



NOVEMBER 11, 2004

6139 OLD KY 54

ZONE CHANGE

From: R-1A – Single-Family Residential

To: B-4 – General Business

Acreage: 0.88 acres

Applicant: James C. Howard (0411.1579)

Property Zone Existing Use	to North B-4 Truck & Equipment Sales	
to West B-4 US Post Office	Subject EX-1 ↔ A-R Agriculture	to East B-4 Used Car Sales
	to South B-4 & R-1A Upholstery Shop, Residential	

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) Building and lot patterns; outdoor storage yards – Building and lot patterns should conform to the criteria for “**Nonresidential Development**” and outdoor storage yards, with “**Buffers for Outdoor Storage Yards.**”

(b) Logical zoning 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 north, south, east and west. Also, it is in an area shown in the Comprehensive Plan to be General Business.

Planning Staff Review

The subject property is located in the 6100 block of Old KY 54. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA

Environment

According to a study prepared by the US Department of Agriculture Soil Conservation Service dated March 6, 1990, it appears that the subject property is not in a wetlands area. The subject property does not appear to be in a special flood hazard area per FIRM Map 21059CO305C. The developer is responsible for obtaining permits as may be required by the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

It appears that the subject property is outside the Owensboro Wellhead Protection area according to a map created by the GRADD office dated March 1999.

Urban Services

Electric and water are available to the subject property. Sanitary sewer disposal will be accomplished by an on-site septic system.

Development Patterns

The subject property has frontage along three roadways within the rural community of Philpot. Currently the site consists of a single-family residential dwelling and a barn. Access to the site is currently from a single drive on Old KY 54. The drive for the proposed sporting goods sales should be in the same general location as it currently exists. The drive shall be upgraded and sufficient paved parking must be installed to meet current commercial standards.

The proposed use for the subject property is for sporting goods sales. The applicant proposes to demolish the existing structures and build a new building to conduct a sporting goods business. The applicant is aware that a site plan must be submitted prior to issuance of a building permit which would include paved, on-site parking.

In the Applicant's Findings section, the statement is made that incorrectly shows the area to be General Business. The subject property is located in a Rural Community Plan Area in the Comprehensive Plan where General Business uses are appropriate in limited locations. The zoning must be a logical expansion of an existing B-4 zone to be considered for approval.

Driveway and Intersection Spacing

The subject property has frontage on Old KY 54, KY 142 and KY 54 and will be subject to all setback, easement and right-of-way limitations. At this location KY 54 is classified as a minor arterial roadway with a 75' building setback and access limitations to new sites of 500'. A significant hill exists along the KY 142 frontage of the subject property. Therefore, based on the grade change along KY 142 and the access restrictions along KY 54, access to the subject property shall be only from Old KY 54.

SPECIFIC LAND USE CRITERIA

The subject property is immediately adjacent to existing B-4 General Business zoning on all sides and meets the requirements for a logical expansion of an existing B-4 General Business zone. The proposed rezoning will not significantly increase the B-4 General Business zone in the area or overburden roadways and other urban services in

the affected area. Limited expansions of non-residential zones should be accommodated where they reasonably satisfy a set of "logical expansion criteria."

Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The condition and findings of fact that support this recommendation include the following:

Condition: Access shall be limited to Old KY 54 with no direct access to KY 54 or KY 142.

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 is immediately adjacent to existing B-4 General Business zones to the north, east, south, and west; and,
3. The applicant's proposal is a logical expansion of the existing B-4 zoning onto contiguous land abutting the same street that will not significantly increase the extent of the B-4 zone in the vicinity and will not overburden the capacity of roadways and other necessary urban services that are available in the affected area.