

APRIL 1, 2021

2530 HIGHWAY 144

ZONE CHANGE

From:	B-4 General Business & R-1A Single Family Residential
To:	B-4 General Business
Proposed Use:	Commercial
Acreage:	2.790
Applicant:	Woodford Land Company, LLC (2104.2163)
Surrounding Zoning Classifications:	
North: B-4	South: R-1A
East: B-4, R-1A	West: B-4

Proposed Zone & Land Use Plan

The applicant is seeking a 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 yards – 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 zoning expansion 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.

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 not located in a special flood hazard area per FIRM Map 21059CO139D.
- It appears that the subject property is 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 sewer, are available to the subject property.

Development Patterns

The subject property is a vacant 2.790 acre tract of land that is located along Highway 144 and is currently split-zoned, B-4 General Business in the front and R-1A Single Family Residential in the rear. Adjoining properties to the north, across Highway 144, are zoned B-4 General Business and include an existing Dollar General operation that is located at the intersection of Highway 144 and Stewart Court. The adjoining property to the east, located at the corner of Highway 144 and Glenn Court, is a vacant tract of land that is zoned B-4 General Business. All other adjoining properties to the east (and those to the south) are residential homes located along Glenn Court and are zoned R-1A Single Family Residential. To the west is a property that is zoned B-4 General Business and has historically been used as Wendell’s Wonder Whip.

In this vicinity Highway 144 is classified as a minor arterial roadway with a 500-foot spacing standard as well as a 75-foot building setback line and a 50-foot roadway buffer; each measured from the centerline of Highway 144.

It should be noted that, while the application does not indicate any connection between the two properties, the applicant of this request lists the address of Wendell’s Wonder Whip as their mailing address. When Wendell’s Wonder Whip was rezoned and platted in 2017, there were specific notations and conditions regarding access management at the site and future progression towards compliance.

In the event that the proposed development at the subject property is connected to the neighboring Wendell’s Wonder Whip development in any way, then continued progression towards compliance with the access management manual shall be enforced. This may include the closure or relocation of existing access points and may require the two properties to be tied together through a shared final development plan. In the event that the proposed development is independent of the operation on the neighboring lot, then the subject property shall be limited to a single access point directly across from the existing Dollar General access point located across Highway 144.

The subject property does adjoin additional right-of-way in the form of an undeveloped stub-street that stems from Glenn Court in the middle of several single family residential properties. In order to protect the residential character of Glenn Court, direct access to the subject property shall be limited to Highway 144 and shall not utilize this stub street for additional ingress or egress. Furthermore, as the property develops, perimeter buffering and landscaping shall be required where the subject property adjoins residential zoning consisting of a 10-foot wide landscape easement with one tree every 40-linear-feet plus a 6-foot high continuous planting, hedge, fence, wall or earth mound. Additionally, all lighting associated with this development shall be directed away from the adjoining residentially zoned properties.

Additional screening elements shall be required where any portion of the vehicular use areas adjoin public rights-of-way. Such a screening element shall consist of a 3-foot tall continuous element and one tree every 40-linear-feet.

Prior to any activity on the property the applicant must obtain approval of a site plan or a final 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.

Additionally, since the subject property is located within the Owensboro Wellhead Protection area, according to OMU, if the property will have or produce anything that can contaminate the soil then they must have a wellhead protection plan. OMU should be contacted regarding such a plan.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed uses on the subject properties shall be nonresidential in nature and, at a 2.790 total acres, the expansion of the existing B-4 General Business zone is not a significant increase of the extent of the zone in the vicinity and 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 Site Plan or Final Development Plan;
2. Maintain a 10-foot wide landscape easement consisting of a 6-foot tall solid and continuous element plus one tree every 40-linear-feet where the subject property adjoins residentially zoned properties;
3. All lighting associated with this development shall be directed away from the adjoining residentially zoned properties along Glenn Court; and,
4. No direct access to the existing stub-street stemming from Glenn Court shall be permitted.

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 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 appropriated in very limited locations;
3. The proposal to utilize the site for commercial uses shall be nonresidential in nature;
4. The proposed B-4 General Business zone is a logical expansion of existing B-4 zoning to the north and west, as well as existing B-4 zoning located on the front of the subject property;
5. The proposal will eliminate the existing split-zoning on the subject property; and,
6. At 2.790 total acres, the proposed expansion of the B-4 General Business zone shall not significantly increase the extent of the zone within the vicinity and should not overburden the capacity of roadways and other necessary services that are available in the affected area.