

**AUGUST 11, 2011**

**9950 MAIN ST; 9930 WEST ST**

**ZONE CHANGE**

<b>From:</b>	R-1A Single-Family Residential R-3MF Multi-Family Residential
<b>To:</b>	<b>B-4 General Business</b>
<b>Proposed Use:</b>	Retail
<b>Acreage:</b>	0.478
<b>Applicant:</b>	Allen Wade, et al. (1108.1815)
<b>Surrounding Zoning Classifications:</b>	
<b>North: R-1A</b>	<b>South: R-1A</b>
<b>East: R-1B</b>	<b>West: B-4</b>

**Proposed Zone & Land Use Plan**

The applicant is seeking a B-4 General Business zone. The subject property is partially located in a Business Plan Area, where general business uses are appropriate in limited locations and partially located in a Professional/Service Plan Area, where general business use 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 General Business zone should not significantly increase the extent of the zoning 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.

**(c) Expansions across intervening streets –** In Professional/Service plan areas, the expansion of an existing General Business zone across an intervening street should be at least **one-and-one-half (1.5) acres** in size, but should not occur if this would significantly increase the extent of the zone in the vicinity.

**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 not located in a special flood hazard area per FIRM Map 21059CO340 D.
- 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**

All urban services, including sanitary sewers, are available to the site.

**Development Patterns**

The subject property is located in the City of Whitesville in an area mixed zoning and use. The properties to the north, east and south are zoned single-family residential but the property to the north is occupied by a church. The property to the west is zoned B-4 General Business and is a Dollar General retail store. The property further south on West Street is zoned I-1 Light Industrial and the property just past Oak Street to the east is zoned B-2 Central Business.

Due to the proximity to single-family residential zoning located, screening is required by the zoning ordinance. A ten foot landscape easement with a six foot tall solid wall or fence and one tree every 40 linear feet is required where the subject property adjoins residential zoning. Also, due to the proximity to residential uses, all lighting from the site shall be directed away from the residential property. All vehicular use areas are required to be paved and vehicular use area landscaping is required. In order to meet parking requirements the two tracts will likely need to be consolidated or a final development play may be submitted for parking on a separate lot from the principal use.

The Kentucky Transportation Cabinet is required to approve the location of access to the property if any is requested on Main Street. Based on the minor arterial classification of Highway 54, the building setback line is 75 feet from the centerline of the road and the roadway buffer is 40 feet from centerline. Access to West Street is required to be a minimum of 50 feet from the Main Street right-of-way.

**SPECIFIC LAND USE CRITERIA**

The applicant’s proposal is in compliance with the Comprehensive Plan. The proposed B-4 General Business zone and use will be nonresidential in nature. The proposal is a logical expansion of existing B-4 General Business zoning located across the street. Although the portion within the professional/service plan area does not meet the 1.5 acre minimum, it would be a logical expansion of commercial zoning since 9930 West Street meets criteria for expansion of B-4 zoning in the business plan area. Since the lots are being zoned simultaneously, B04 zoning on 9950 Main Street can be considered a logical expansion of B-4 zoning supported on 9930 West Street. At 0.478 acres, the expansion of commercial zoning should not overburden the capacity of roadway and other necessary urban services that are available in the affected area.

**Planning Staff Recommendations**

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

**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 partially located in a Business Plan Area, where general business uses are appropriate in limited locations and partially located in a Professional/Service Plan Area, where general business use are appropriate in very-limited locations;
3. The proposal is a logical expansion of existing B-4 General Business zoning to the west across West Street;
4. Although the portion in the professional/service plan area does not meet the 1.5 acre minimum for expansion across an intervening street, it is expansion of B-4 zoning that can be supported on the other tract proposed for rezoning at 9930 West Street; and,
5. At 0.478 acres, the expansion of commercial zoning should not overburden the capacity of roadway and other necessary urban services that are available in the affected area.