



OCTOBER 11, 2007

**4424 KY 54,
PORTION OF 4228, 4410, 4428 KY 54**

ZONE CHANGE

From: A-U Urban Agriculture R-1A Single-Family Residential		
To: B-4 General Business		
Proposed Use: General Business		
Acreage: 2.03+/-		
Applicant: Millers Mill Plaza; Lake Forest Community, LLC (0710.1694)		
Property Zone Existing Use	to North A-U, R-3MF, B-4 Commercial, Vacant	
to West R-1C, A-U Single-Family Residential, Pasture	Subject A-U, R-1A ➔ B-4 Vacant	to East B-4 Under Construction
	to South R-1C, R-1A Residential	

**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 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 areas -**
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 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 requested rezoning is in compliance with the Comprehensive Plan. The Land Use Plan map indicates the majority of the property designated as business and a small portion as urban residential. The Comprehensive Plan allows the requested general business zone within the urban residential area in very-limited locations. The land use criteria which support the rezoning are as follows:

-Building and lot patterns should conform to the criteria for “non-residential development.” The property consists of several small lots and a portion of vacant agricultural property used as pasture. The structures on the small lots will be removed and the developer will consolidate the small lots and re-divide the property into larger lots as shown on the Final Development Plan/Preliminary Plat submitted for approval. The development plan indicates public streets will be constructed for access and also will provide a landscape buffer along the existing residential property to the south.

-The Comprehensive Plan states general business zones may be expanded onto contiguous land. The OMPC approved a rezoning and final development plan on September 13, 2007. The developer has obtained additional lots and is requesting the additional property to be rezoned to B-4 General Business. By obtaining these lots it allows for a more uniform block of access to Millers Mill Road and access to KY 54 via a proposed public

street. The KY 54 access will include a turn lane for traffic entering the site as was previously approved. The Comprehensive Plan recommends this area to be utilized as a business area because of its location at the intersection of a minor arterial and major collector street. The adjacent three corners currently are zoned and used as general business.

All urban services exist or can be extended to the proposed development.

Planning Staff Review

The subject property is located in the 4200-4400 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 is not located in a special flood hazard area per FIRM Map 21059CO285 C. Based on the preliminary FIRM maps dated July 7, 2007, the subject property is not located in a special flood hazard area per map 21059CO281 D. 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 commercial, residential and agricultural uses. The property to the north and east was recommended for B-4 General Business zoning at the September 13, 2007, Owensboro Metropolitan Planning Commission meeting and will become final on October 5th. The property to the south and west is zoned R-1C and A-U and is vacant ground and part of the Lake Forest subdivision.

In the vicinity of the subject property, KY 54 is classified as a minor arterial roadway with an access spacing standard of 500 feet and a 50 foot roadway buffer. Millers Mill Road is classified as a major collector roadway with a

250 foot access spacing standard and a 30 foot roadway buffer.

On the amended preliminary plat/final development plan submitted by the applicant in conjunction with the rezoning request, a single access point to KY 54 and a single access point to Millers Mill Road are proposed for the new development. The access point on KY 54 is over 500 feet from the KY 54 Millers Mill Road intersection and the Millers Mill Road access is over 400 feet from the intersection. The preliminary plat/final development plan also shows a new street constructed that will stub to the western property line for future interconnection.

To help mitigate the impact of the new KY 54 access, the applicant has submitted plans to construct an eastbound right turn and storage lane. The lane should be constructed in accordance with the regulations of the Kentucky Transportation Cabinet and will require a permit prior to construction. There is an existing eastbound right turn lane on KY 54 at the Millers Mill Road intersection. There is also an existing westbound continuous left turn lane along the road frontage of the subject property. A copy of the plans were submitted to the KYTC for review and based on their comments, no additional roadway improvements are required at this time.

A 10 foot landscape buffer with a six foot high element and one tree every 10 linear feet will be required where the subject property adjoins residentially zoned property to the south. The tree every 10 feet exceeds the minimum requirement of the Owensboro Metropolitan Zoning Ordinance but the developer committed to additional screening at the September 13, 2007, meeting which will be applied to this expansion of the development. All vehicular use areas shall be paved and vehicular use area screening will be required when abutting road right-of-way. Also, due to the proximity to residential structures, all lighting for the subject property should be directed away from the residential structures to reduce the impact of the commercial light and glare onto the residential property.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposal is a small expansion of a larger zoning request and development plan approved at the September 13, 2007, Planning Commission meeting. The property to the east and north is zoned B-4 General Business so the proposed rezoning qualifies as a logical expansion. The expansion of the B-4 zoning will not significantly increase the extent of the zone in the vicinity and should not overburden roadways or other necessary urban services that are available in the affected area. The commercial use of the property satisfies the criterion for non-residential use of the property.

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 KY 54 shall be limited to the single access point as shown on the amended Millers Mill Plaza preliminary plat/final development plan submitted with the rezoning application;
2. Access to Millers Mill Road shall be limited to the single access point as shown on the amended Millers Mill Plaza preliminary plat/final development plan submitted with the rezoning application;
3. An eastbound right turn decel and storage lane shall be installed on KY 54 at the proposed access to the development in compliance with KYTC standards;
4. A 10 foot landscape easement with a six foot element and one tree every 10 feet shall be installed along the south and west property lines where adjoining residential zoning;
5. Approval of the amended preliminary plat/final development plan prior to any construction activities on the subject property;
6. Springhill Drive shall be stubbed to the western property line for future interconnection; and,
7. Due to the proximity to existing residential zones, all lighting for the subject property shall be directed away from the residential property to reduce the glare and impact of the lighting on the residential uses.

Findings of Fact:

1. 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 Urban Residential Plan Area where general business uses are appropriate in very-limited locations;
2. The proposed use of the property as a commercial subdivision will be nonresidential in use;
3. The proposed zoning change is a logical expansion of an existing general business zoning classification located immediately north and east of the subject property; and,
4. With the installation of an eastbound right turn lane on KY 54 at the proposed access point, the development should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.