

MARCH 14, 2002

9923 WEST ST

ZONE CHANGE

From: R-1A Single-Family Residential

To: **B-4 General Business**

Acreage: 1.01 acres

Applicant: Intersouth Construction Co., Malcolm R. Moseley, William D. Moseley, POA (0203.1471)

Property Zone Existing Use	to North R-1A <i>Christian Church</i>	
to West R-1A <i>Residential</i>	Subject R-1A ⇄ B-4 <i>Residential</i>	to East R-3MF, R-1A <i>Volunteer Fire Department, vacant</i>
	to South R-1A <i>Residential</i>	

**GENERAL LAND USE CRITERIA
Apply, if marked below:**

Described in Comprehensive Plan on pages 445-448

Environmental ☒

- E1** Flood Plains
- E2** Steep Slope
- E3** Historical & Archaeological Sites
- E4** Soils
- E5** Plant & Animal Life

Urban Services ☒

- U1** Roadway Capacity
- ☒ **U2** Electricity Supply
- ☒ **U3** Water Supply
- ☒ **U4** Stormwater Disposal
- ☒ **U5** Sanitary Sewage Disposal

Development Patterns ❖

- ❖ **D1** Land-Use Intensity, Clusters and Buffers
- D2** Land Use versus Street Function
- ❖ **D3** Intersection & Driveway Spacing
- D4** Roadway Buffer Standards
- D5** Lot Sizes & Proportions
- D6** Residential Development
- ❖ **D7** Non-Residential Development
- D8** Building Quality

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 “**Non-Residential Development**” (D7), and outdoor storage yards, with “**Buffers for Outdoor Storage Yards**”(D1).
- (b) Logical expansion 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.

Applicant's Findings

The subject property is located within the designated service area of a rural community in Daviess or within the City of Whitesville service area (Section 15.43 of zoning ordinance).

The subject property is located on a major arterial street at a local intersecting street.

The subject property is located within the city limits of Whitesville where business uses are appropriate.

Planning Staff Review

The subject property is located in the 9901 block of West St, a local street within the city limits of Whitesville. Land use criteria applicable to this request are reviewed below.

GENERAL LAND USE CRITERIA

Environment

No important environmental criteria apply to the subject property.

Urban Services

All urban services are available to the site, including sanitary sewer.

Development Patterns

The subject property is located on a dead end local street intersecting with Main St (KY 54), a minor arterial roadway. The property to the north across Main St is zoned R-1A Single-Family Residential and is used for a church. The property to the east across West St is zoned R-3MF Multi-Family Residential and is used as the Whitesville Volunteer Fire Department. Property to the south and west is zoned R-1A Single-Family Residential and is used for residences.

Land-Use Intensity, Clusters and Buffers

Vehicular use areas should be screened from West St with a 3-foot high continuous element and one tree per 40 linear feet of boundary. Property to the west and south is zoned residentially and should be screened with a 6-foot high continuous element and one tree per 40 linear feet within a 10-foot landscape easement.

Intersection & Driveway Spacing

Main St (KY 54) is classified as a minor arterial roadway. There is a guardrail erected on the right-of-way of Main St adjacent to the subject property due to a marked change in elevation at this location. The roadway of Main St is significantly higher than the subject property. Access should be limited to West St with no access points allowed on Main St. The street turnout for West St at its intersection with Main St has a curb section. This curb should be continued along West St on the west side of the street along the frontage of the subject property.

SPECIFIC LAND USE CRITERIA

The property is located in the City of Whitesville along a major street, Main St (KY 54). There is no B-4 General Business zoning adjacent to the subject property to support the logical zoning expansion criteria that would place the request in compliance with the Comprehensive Plan. However, there has been a major physical change in the area that is reflected in the Transportation element of the Comprehensive Plan, but is not reflected in the Land Use portion of the Comprehensive Plan. Main St (KY 54) has been realigned and now intersects with West St. The character of the area has been altered by the presence of a major roadway with increased volumes of traffic. The Land Use Plan identified a Business Plan Area along the previous route of KY 54 (now Old KY 54) south of West St. This area, which was appropriate for General Business development, would logically move with the major street realignment to become appropriate at the proposed site. The proposal meets the criteria for new locations of General Business zoning in rural communities in that the proposal is major-street oriented and is located at the corner of intersecting streets.

Planning Staff Recommendations

Staff recommends approval because a major physical change has occurred that is not reflected in the Land Use portion of the Comprehensive Plan. This recommendation is made subject to the conditions and findings of fact that follow:

Conditions:

1. No direct access to Main St (KY 54) shall be permitted;
2. The existing curb at the intersection of Main St (KY 54) and West St shall be continued along the west side of West St for the entire length of the subject property; and,
3. The subject property shall be screened from the residential property to the west and to the south with a 6' high continuous element and one tree per 40 linear feet of boundary.

Findings of Fact:

1. The subject property is located in an Urban Residential Plan Area, where general business uses are appropriate in very-limited locations;
2. There has been a major physical change in the area that is not reflected in the Land Use portion of the Comprehensive Plan with the rerouting of KY 54;
3. KY 54 now intersects with West St changing the previous residential character of the area; and
4. The applicant's proposal is major-street oriented and situated at the corner of intersecting streets.