

AUGUST 9, 2012**5540 HIGHWAY 54****ZONE CHANGE**

From:	R-1A Single-Family Residential A-U Urban Agriculture
To:	B-4 General Business
Proposed Use:	Expansion of Hagan's Saw Shop
Acreage:	3.200
Applicant:	Francis Hagan; Estate of Eva E. Smith, Robert Smith Executor (1208.1847)
Surrounding Zoning Classifications:	
North: I-1	South: A-U
East: B-4	West: A-U, R-1A

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 zoned 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 not located in a special flood hazard area per FIRM Map 21059CO285 D.
- It appears that the subject property is not within the Owensboro Wellhead Protection area per the GRADD map dated March 1999.
- 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 would be accomplished by an on-site septic system.

Development Patterns

The subject property is located in the rural community of Philpot and has frontage on both Highway 54 and Ed Foster Road. There is a single-family residence and an accessory structure currently on the property. The area is typical of a rural community with a mix of land uses and zonings. Land uses in the vicinity include Hagan's Saw Shop, a cemetery, auto sales lot, the Hines Center, and a single-family residence.

The applicant proposes to expand Hagan's Saw Shop which is located to the east of the subject property. In order to expand and complete a lot consolidation, the subject property needs a B-4 General Business zoning. The existing residence must be removed before redevelopment.

In the vicinity of the subject property, Highway 54 is classified as a minor arterial roadway. The subject property only has approximately 170 feet of frontage on Highway 54. Due to the proximity to the intersection and the proposed commercial use of the subject property, no access shall be permitted to Highway 54. The existing business has indirect access to Highway 54 via Old Highway 54 and Ed Foster Road is a county road which may allow access at the discretion of the county engineer.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed B-4 General Business zoning will be nonresidential development located within the Philpot Rural Community. The proposal is a logical expansion of existing B-4 General Business zoning located immediately east of the subject property. The proposal is not a significant increase in commercial zoning in the area. The Kentucky Transportation Cabinet will review any access proposed to Highway 54 and with their review, 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 condition and findings of fact that follow:

Condition: No access shall be permitted to Highway 54.

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 zoning to the east; and,
4. With no access to Highway 54, the proposal should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.