

APRIL 11, 2024

PORTION OF 5036 BEST WAY

ZONE CHANGE

From: A-R Rural Agriculture	
To: B-4 General Business	
Proposed Use: Business	
Acres: 29.152	
Applicant: Steadfast Real Estate, LLC (2404.2286)	
Surrounding Zoning Classifications:	
North: B-4	South: B-4
East: A-R	West: B-4

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 located in a special flood hazard area per FIRM Maps 21059CO276D and 21059CO278D.
- 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 38.8-acre tract of land that is split-zoned; 29.152-acres is zoned A-R Rural Agricultural, while the remainder (a basin at the rear of the property) is zoned B-4 General Business. Both Best Way and Wildcat Way stub at the subject property, which primarily has road frontage along Martin Luther King Jr Loop, just south of the Southtown Blvd intersection.

At this time, the applicant intends to rezone the aforementioned 29.152-acres from A-R Rural Agriculture to B-4 General Business to allow for commercial development. The subject property is adjoined by large amounts of B-4 zoning to the north, south, and west (although those to the south appear to be primarily drainage and agricultural uses). The adjoining property to the east (across Martin Luther King Jr Loop) is a farm property zoned A-R.

Prior to submittal of the proposed rezoning, the applicant completed a Traffic Impact Study which has been approved by the City Engineering Office, the County Engineering Office, the Kentucky Transportation Cabinet, and the OMPC Planning Staff. The Traffic Impact Study includes a concept plan showing Best Way extended and turning in order to provide a connection with Martin Luther King Jr Loop. As the site develops, direct access to Martin Luther King Jr Loop shall be limited to the Best Way connection. No resulting lots shall have direct access to Martin Luther King Jr Loop.

As Best Way (and possibly Wildcat Way) extends toward Martin Luther King Jr Loop, development shall maintain a 25-foot building setback as measured from the property lines. Meanwhile, along Martin Luther King Jr Loop (a minor arterial roadway), development shall honor a 75-foot building setback and a 40-foot roadway buffer, each measured from the centerline of Martin Luther King Jr Loop.

Prior to any activity on the property the applicant shall obtain approval of a major subdivision preliminary plat illustrating the roadway improvements and 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, a Major Subdivision Final Plat shall be approved/recorded with all required bonding posted prior to the issuance of a Certificate of Occupancy for any use within the proposed development.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposal is a logical expansion of existing B-4 General Business zoning and conforms to the criteria for nonresidential development and buffers for outdoor storage yards. At 29.152-acres in size the proposal is not a significant increase of the B-4 zoning in the vicinity, and compliance with an approved Traffic Impact Study ensures that the proposal will 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 Major Subdivision Preliminary Plat illustrating the extension of Best Way connecting to Martin Luther King Jr Loop;
2. The Major Subdivision Preliminary Plat shall illustrate compliance with the approved Traffic Impact Study;
3. Direct access to Martin Luther King Jr Loop shall be limited to the Best Way connection. No individual lots shall have direct access to Martin Luther King Jr Loop; and,
4. A Major Subdivision Final Plat shall be approved/recorded with all required bonding posted prior to the issuance of a Certificate of Occupancy for any use within the proposed development.

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, business, conforms to the criteria for nonresidential development and the property is large enough to ensure compliance with the criteria associated with Buffers for Outdoor Storage Yards;
4. The proposal is a logical expansion of existing B-4 General Business zoning to the north, south and west;
5. At 29.152-acres, the proposal shall not significantly increase the extent of the B-4 General Business zoning in the vicinity; and,
6. Compliance with an approved Traffic Impact Study ensures that the proposal will not overburden the capacity of roadways and other necessary urban services that are available in the affected area.