

NOVEMBER 12, 2009

360 HIGHWAY 140 W

ZONE CHANGE

From: R-1B Single-Family Residential
To: B-4 General Business
Proposed Use: General Business
Acreage: 0.41
Applicant: Carolyn Morgan (0911.1765)
Surrounding Zoning Classifications:
North: R-1B South: R-1B
East: B-4, R-1B West: R-1B

Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business zone. The subject property is located in a Rural Community 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 streets(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 21059CO405 D.
- It appears that the subject property is outside the Owensboro Wellhead Protection area per the GRADD map dated March 1999.
- 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 located in the Rural Community of Utica and is the former site of a US Post Office. The property to the east is zoned B-4 General Business and is a grocery store while all other adjoining properties are zoned R-1B Single-Family Residential.

As stated in the applicant’s findings, the post office building was constructed in 1963 and such uses are permitted in any zone as a public facility. With the closure of the post office a commercial looking structure remains in a single-family residential zone.

As part of the redevelopment process, site development characteristics need to be addressed. Required parking for the use must be provided and all parking areas are required to be paved and meet minimum requirements of the zoning ordinance in regards to traffic flow. Access is limited to a maximum of 40% of the road frontage. At present access is completely wide open on the site so access will be required to consolidate into defined curb cuts. The area of pavement not used for curb cuts shall be removed and grass restored in compliance with the requirements of the Kentucky Transportation Cabinet. Vehicular use area screening is also required on the subject property in the form of a three foot landscape easement with a three foot element and one tree every 40 linear feet between the property line and vehicular use area pavement on site. A 10 foot landscape buffer with a six foot element and one tree every 40 linear feet is required where the commercial zoning adjoins residential zoning to the west, south and east.

SPECIFIC LAND USE CRITERIA

The applicant’s proposal is in compliance with the Comprehensive Plan. The use of the property for commercial purposes is consistent with the requirements for nonresidential development. There is existing B-4 General Business zoning to the east so the proposal qualifies as a logical expansion of existing B-4 General Business zoning. Also, the historical use and character of the property is more consistent with B-4 General Business zoning than the current single-family residential zone.

Planning Staff Recommendations

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

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 Rural Community Plan Area, where general business uses are appropriate in limited locations;
3. The proposed use of the property for general business use meets the requirements of the comprehensive plan in regards to nonresidential development;
4. The proposal is a logical expansion of existing B-4 zoning located immediately east of the subject property; and,
5. The historical use and character of the property is more consistent with B-4 General Business zoning than the current single-family residential zone.