

**JUNE 10, 2004**

**9907 WEST STREET**

**ZONE CHANGE**

<b>From:</b> R-1A Single-Family Residential		
<b>To:</b> I-1 Light Industrial		
<b>Acreage:</b> 1.02 acres		
<b>Applicant:</b> Joseph D. & Donna C. Howard (0406.1560)		
<b>Property Zone Existing Use</b>	<b>to North</b> B-4 <i>Retail sales (Dollar Store)</i>	
<b>to West</b> R-1A <i>Agricultural</i>	<b>Subject</b> R-1A ↔ I-1 <i>Vacant</i>	<b>to East</b> R-1A <i>Residential</i>
	<b>to South</b> 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 an I-1 Light Industrial zone. The subject property is located in an Urban Residential Plan Area, where light industrial uses are appropriate in very-limited locations.

**SPECIFIC LAND USE CRITERIA**

- (a) Building and lot patterns; outdoor storage areas**  
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 outside of Industrial Parks**  
Existing areas of Light Industrial use that are located outside of planned Industrial Parks may be expanded onto contiguous land that generally abuts the same street(s). Such an expansion should not significantly increase the extent of industrial uses that are located in the vicinity and outside of Industrial Parks. Also, such an expansion should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

**Applicant's Findings**

Type 2 Findings

- A.
  1. Zoning classification is inappropriate due to the recent changes in adjoiner properties.
  2. The rezoning of 9923 West Street (Dollar Store) updated drainage and widened and improved West Street. Several residences have been removed leaving only two homes facing West Street. West Street is a dead end street and the two homes are located at the end of this dead end street. Rezoning should have been completed at the time of the earlier rezoning for the Dollar Store.
- B.
  1. Increased traffic on West Street due to the recent rezoning of 9923 West Street (Dollar Store, zoned B-4)
  2. Neighboring property changed landscaping and updated engineering with improved drainage.
  3. The adjoining City of Whitesville parcel is a sewer lift station (#3) and is in a low lying area which is prone to flooding. Therefore, 9907 West Street is a less desirable area for a residence (R-1A zoning)

## Planning Staff Review

The subject property is located in the 9901 block of West St in the City of Whitesville. Land use criteria applicable to this proposal 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.

#### Development Patterns

The subject property is located on a dead end street, West St. The property to the north of the subject property was zoned to B-4 General Business in May of 2002 and a retail store (the Dollar Store) has been constructed and is operating on the site. West St has been improved with a curb along the west side to the entrance of the Dollar Store. No improvement has occurred beyond the entrance to the south. Properties to the west, east and south of the subject property are zoned R-1A Single-Family Residential. The subject property is vacant. No light industrial zones are contiguous to the subject property. The current zoning is appropriate and in keeping with residential uses and zonings along West St. A zoning change to B-4 General Business for the subject property could be appropriate as an expansion of the existing B-4 General Business zone located at the intersection of Main St (KY 54) and West St. The change of the adjoining property to B-4 General Business in 2002 does not support the change in the subject property to I-1 Light Industrial.

### SPECIFIC LAND USE CRITERIA

The request is not a logical expansion of existing I-1 Light Industrial zones and uses as there is no I-1 Light Industrial zoning in the immediate vicinity.

## Planning Staff Recommendations

Staff recommends denial because the proposal is not in compliance with the community's Comprehensive Plan. This recommendation is made subject to the findings of fact that follow:

### Findings of Fact:

1. The subject property is located in an Urban Residential Plan Area, where light industrial uses are appropriate in very-limited locations;
2. The subject property is not contiguous to I-1 Light Industrial zoning;
3. A zoning change to I-1 Light Industrial for the subject property would not be a logical expansion of existing Light Industrial uses in the area because no light industrial uses are present in the vicinity; and,
4. The current zoning of R-1A Single-Family Residential is appropriate because adjoining property in the vicinity is zoned R-1A Single-Family Residential.