

**NOVEMBER 12, 2009**

**7396, 7400 US HIGHWAY 231**

## ZONE CHANGE

<b>From:</b>	B-4 General Business I-2 Heavy Industrial A-U Urban Agriculture
<b>To:</b>	<b>B-4 General Business</b>
<b>Proposed Use:</b>	Gas Station/Antique Store
<b>Acreage:</b>	0.905
<b>Applicant:</b>	Vishva Kalra (0911.1766)
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b>	<b>B-4, A-U</b>
<b>South:</b>	<b>A-U, I-2</b>
<b>East:</b>	<b>R-1A</b>
<b>West:</b>	<b>A-U</b>

## 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 21059CO295 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 Masonville and is located in an area of mixed zoning and land use. The subject property has historically been used as a gas station and retail sales. At least half of the property is currently zoned B-4 General Business while the remainder is zoned I-2 Heavy Industrial and A-U Urban Agriculture.

The current use on the property is consistent with B-4 zoning. The applicant intends to reopen the gas station and an antique store is located in the other building on the lot. Since there are two businesses located on the same property, the applicant proposes to submit a division/consolidation plat to move the property line for the two existing tracts to place each building on a separate tract. A minor subdivision plat is required to relocate the property line and a site plan for each tract will be required.

As part of the redevelopment process, site development characteristics need to be addressed. Required parking for each building 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 the vehicular use area on the site.

### SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The use of the property as a gas station and antique shop is consistent with the requirements for nonresidential development. Redividing the two tracts to place each building on a separate tract will eliminate a zoning compliance issue of two building on a single tract and eliminate the issue of one building extending across a property line. A significant portion of the subject property is currently zoned B-4 General Business and the property to the north is currently zoned B-4 General Business so the proposal qualifies as a logical expansion of existing B-4 General Business zoning.

**Planning Staff Recommendations**

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

**Conditions:** Submission of a minor subdivision plat to redivide to the property to have each principal structure on a separate tract.

**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 on the property for a gas station and antique store meets the requirements of the comprehensive plan in regards to nonresidential development;
4. The proposal is a logical expansion of existing B-4 zoning on the subject property and the property located immediately north; and,
5. The proposed redivision of the two tracts will eliminate zoning compliance issues of more than one principal structure on one lot and a building that extends across the property line.