

FEBRUARY 13, 2014**PORTION OF 931 COMMERCE DR****ZONE CHANGE**

From: R-1A Single Family Residential
To: B-1 Neighborhood Business Center
Proposed Use: Neighborhood Business
Acreage: 0.011
Applicant: Robert E. Anderson & Larry K. Harrington (1402.1894)
Surrounding Zoning Classifications:
North: B-1, B-4 & R-1A South: I-1, R-1A
East: B-1, B-4, R-1A West: B-1, B-4

Proposed Zone & Land Use Plan

The applicant is seeking a B-1 Neighborhood Business Center zone. The subject property is located in an Urban Residential Plan Area, where neighborhood business uses are appropriate in limited locations.

SPECIFIC LAND USE CRITERIA

(c) Logical expansions – Existing centers may be expanded onto contiguous land that abuts the same street(s), but should not grow larger in total area than **fifteen (15) acres**, not counting street right-of-way. If the contiguous land for expansion is located across an intervening street from the existing center, the expansion should be at least **five (5) acres in size**.

Planning Staff Review**GENERAL LAND USE CRITERIA****Environment**

- It appears that the subject property is not located in a wetland 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 21059CO139 D.
- It appears that the subject property is 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

All urban services, including sanitary sewers, are existing on the site.

Development Patterns

The subject property is a 0.011 acre portion of a much larger vacant tract of land adjacent to the Kroger store. The applicant proposes to consolidate the 0.011 acres with an existing lot located to the east. Currently a gravel driveway for the property to the east encroaches onto the

subject property. In order to resolve the encroachment issue, the applicant has submitted a division and consolidation plat to accommodate the driveway. The subject property is zoned R-1A while the adjoining property is zoned B-1; in order to consolidate the small portion of the subject property with the property to the east, it must be rezoned to a like zoning classification.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The applicant is proposing to consolidate the subject property with an existing lot to the east. At only 0.011 acres, the consolidated lot will not exceed the maximum acreage for an existing neighborhood business center.

Planning Staff Recommendations

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

Condition: Approval of a consolidation plat to consolidate the subject property with the property to the east.

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 an Urban Residential Plan Area, where neighborhood business uses are appropriate in limited locations;
3. The zoning change will create like zoning to allow the 0.011 acres to be consolidated with the property to the east; and,
4. The addition of 0.011 acres to the existing B-1 lot will not exceed the maximum acreage for an existing neighborhood business center.