

**AUGUST 11, 2022**

**9243 HIGHWAY 405**

**ZONE CHANGE**

<b>From:</b> R-1A Single-Family Residential	
<b>To:</b> B-4 General Business	
<b>Proposed Use:</b>	Convenient Store
<b>Acreage:</b>	1.401
<b>Applicant:</b> KRISHNA ONE, LLC (2208.2227)	
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> B-4 & R-1A	<b>South:</b> R-1A
<b>East:</b> R-1A & A-U	<b>West:</b> A-U

**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 map dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Map 21059CO155D.
- 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 1.401 acre parcel of land that is zoned R-1A Single Family Residential and located near the intersection of Hwy 405 & Highway 662. The property has approximately 50-75 feet in width running parallel to Highway 405 that is flat land. Beyond this point is a very steep embankment leading to a large lake that encompasses much of the subject property.

The property to north is a former convenient store/gas station located at the intersection of the two highways. This property is approximately 0.2-acres in size (per GIS measurements) and is zoned B-4 General Business. The former convenient store has been torn down in recent years and, at this time, the applicant intends to redevelop the site and include the subject property within the development.

The former convenient store site is the only commercial zoning in the immediate vicinity and expanding the B-4 zoning onto the subject property will be increasing the extent of the commercial zone from 0.2-acres to 1.6 total acres. However, the expansion of the B-4 zoning should not significantly increase the commercial uses in the area because very little of the subject property is developable land.

The property immediately adjoining to the west is a large agricultural tract that is heavily wooded. All other surrounding properties are zoned R-1A Single Family Residential and/or A-U Urban Agriculture and appear to be residential in nature. As such, development of the subject property shall include a 10-foot wide landscape buffer consisting of a 6-foot tall solid element and 1-tree per 40-linear-feet where adjoining residential zoning to the north and south. All lighting associated with this development shall be directed away from the adjoining residential properties.

In addition to the landscaping easements, development shall comply with building setbacks. Highway 405, in this vicinity, is classified as a local road with a 25-foot setback. Although access management is more flexible on local roads than it is on higher-classified roadways, it should be noted that the subject property and the existing site to the north both contain wide-open access points without defined curb cuts to dictate access points. Compliance with the zoning ordinance requirements shall be required as this site and as the neighboring site redevelop.

Prior to any construction activity at the property, the applicant shall 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. 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 general business conforms to the criteria for nonresidential development, as well as the criteria associated with buffers for outdoor storage yards. The proposal is a logical expansion of the B-4 General Business zoning to the north and the existing topography at the subject property ensures that the proposal will not significantly increase the extent of the commercial uses in the general vicinity. With such minimal amount of buildable land, the proposal 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 conditions and findings of fact that follow:

**Conditions:**

1. Install and maintain a 10-foot wide landscaping easement consisting of a 6-foot tall solid element and 1-tree per 40-linear-feet where the subject property adjoins R-1A Single Family Residential zoning to the north and south; and,
2. Obtain an approved Site Plan or 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 Community Plan Area where general business uses are appropriate in limited locations;
3. The proposal is a logical expansion of B-4 General Business zoning to the north;
4. The proposed use as a convenient store conforms to the criteria for nonresidential development, as well as the criteria associated with buffers for outdoor storage yards; and,
5. Due to the existing topography at the subject property, the proposal should not significantly increase the extent of the commercial uses in the general vicinity, nor should the use overburden the capacity of roadways and other necessary urban services that are available in the affected area.