

AUGUST 11, 2022

3107 HIGHWAY 54

ZONE CHANGE

From: P-1 Professional/Service
To: B-4 General Business
Proposed Use: Part of Chick-fil-A restaurant
Acreage: 0.785
Applicant: GBC Design, Inc – Alan Wiley; Mali Hwy 54 LLC; Chick-fil-A, Inc. – Todd Williams
Surrounding Zoning Classifications:
North: P-1 South: B-4
East: B-4 West: P-1

Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business zone. The subject property is located in a Business Plan Area where General Business uses are appropriate in 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 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.

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 Map dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Maps 21059CO139 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 subject property.

Development Patterns

The subject property is a 0.785 acre parcel zoned P-1 Professional/Service that is currently vacant. The applicant intends to utilize the subject property in conjunction with the property to the west 3123 Highway 54, the former Bob Evans restaurant, to develop a new Chick-fil-A restaurant.

This area includes mostly commercial uses. The property to the north and west is an approximately 15-acre parcel owned by the Commonwealth of Kentucky zoned P-1 Professional/Service. All other properties surrounding the subject property, including across Highway 54, are zoned B-4 General Business.

A “Public Access Easement” was established when Walmart was developed to provide access to the frontage lots along Highway 54. The property at 3123 Highway 54, old Bob Evans, utilizes this easement for access and the easement extends to the subject property as well. The “Public Access Easement” shall be extended to the western property line of the subject property for future access should the adjoining property develop as well.

Highway 54 is a principal arterial roadway in this location with a 500-foot access spacing standard, 75-foot building setback and 60-foot roadway buffer each measured from the centerline of Highway 54. Access” shall be limited to the platted “Public Access Easement”. No access to Highway 54 shall be permitted for either property with this redevelopment. The Kentucky Transportation Cabinet, City Engineer and County Engineer have all reviewed this proposal along with OMPC staff and have determined that with no direct access to Highway 54 and access limited to the “Public Access Easement” that a development of this size will not require a traffic impact study.

If approved, prior to occupancy of the property the applicant must obtain approval of 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 and HVAC department shall be contacted regarding any necessary permits, inspections and certificates of occupancy and compliance that may be required.

SPECIFIC LAND USE CRITERIA

The applicant’s proposal is in compliance with the Comprehensive Plan. The proposed use as a

restaurant conforms to the criteria for nonresidential development. The proposed B-4 General Business zoning is a logical expansion of B-4 General Business zoning to the south and east. At 0.785 acres, the proposal is not a significant increase in general business zoning in the vicinity. With access limited to the "Public Access Easement" through the Walmart parking lot, the use 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. Access to the subject property shall be limited to the "Public Access Easement" located through the Walmart parking lot near the rear of the subject property;
2. No access shall be permitted to Highway 54; and,
3. Approval of a Final Development Plan.

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 a Business Plan Area where general business uses are appropriate in limited locations;
3. The proposed use as a restaurant conforms to the criteria for nonresidential development;
4. The proposal is a logical expansion of existing B-4 General Business zoning to the south and east;
5. At 0.785 acres, the proposal is not considered a significant increase in general business zoning in the vicinity; and,
6. With access limited to the "Public Access Easement" the use should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.