

DECEMBER 10, 2009**7314, 7334 US HIGHWAY 231****ZONE CHANGE**

From: A-U Urban Agriculture	
To: B-4 General Business	
Proposed Use: Unknown	
Acreage: 1.863	
Applicant: Terry Ralph (0912.1770)	
Surrounding Zoning Classifications:	
North: A-U	South: A-U, R-1A, B-4
East: A-U	West: A-U

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.
- (f) **New locations in Rural Communities** - In Rural Community plan areas, new locations of General Business zones should be “**major-street-oriented**” (D2) and should be sited at corners of intersecting streets if located in close proximity to existing dwellings.

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.
- The 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 located in the Rural Community of Masonville and is located in an area of mixed zoning and land use. The majority of the property in the vicinity is zoned A-U Urban Agriculture but a portion of the property to the south is zoned B-4 General Business and R-1A Single-Family Residential.

The subject properties were part of an overall 12 lot subdivision approved in May 2004. At part of the plat approval, access restrictions were placed upon the subject property. Access to 7314 US Highway 231 was limited to Old Masonville Road only. Access to 7334 US Highway 231 was limited to an existing access on US Highway 231 with no restrictions on access to Old Masonville Road.

Appropriate screening shall be installed where the B-4 General Business zoning adjoins non-commercial zoning. All vehicular use areas are required to be paved and appropriate vehicular use area landscape screening shall be installed.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The subject property does adjoin B-4 General Business zoning to the south but it is a small portion and the proposed expansion could be viewed as a significant increase in the B-4 General Business zoning in the vicinity. However, the “new location” criteria in the Comprehensive Plan stipulates that the subject property should be major-street oriented and sited at the corners of intersecting streets of located in close proximity to existing dwellings. With frontage on US Highway 231, the subject property is major-street oriented. The subject property is also located at the corner of intersecting streets although there are no existing dwellings that adjoin the property except across road right-of-way. However, a residence could be built in the future on the adjoining tract.

Planning Staff Recommendations

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

Condition: Access to the subject property shall be in compliance with the minor subdivision plat approved May 2004.

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 subject property adjoins B-4 General Business zoning to the south across Old Masonville Road;
4. The subject property is major-street oriented with frontage on US Highway 231; and,
5. The subject property is located at the corner of intersecting streets.