

APRIL 14, 2022

PORTION OF 5020 JACK HINTON ROAD	
ZONE CHANGE	
From:	A-R Rural Agriculture
To:	B-4 General Business
Proposed Use:	Commercial
Acreage:	1.431
Applicant:	Charles J. Kamuf; Robert Bryant (2204.2206)
Surrounding Zoning Classifications:	
North:	A-R, R-1A
South:	B-4, A-R
East:	A-R
West:	B-4, I-1, A-R

Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business zone. The subject property is located in a Rural Maintenance Plan Area where General Business uses are appropriate in very-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**” (D7), and outdoor storage yards, with “**Buffers for Outdoor Storage Yards**” (D1).

(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.

Planning Staff Review

GENERAL LAND USE CRITERIA

Environment

- It appears that the subject property is not located in a wetlands area per the US Department of Agriculture Soil Conservation Service dated March 6, 1990.
- The subject property is partially located in a special flood hazard area per FIRM Map 21059CO305D.
- It appears that the subject property is partially designated as prime agricultural farmland per the US Department of Agriculture Soil Conservation Service map dated March 1980.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

Urban Services

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

Development Patterns

The subject property is a 27-acre farm tract that is zoned A-R Rural Agriculture. Most adjoining properties are zoned R-1A Single Family Residential or A-R Rural Agriculture and are utilized appropriately. Other adjoining properties include an individual storage facility that is zoned I-1 Light Industrial and located across Jack Hinton Road, a Dollar General store that is zoned B-4 General Business and located at the northwest intersection of Jack Hinton Road and Highway 54, and two undeveloped tracts of land that are zoned B-4 General Business and located at the northeast intersection of Highway 54 and Jack Hinton Road.

At this time, the applicant has proposed to rezone 1.431 acres of the farm tract from A-R Rural Agriculture to B-4 General Business to allow commercial uses. The proposed area is located along Jack Hinton Road and immediately adjoins the aforementioned undeveloped B-4 zoning at the roadway intersections, which was rezoned to B-4 General Business at the February 2019 OMPC meeting.

A minor subdivision plat that was submitted in conjunction with the proposed zoning change application indicates that the intent is for the proposed area to be consolidated into one of the adjoining B-4 zoned properties, creating a 3-acre tract with frontage along Highway 54.

Highway 54, in this vicinity, is classified as a Minor Arterial roadway with a 75-foot building setback and a 40-foot roadway buffer; each measured from the centerline of Highway 54. Meanwhile Jack Hinton Road is a local roadway with a 25-foot building setback measured from the property line.

Because the subject property is located outside of the Urban Service Area, access management along both roadways will be regulated by the Kentucky Transportation Cabinet and/or the County Engineer. Correspondence throughout the minor subdivision plat review have indicated that both entities are assessing the proposed access points as shown on the submitted plat. The OMPC staff shall obtain written approval from both entities prior to the approval of the minor subdivision plat.

Prior to any construction activity on the property the applicant must obtain approval of a final development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage. The OMPC Building, Electrical & HVAC department shall be contacted before any construction activity takes place on the property.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed use as a commercial building conforms to the criteria for nonresidential development. The proposed B-4 General Business zoning is a logical expansion of B-4 zoning to the south. The proposal is not a significant increase in general business zoning in the vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

Planning Staff Recommendations

The planning staff recommends approval subject to the condition and findings of fact that follow:

Condition:

1. Obtain Approval of a Final Development Plan.

Findings of Fact:

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located in a Rural Maintenance Plan Area where general business uses are appropriate in very-limited locations;
3. The proposed use as commercial conforms to the criteria for nonresidential development;
4. The proposal is a logical expansion of existing B-4 General Business zoning to the south; and,
5. At 1.431 acres, the proposal does not significantly increase the extent general business zoning in the vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.