



**MARCH 11, 2004**

**5635 KY 54**

## ZONE CHANGE

<b>From:</b> R-1A Single-Family Residential		
<b>To:</b> B-4 General Business		
<b>Acreage:</b> 2.04 acres		
<b>Applicant:</b> Don Howard, Stephen Hardesty (0403.1552)		
<b>Property Zone Existing Use</b>	<b>to North</b> R-1A Single-Family Residential	
<b>to West</b> B-4 Convenience store and gas station	<b>Subject</b> R-1A ⇄ B-4 Vacant	<b>to East</b> R-1A Single-Family Residential
	<b>to South</b> B-4 Vacant	

## 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 a Rural Community Plan Area, where general business uses are appropriate in limited locations.

## SPECIFIC LAND USE CRITERIA

- (a) **Buildings and lot pattern; 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 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.

## Applicant's Findings

The proposed rezoning is in compliance with the existing Comprehensive Plan, because it is an extension of the existing zone to the west and the south.

## Planning Staff Review

The subject property is located in the 5601 block of KY 54 in the rural community of Philpot. Land use criteria applicable to this request are reviewed below.

## GENERAL LAND USE CRITERIA

### Environment

The property is steeply sloping. No other important environmental criteria apply to the subject property.

### Urban Services

Gas, electricity and water are available to the subject property. The subject property is proposed to be served by an on-site sewage disposal system.

### Development Patterns

The subject property fronts on KY 54 and is adjacent and across the highway from existing B-4 General Business zoning. To the west is a Pantry and BP station. Across KY 54 from the Pantry is the Premium Allied Tool

Training Facility. Property directly across KY 54 from the subject property is vacant, but is zoned B-4 General Business. Property to the north of the subject property, separated by a natural tree line, is zoned R-1A Single-Family Residential and contains single-family residences. Property to the east of the subject property is also zoned R-1A and is occupied by a single-family residence.

The applicant is proposing a hardware store use on the subject property.

Appropriate landscaping easements and screening in accordance with the Owensboro Metropolitan Zoning Ordinance must be installed between the subject property and the adjoining residential properties, if a zone change to B-4 General Business is approved on this property. Any outdoor storage areas must be screened in accordance with the Owensboro Metropolitan Zoning Ordinance.

### **SPECIFIC LAND USE CRITERIA**

The applicant's proposal meets the specific criteria of the Comprehensive Land Use Plan. Limited expansions of nonresidential uses and areas should be accommodated where they satisfy a set of logical expansion criteria. The applicant is proposing an expansion of an existing general business area located in the immediate vicinity within the rural community of Philpot.

### **Planning Staff Recommendations**

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. This recommendation is made subject to the conditions and findings of fact that follow:

#### **Conditions:**

1. Installation of landscape easements and screening in accordance with the Owensboro Metropolitan Zoning Ordinance requirements; and
2. Provide screening in accordance with the Owensboro Metropolitan Zoning Ordinance requirements for any outdoor storage areas to be located on the subject property.

#### **Findings of Fact:**

1. The subject property is located in a Rural Community Plan Area, where general business uses are appropriate in limited locations;
2. The subject property adjoins B-4 General Business zoning and uses located on KY 54; and,

3. The applicant's proposal is a logical expansion of existing B-4 General Business zoning that will not significantly increase the extent of B-4 General Business zoning in the vicinity and will not overburden the capacity of roadways or other necessary services located in the affected area.