

NOVEMBER 13, 2008

**1900-2000 BLKS SOUTHTOWN BLVD;
4901 BLK TODD BRIDGE RD**

ZONE CHANGE

From: A-U Urban Agriculture		
To: B-1 Neighborhood Business Center		
Proposed Use: Commercial Development		
Acreage: 5.560		
Applicant: Frederick Farm LLC c/o J.D. Meyer, attorney (0811.1730)		
Property Zone Existing Use	to North P-1, B-1, A-U, R-3MF Agriculture, School, Residential	
	to West A-R, A-U Agriculture	to East A-R, A-U Agriculture
	Subject A-U ⇄ B-1 Cultivated Farm Land	
	to South A-R, A-U Agriculture	

**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-1 Neighborhood Business Center zone. The subject property is located in a Business Plan Area, where neighborhood business uses are appropriate in general locations.

SPECIFIC LAND USE CRITERIA

(a) Development plan - Neighborhood Business Centers should be initiated and expanded as integral units, according to formal development plans. Once a new center or expansion is proposed, submission of plans and the initiation of construction should occur in a timely manner. Building and lot patterns should conform to the criteria for **“Nonresidential Development” (D7)**, and outdoor storage yards, with **“Buffers for Outdoor Storage Yards” (D1)**.

(c) Logical expansions - Existing centers may be expanded onto contiguous land that abuts the same street(s), but should not grow larger in total area than **fifteen (15) acres**, not counting street right-of-way. If the contiguous land for expansion is located across an intervening street from the existing center, the expansion should be at least **five (5) acres** in size.

Applicant's Findings

The subject property is currently zoned A-U Urban Agriculture. The applicant is proposing to develop the subject property as a commercial subdivision via submittal of a preliminary subdivision plat and is seeking a B-1 Neighborhood Business Center zoning classification.

The subject property is located in a Business Land Use Plan Area where Neighborhood Business land use is appropriate in general locations.

Specific Land Use Criteria applicable to the B-1 rezoning are as follows:

(a) Development Plan - Neighborhood Business Centers should be initiated and expanded as integral units, according to formal development Plans. Once a new center or expansion is proposed, submission of plans and the initiation of construction should occur in a timely manner. Building and lot patterns should conform to the criteria for **“Nonresidential Development”** and outdoor storage yards, with **“Buffers for Outdoor Storage Yards”**. The applicant proposes to expand an existing neighborhood business center generally located at the intersection of Todd Bridge Road/Gemini Drive and Southtown Boulevard. The subject property does not adjoin any existing or proposed residential uses. In addition, the applicant anticipates that the subject property will develop in a timely manner. Plans are being worked

on for a convenience store to be located on the subject property.

(c) Logical Expansions - Existing centers may be expanded onto contiguous land that abuts the same street(s), but should not grow larger in total area than fifteen (15) acres, not counting street right-of-way. If the contiguous land for expansion is located across an intervening street from the existing center, the expansion should be at least five (5) acres in size. The applicant is proposing to expand an existing B-1 zoning classification across intervening streets. The subject property (5.560 acres) exceeds the 5 acre minimum and the total acreage for the neighborhood business center will not exceed 15 acres. The LKV Inc. tract located to the north of the subject property across Southtown Boulevard is 4.5+/- acres and the James Goode tract located west of the subject property across Todd Bridge Road is 4.6+/- acres.

The applicant understands that expanding his commercial development beyond the 15 acres maximum for a neighborhood center will more than likely require a future zoning change to B-3 Highway Business, for a future expansion area. Where the B-1 zoning is limited to a maximum of 15 acres, the B-3 alternative is limited to a minimum size of 10 acres. In addition, a B-3 rezoning application requires a marketing study.

Planning Staff Review

The subject property is located in the 1900-2000 blocks of Southtown Boulevard and the 4901 block of Todd Bridge Road. 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 21059CO260 C. Based on the preliminary FIRM maps dated July 7, 2007, the subject property is partially located in a special flood hazard area per map 21059CO257 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 primarily agricultural use. B-1 zoning is located to the north and west of the subject property across intervening streets but is undeveloped at this time. Some multi-family residential exists to the north of the subject property and a portion of the Apollo High School property is located to the northwest. The remainder of the property is zoned agricultural with agricultural uses present on the property.

The applicant has submitted a preliminary subdivision plat with the rezoning application. The preliminary plat shows a single access point to Southtown Boulevard and a shared ingress/egress easement to Todd Bridge Road. In the vicinity of the subject property Southtown Boulevard is classified as a minor arterial roadway with a 500 foot access spacing standard. Access locations along Southtown Boulevard have been established as part of the Southtown Boulevard roadway improvements project and the proposed access location on the preliminary plat is in conformance with the roadway plans. Access to Todd Bridge is shown via a single ingress/egress easement. Access for all lots within the subdivision shall be from interior streets or the ingress/egress easement only. No direct driveway access shall be permitted. Since both Southtown Boulevard and Todd Bridge Road are under state maintenance, any drive permits required for the subject property must be approved by the Kentucky Transportation Cabinet.

The applicant proposes to rezone approximately 5.56 acres of land to B-1 Neighborhood Business Center zoning. As previously mentioned, there are two B-1 zonings in the vicinity and both are currently vacant. As the applicant stated in their findings, B-1 zoning does have a maximum acreage of 15 acres in any given area so with this proposed rezoning, the 15 acre ceiling has been achieved. Any future commercial zoning in the vicinity will have to meet the criteria for a B-3 zoning designation as the applicant stated in their findings.

At the time of future zoning to B-3, the applicant will be required to complete a market demand study to demonstrate the need for additional commercial zoning in the vicinity. A Traffic Impact Study will also be required to determine if any roadway improvements will be required to mitigate the impact the development will have on the transportation network. Based on the limited commercial acreage proposed at this time, no

improvements are required; however, the need for roadway improvements will need to be addressed when a larger proposal of commercial zoning is proposed.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the requirements of the Comprehensive Plan. The proposed B-1 zoning classification is a logical expansion of B-1 zoning across an intervening street and is over 5 acres in size. The 5.56 additional acres of B-1 zoning, combined with the two corners of the intersection that are already zoned B-1, are under the maximum allotment of 15 acres. The applicant has submitted a preliminary plat with associated construction information for the proposed rezoning and it is anticipated that development of the property will begin in a timely manner.

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 Southtown Boulevard shall be limited to the street intersection of Discovery Lane. No individual lot access will be permitted; and,
2. Access to Todd Bridge Road shall be limited to the proposed ingress/egress easement only as shown on the preliminary plat.

Findings of Fact:

1. The subject property is located in a Business Plan Area, where neighborhood business uses are appropriate in general locations;
2. A preliminary plat with construction drawings has been submitted in conjunction with the rezoning;
3. The proposal is a logical expansion of existing B-1 zoning across intervening streets to the north and west;
4. The subject property exceeds the minimum five acre requirement for logical expansions across an intervening street; and,
5. The total B-1 zoning within the vicinity will remain under the maximum of 15 acres.