 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.

Planning Staff Recommendations

Staff recommends that the rezoning request be postponed since historically the Comprehensive Plan and Planning Commission have not supported speculative rezonings. Rezonings, especially rezonings of this magnitude, should be submitted with a preliminary or final development plan that provides a better understanding of the overall scope of the project. The preliminary development plan will provide an overview of access locations, proposed roadway improvements, potential floodplain and drainage issues, land uses and other information not submitted in conjunction with the proposal and promote coordination with the public engineers and utility agencies. A Traffic Impact Study (TIS) was submitted with the zoning request but without a preliminary plan, it is difficult to determine if the assumptions made within the TIS are appropriate.