

**OCTOBER 9, 2008**

**9210 HIGHWAY 144**

**ZONE CHANGE**

**From:** A-U Urban Agriculture

**To:** B-4 General Business

**Proposed Use:** Water District Office

**Acreage:** 0.82

**Applicant:** East Daviess County Water Associations (0810.1729)

<b>Property Zone Existing Use</b>	<b>to North</b> R-1A Residential, Wooded	
	<b>to West</b> A-U Agriculture, Residential	<b>Subject</b> A-U ↔ B-4 Water District Office
	<b>to South</b> A-U Agriculture	

**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” (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.

**Applicant's Findings**

The subject property is located in a Rural Community Plan Area where general business uses are appropriate in limited locations. The property located at 9210 KY 144, containing 0.82 acres, is the present site of the East Daviess County Water Association office and facilities. On April 25, 2007, the association acquired the adjoining lot at 9226 KY 144 from Green River Area Credit Union. The intent is to consolidate the two lots into a single parcel and construct a new office building with drive-thru window utilizing the existing paved vehicular use area as shown on the proposed site plan. Upon completion of the new building, the existing office building is to be removed. The subject parcel must be rezoned to B-4 General Business in order to consolidate the two (2) lots of record into a single tract.

Specific criteria which apply to this application are as follows:

Building and lot patterns; outdoor storage areas. The proposed zoning change will not increase the number of parcels with B-4 zoning. The existing lot to the east is currently zoned B-4 and will be consolidated once the zoning amendment is approved.

Logical zoning expansion of proportional scope. The proposed rezoning is a logical expansion of existing B-4 zoning.

The proposed rezoning complies with all applicable criteria of the Comprehensive Land Use Plan.

## Planning Staff Review

The subject property is located in the 9200 block of Highway 144. 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 21059CO170 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 21059CO170 D. It appears that the subject property is not 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 not in the vicinity of 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 currently used by the East Daviess County Water Association for office space and facilities for their operations. The property to the north is zoned R-1A Single-Family Residential with a residence and wooded areas. The property to the west and south is zoned A-U and is used for a residence and agricultural purposes. The property to the east is zoned B-4 and is currently vacant.

The East Daviess County Water Association also owns the B-4 General Business tract to the east of the subject property. The site was a credit union but the building has been demolished and the site is currently vacant. With this application, the applicant intends to have a common zone for the properties so that they can be consolidated with the future goal of constructing a new office. Under the current A-U Urban Agriculture zoning classification on the subject property, an office is not a permitted use. The rezoning of

the property to B-4 General Business will bring the existing office and related uses into compliance with zoning standards and will allow the tracts to be consolidated. A site plan is required prior to the construction of the new building and has been submitted for review. All vehicular use areas will be required to be paved and appropriate vehicular use area screening shall be installed. Landscape buffers where the subject property adjoins property that is zoned residential shall be installed within a 10 foot landscape easement with a six foot element and one tree every 40 linear feet.

In the vicinity of the subject property, Highway 144 is classified as a minor arterial roadway. The building setback is 75 feet from the road centerline and the roadway buffer is 40 feet from the road centerline.

### SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The use of the property as office and facilities for the East Daviess County Water Association will be nonresidential in use. The proposal is a logical expansion of existing B-4 General Business zoning located immediately east of the subject property.

## Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The findings of fact that support this recommendation include the following:

#### 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. The continued use of the property by the East Daviess County Water Association for offices will be nonresidential in nature;
3. The proposed rezoning is a logical expansion of existing B-4 General Business zoning located immediately east of the subject property;
4. The rezoning of the subject property to B-4 General Business will bring the existing use on the property into compliance with zoning ordinance standards and will allow the two tracts owned by the applicant to be consolidated; and,
5. At 0.82 acres in size, 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.