

**DECEMBER 8, 2005**

**122 KY 140 E**

**ZONE CHANGE**

<b>From:</b> A-U Urban Agriculture		
<b>To:</b> B-4 General Business		
<b>Acreage:</b> 4.664 acres		
<b>Applicant:</b> Donald Phillips, Jr. (0512.1620)		
<b>Property Zone Existing Use</b>	<b>to North</b> B-4, A-U Residential, Convenient Store	
<b>to West</b> B-4, R-1A Residential, Vacant	<b>Subject</b> A-U ↔ B-4 Vacant	<b>to East</b> A-U Vacant
	<b>to South</b> A-U 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) 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.**”

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

**Applicant's Findings**

The proposed zoning map amendment is in compliance with the Comprehensive Plan. The Comprehensive Plan requires new locations of B-4 General Business sites to be “major-street oriented.” The subject property is located on US 431 and KY 140 E in Utica, KY.

**Planning Staff Review**

The subject property is located in the 100 block of KY 140 E. 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 located in a wetlands area. The subject property is not located in a special flood hazard area per FIRM Map 21059CO425 C. It appears that the subject property is designated as prime agricultural land according to the “Important Farmlands” map created by the US Department of Agriculture Soil Conservation Service dated March 1980. However, the subject property is located within a rural community, where the loss of some prime farm land due to urbanization is expected to occur. 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

Electricity, water and gas are available to the subject property. Sanitary sewage disposal would be accomplished by an on-site septic system.

### Development Patterns

The subject property is located in the rural community of Utica on the southeast corner of the US 431 and KY 140 E intersection. The property to the north and west of the subject property is zoned B-4 and A-U with a fuel station, residences and vacant land uses. The property to the east and south is zoned A-U with residential and agricultural uses.

The intended use of the subject property is for automobile sales. Based on zoning requirements the lot must be paved and vehicular use area perimeter landscaping must be installed. The landscaping should include one tree every 40 linear feet along with one shrub or bush every 10 feet.

It appears that much of the existing vegetation on the subject property has been removed in preparation for site work. The applicant should contact Jim Mischel in the building department to obtain a cut and fill permit which was not issued prior to the work being done.

To promote safe access to the subject property, it is recommended that access points be located far away from the intersection to provide adequate intersection separation and sight distance. Permits from the Kentucky Transportation Cabinet will be required prior to the construction of any access point on the subject property.

### SPECIFIC LAND USE CRITERIA

The subject property is located within the Rural Community of Utica, where general business uses are appropriate in limited location. The subject property is major-street oriented since it is located on the southeast corner of the US 431 and KY 140 E intersection and the proposed commercial use of the property meets the criteria for non-residential use of a commercially zoned property.

### 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:** Obtain appropriate cut and fill permit from Jim Mischel, Associate Director Building and Electrical.

### 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. Development of the subject property will be nonresidential in character,
3. The subject property is major-street oriented meeting the criteria for a new location of general business use located within a rural community; and,
4. The subject property is located at the corner of intersecting streets meeting the criteria of a new location of general business use when located in close proximity to dwelling units.