

FEBRUARY 8, 2024

1324 WORTHINGTON ROAD

ZONE CHANGE

From: A-U Urban Agriculture	
To: B-4 General Business	
Proposed Use: Commercial	
Acreage: 6.826	
Applicant: William Kuegel Family, LLC (2402.2285)	
Surrounding Zoning Classifications:	
North: A-U	South: I-1
East: R-1A & B-4	West: A-U

Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business zone. The subject property is 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 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.

(c) Expansions across intervening streets – In Central Residential, Urban Residential, Future Urban, and Professional/Service plan areas, the expansion of an existing General Business zone across an intervening street should be at least one-and-one-half (1.5) acres in size, but should not occur if this would significantly increase the extent of the zone in the vicinity.

Planning Staff Review

GENERAL LAND USE CRITERIA

Environment

- It appears that the subject property is located in a wetlands area per the US Department of Agriculture Soil Conservation Service map dated March 6, 1990.
- The subject property is located in a special flood hazard area per FIRM Map 21059CO118D.
- It appears that the subject property is designated as prime agricultural farmland per the US Department of Agriculture Soil Conservation Service map dated March 1980.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

Urban Services

Electricity, water and gas are available to the subject property. Sanitary sewage disposal will be accomplished by an on-site septic system.

Development Patterns

The subject property is a 6.826-acre farm tract located along Worthington Road with over 550-feet of road frontage. The site has historically contained agricultural uses with all development taking place on the southern-most portion of the property, where it adjoins existing I-1 Light Industrial zoning (currently appears to be an agricultural use). The adjoining property to the north and west is zoned A-U Urban Agriculture and is also used for farming purposes. The majority of the adjoining properties to the east (across Worthington Road) are zoned R-1A Single Family Residential and used appropriately. Lastly, to the south of the aforementioned residential properties is a farm tract that is 31-acres and zoned B-4 General Business. This existing B-4 zoning and the subject property, which are separated by Worthington Road, adjoin one another for about 15-feet.

At this time, the applicant proposes to rezone the subject property to B-4 General Business to operate commercial uses, claiming to be a logical expansion of the existing B-4 zoning located across Worthington Road, despite only adjoining for a very limited distance. As such, it should be reiterated that any future development on both, the subject property and the existing B-4 zoning, will not be located across the street from one another as most logical expansions across an intervening street typically are.

Nevertheless, staff does support the proposed logical expansion in this case, largely because of the existing industrial zoning to the south. Should that property development industrially, the proposed B-4 zoning will create a buffer between the potential industrial operation(s) and the existing single-family homes located across Worthington Road.

Furthermore, following a site visit, staff has noted several concerns:

- The existing access point is 100+ feet wide, far exceeding current regulations. If rezoned, this access point shall be brought into compliance with current regulations as the site redevelops commercially. This will include a maximum width of 40-feet and set up to prevent vehicles from backing into public right-of-way.
- The existing building at the subject property appears to encroach into the setback along Worthington Road. With the change-of-use, the existing building can remain, but the staff does have concerns pertaining to site functionality. Many commercial uses require large truck traffic for deliveries and shipments. While the proposed use is unknown, the applicant should ensure that the location of the existing building will not interfere with the site's ability to accommodate

such traffic. If applicable, a truck turning template may be required throughout review of the final development plan.

- While there is existing B-4 General Business zoning and I-1 Light Industrial zoning on adjoining properties, any commercial development on the subject property may be the first non-residential/agricultural use on Worthington Road between W 5th Street Road and Highway 56. As such, and as always, if the proposed use meets trip generation warrants, approval of a Traffic Impact Study may be required prior to approval of a Final Development Plan.

As the site redevelops, the applicant should be aware that this portion of Worthington Road is classified as a Major Collector Roadway with a 250-foot spacing standard; as well as a 60-foot building setback and a 30-foot roadway buffer, each measured from the centerline of Worthington Road. Because of the aforementioned spacing standard, access shall be limited to the existing driveway and one additional access point, which shall be located in alignment with Wyndcrest Drive. As previously stated, the existing driveway will need to be modified to comply with current regulations.

Prior to any construction activity at the subject property, the applicant shall 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 division should be contacted prior to any construction activity or changes.

Lastly, and as mentioned in the Environmental section of this Staff Report, this property does appear to be located within a wetlands area. As such, the applicant should be advised to consult with the Army Corps of Engineers and any other applicable entities regarding commercial development within these lands prior to the preparation of a Final Development Plan.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed use, commercial, is nonresidential in nature and an approved final development plan will ensure compliance with the criteria associated with buffers for outdoor storage yards. The proposal is greater than 1.5-acres in size and is a logical expansion of existing B-4 General Business zoning to the east, across Worthington Road. Additionally, the proposed B-4 zoning will serve as a buffer between the existing I-1 Light Industrial zoning to the south and the existing R-1A Single Family Residential zoning to the east. Lastly, compliance with the access management manual, and possibly an approved Traffic Impact Study, will ensure that the proposed 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. Obtain approval of a Final Development Plan;
2. Direct access to Worthington Road shall be limited to two access points – the existing driveway and an additional access point in alignment with Wyndcrest Drive, or in compliance with an approved Traffic Impact Study, if applicable; and,
3. If warranted based on the proposed use, approval of a Traffic Impact Study may be required prior to approval of a Final Development Plan. If an approved Traffic Impact Study is required, the Final Development Plan shall include identification of all required roadway improvements, and such improvements shall be installed, inspected, and approved prior to the issuance of a Certificate of Occupancy for the proposed use.

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 general business uses are appropriate in very-limited locations;
3. The proposed use, commercial, conforms to the criteria for nonresidential development and compliance with an approved final development plan will ensure the criteria associated with buffers for outdoor storage yards is met;
4. The proposal is greater than 1.5-acres in size and is a logical expansion of existing B-4 General Business zoning to east, across Worthington Road;
5. At 6.826-acres, the proposal does not significantly increase the extent of the B-4 General Business zoning in the vicinity;
6. The proposed B-4 General Business zoning will serve as a buffer between the existing I-1 Light Industrial zoning to the south and the existing R-1A Single Family Residential zoning located across Worthington Road; and,
7. Compliance with the access management manual, and possibly an approved Traffic Impact Study, will ensure that the proposed use should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.