

**MAY 14, 2020**

**5316 HIGHWAY 144**

## ZONE CHANGE

<b>From:</b>	R-1A Single Family Residential, A-U Urban Agriculture
<b>To:</b>	<b>P-1 Professional/Service</b>
<b>Proposed Use:</b>	High School
<b>Acreage:</b>	39.857
<b>Applicant:</b>	Castlen Lee McGinnis Tanner, LLC (2005.2119)
<b>Surrounding Zoning Classifications:</b>	
<b>North: R-1A, A-U</b>	<b>South: A-U</b>
<b>East: R-1A, A-U, P-1</b>	<b>West: R-1A, A-U</b>

## Proposed Zone & Land Use Plan

The applicant is seeking a P-1 Professional/Service zone. The subject property is located in an Urban Residential Plan Area, where professional/service uses are appropriate in limited locations.

### SPECIFIC LAND USE CRITERIA

**(a) Building and lot patterns** - Building and lot patterns should conform to the criteria for “**Nonresidential Development**” (D7).

**(b) Logical expansions** - Existing areas of Professional/Service use may be expanded onto contiguous land that abuts the same street(s). An existing area of general business zone may be used as criteria to support a Professional/Service use as a logical expansion since the general business zone permits all the uses within the Professional/Service use category. If the contiguous land is located across an intervening street, the expansion should be at least one (1) acre in size, unless it would serve as a “**buffer-use**” (D1). An expansion of this use should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

## Planning Staff Review

### GENERAL LAND USE CRITERIA

#### Environment

- It appears that the subject property is not located in a wetlands area per the US Department of Agriculture Soil Conservation Service dated March 6, 1990.
- The subject property is partially located in a special flood hazard area per FIRM Map 21059CO141 D.
- It appears that the subject property is not located within the Owensboro Wellhead Protection area per the OMU map dated 2015.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA, the EPA, the OMPC building/electrical/HVAC division or other state and federal agencies as may be applicable.

### Urban Services

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

### Development Patterns

The subject property is a 39.857-acre vacant tract of land near the community of Thruston. The property to the north, across Highway 144, is split zoned R-1A Single Family Residential and A-U Urban Agriculture and is a 50-acre tract mostly comprised floodway. The properties to the south and east are residential in nature and Yellow Creek Park; they are zoned A-U Urban Agriculture and P-1 Professional/Service. Portions of Reid’s Orchard borders the subject property to the south and west; those properties are zoned A-U Urban Agriculture. Also to the west, there are split zoned R-1A and A-U parcels that are residential in nature.

The applicant proposes to construct and operate a private High School on the subject property.

Highway 144 is classified as a minor arterial roadway with a 500 foot driveway spacing standard, a 75 foot building setback and 50 foot roadway buffer. Access to the subject property shall be limited to a single access point on Highway 144.

The applicant has submitted a traffic impact study along with the rezoning application to determine any roadway improvements necessary with the development of a school on the subject property; the TIS has been reviewed the Kentucky Transportation Cabinet, County Engineer, and planning staff. The TIS indicates a right and left turn lanes are warranted by the proposal of a school at the subject property. The KYTC will require both the right and left turn lanes be installed with the construction of the proposed school; the roadway improvements shall be designed and constructed to KYTC standards and shall be constructed prior to the occupancy of the proposed school.

All vehicular use areas are required to be paved and appropriate vehicular use area landscaping installed where parking areas adjoin the road right-of-way or any residentially zoned property. Due to the proximity to residential structures, all lighting for the subject property shall be directed away from the residential structures to reduce the impact of the commercial light and glare onto the residential properties.

Prior to any construction activity on the property the applicant must obtain approval of a development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage. The OMPC Building, Electrical & HVAC department shall be contacted before any construction activity takes place on the property.

**SPECIFIC LAND USE CRITERIA**

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed use of the subject property, a school, will be nonresidential in nature. The P-1 Professional/Service zoning is a logical expansion of the P-1 zoning to the east. With the addition of right and left turn lanes, as required by the TIS and KYTC, the proposal should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

**Planning Staff Recommendations**

The planning staff recommends approval subject to the conditions and findings of fact that follow:

**Conditions:**

1. Approval of a Final Development Plan;
2. Access shall be limited to a single access point to Highway 144; and,
3. Roadway improvements of a right and left turn lane, as indicated in the applicants TIS, shall be constructed prior to occupancy of the proposed school.

**Findings of Fact:**

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located in an Urban Residential Plan Area, where professional/service uses are appropriate in limited locations;
3. The proposed uses of a school is nonresidential in nature and use;
4. The proposal is a logical expansion of existing P-1 zoning to the east; and,
5. With the construction of the right and left turn lanes as required by the applicant TIS and the KYTC, the proposal should not overburden the capacity of roadways and other necessary urban services available in the affected area.