



**JUNE 9, 2022**

**8825 HIGHWAY 2830**

## ZONE CHANGE

<b>From:</b> R-1A Single-Family Residential	
<b>To:</b> B-4 General Business	
<b>Proposed Use:</b>	Retail Sales
<b>Acreage:</b>	1.38
<b>Applicant:</b>	Susan Cox Development, LLC; Daniel Wilhoyte (2206.2213)
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> B-4	<b>South:</b> R-1A
<b>East:</b> R-1A	<b>West:</b> 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 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**” (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 located in a special flood hazard area per FIRM Maps 21059CO135 D and 21059CO155 D.
- It appears that this property is not 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, the EPA, the OMPC building/electrical/HVAC division 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 1.38 acre parcel zoned R-1A Single Family Residential and located in the Rural Community of Maceo. The subject property has road frontage on both Highway 2830 and US Highway 60 E. A minor subdivision plat approved in 2000 limits access for the subject property to Highway 2830. Currently, a single-family residence sits on the subject property; however, the applicant has indicated they wish to redevelop the property for retail sales requiring the proposed zoning change to B-4 General Business.

This area includes a mixture of residential, commercial, and agricultural properties. Property to the north is a 2.63 acre parcel zoned B-4 General Business, there is a concrete block building located on the property which appears to be vacant. Properties to the south and east are zoned R-1A Single Family Residential. To the south is a single-family residence and to the east, across Highway 2830, is part of a residential subdivision that has not been developed. Property to the west, across US Highway 60 E, is farmland zoned A-R Rural Agriculture.

If the rezoning is approved, the applicant will be required to provide landscape buffer screening in compliance with Article 17 of the zoning ordinance along the southern property boundary where adjacent to residential property. Vehicular use area screening will also be required where adjacent to residential properties or public street rights-of-way.

Highway 2830 is a local roadway in this location with a 25-foot building setback line. Access to the site must be compliant with applicable sections of the zoning ordinance and will require Kentucky Transportation Cabinet approval.

Due to the proximity to existing residential zones, all lighting for the subject property shall be directed away from the residential properties to reduce the glare and impact of the lighting on the residential uses.

If approved, prior to occupancy of the property the applicant must obtain approval of a site plan or final development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage.

## SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed use as retail sales conforms to the criteria for nonresidential development. The proposed B-4 General Business zoning is a logical

expansion of B-4 General Business zoning to the north. At 1.38 acres, the proposal is not considered 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. Access to the subject property shall be limited to Highway 2830. No access shall be permitted to US Highway 60 E.

#### **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 Community Plan Area where general business uses are appropriate in limited locations;
3. The proposed use as retail sales conforms to the criteria for nonresidential development;
4. The proposal is a logical expansion of existing B-4 General Business zoning to the north; and,
5. At 1.38 acres, the proposal is not considered 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.