

FEBRUARY 14, 2008

7094 US HIGHWAY 231

ZONE CHANGE

From: R-1A Single-Family Residential

To: B-4 General Business

Proposed Use: Antique Store

Acreage: 2.651

Applicant: Donna Wink Mitchell, Karen Wink Morris (0802.1707)

| | | |
|-----------------------------------|--|---|
| Property Zone Existing Use | to North A-U Farming Operation, Home | |
| | to West A-U, R-1A Single-Family Residential | Subject R-1A ↔ B-4 Single-Family Residential |
| | to South A-U Farming Operation | |

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 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 zoning 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.

(f) New locations in Rural Communities - In Rural Community plan areas, new locations of General Business zones should be “major-street-oriented” (D2) and should be sited at corners of intersecting streets if located in close proximity to existing dwellings.

Applicant's Findings

1. The subject property is located in a Rural Community Plan Area where general business uses are appropriate in limited locations.
2. The proposal is a logical expansion of existing B-4 General Business zoning that currently exists adjacent to the subject property to the east.
3. The expansion of a General Business zone will not significantly increase the extent of the zone in the vicinity of the expansion and should not overburden the capacity of the roadways and other necessary urban services that are available in the affected area.

Planning Staff Review

The subject property is located in the 7000 block of US 231. 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 21059CO295 C. Based on the preliminary FIRM maps dated July 7, 2007, the subject property is not located in a special flood hazard area per map 21059CO295 D. It appears that a portion of 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. 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 is accomplished by an on-site septic system.

Development Patterns

The subject property is located in a rural setting with scattered rural residences and agricultural uses within the rural community of Masonville. The properties to the north, west and south are all zoned R-1A Single-Family Residential and A-U Urban Agriculture with residences and agricultural uses. The property to the east is currently split zoned R-1A Single-Family Residential, B-4 General Business, and A-U Urban Agriculture but has a current application to rezone the entire tract to A-U Urban Agriculture.

At present, the proposed zoning change is a logical expansion of existing B-4 General Business zoning located immediately east of the subject property. However, the adjoining property has petitioned for a rezoning to consolidate the split zoning on the tract into a single A-U Urban Agriculture zone. With the proposed rezoning on the adjoining property, the applicability of the logical expansion of existing B-4 zoning is questionable. The other applicable criteria for a rezoning to B-4 in a Rural Community states that new locations should be major-street oriented and located at the corners of intersecting streets if located in close proximity to existing residences. With frontage on US 231, the subject property is major-street oriented. However, there are a few residences in the vicinity. The residences are typically on larger tracts and do not approach the type of density concentrations found in urban settings. Since there are existing residences in the vicinity, the concerns of the adjoining property owners in regards to the rezoning should be taken into consideration by the Planning Commission prior to consideration of the application.

The subject property is currently served by a loop driveway with two access points to US 231. Although outside of the Urban Service Area, planning staff would recommend the consolidation of the two access points into a single access to serve the parking lot required for the commercial use. Based on the proposed use as an antique store, parking requirements will be one space per 400 square feet provided that the total area of the building is under 5,000 square feet. One parking space shall comply with ADA standards. All vehicular use areas shall be paved, including the parking lot, access point and drive aisles. Vehicular use area screening will also be required where the parking area is adjacent to the road right-of-way.

A screening element will also be required where the subject property is adjacent to residential zoning or agricultural zoning with a residence that is under 10 acres in size. In this case, a ten foot landscape buffer with a six-foot element and one tree every 40 linear feet will be required along the entire west and east boundaries of the subject property provided that the adjoining property receives a recommendation for approval. No screening will be required to the south since it is an agricultural tract that is over 10 acres in size.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance or substantially in compliance with the Comprehensive Plan. The proposal is a logical expansion of existing B-4 General Business zoning to the east. However the adjoining property has a rezoning application to rezone their tract to A-U Urban Agriculture. The other criteria for a new location of B-4 General Business zoning in a Rural Community plan area states that the lot should be major-street oriented and located at the intersection of intersecting streets if close to existing residences. There are a few residences in the vicinity but not at the level of urban concentrations. However, the input of the adjoining property owners should be considered in the applicability of the commercial rezoning. The subject property is major-street oriented.

Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan; however, the input from neighboring properties should be taken into consideration with the rezoning request. The conditions and findings of fact that support this recommendation include the following:

Conditions:

1. Access to the subject property should be consolidated into a single access;
2. All vehicular use areas shall be paved and vehicular use area screening shall be installed; and,

3. A ten foot landscape buffer with a six foot element and one tree every 40 linear feet shall be installed along the west and east property boundaries.

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. There is existing B-4 General Business zoning located immediately east of the subject property;
3. With frontage on US 231, the subject property is major street oriented; and,
4. Although not located on the corner of intersecting streets, there is not an urban concentration of residential uses in the vicinity.