

APRIL 2, 2015

PORTION OF 5422 HWY 144

ZONE CHANGE

From:	R-1A Single-Family Residential & A-U Urban Agriculture
To:	B-4 General Business
Proposed Use:	Retail
Acreage:	0.72 acre
Applicant:	Susan A. Cox & Joseph B. Taylor (1504.1920)
Surrounding Zoning Classifications:	
North:	B-4 & R-1A
South:	A-U
East:	R-1A & A-U
West:	R-1A & B-4

Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business zone. The subject property is located in a Business 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 dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Maps 21059CO141 D & 21059CO145 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 will be accomplished by a new on-site private system.

Development Patterns

The subject property in this rezoning application is a 0.72 acre portion of a proposed 1.14 acre parcel known as a portion of 5422 Highway 144. The remaining 0.42 acre portion of the proposed 1.14 acre lot was rezoned to B-4 General Business in 1997. This rezoning will result in the entire proposed 1.14 acre parcel being zoned B-4. The applicant proposes to use the B-4 zoned parcel, which is currently vacant, for retail purposes.

Approval of a minor subdivision plat dividing the 1.14 acre B-4 zoned parcel from the 3.6 acre R-1A/A-U zoned remainder of the property will be required for this rezoning since the creation of new split-zoned properties is prohibited.

Properties in this area contain a variety of zoning classifications including B-4, R-1A and A-U. Where adjacent to residential to the east and south, the proposed B-4 development will be required to install a 10' landscape easement with one tree per 40' of linear boundary plus continuous 6' high planting, hedge, fence, wall or earth mound. The required minimum building setback for the subject property shall be 75' from the street centerline, or 25' from the lot line, whichever is greater.

Access to the new parcel must comply with the Access Management Manual. Highway 144 in this location is classified as a minor arterial which requires minimum driveway spacing at 500 foot intervals. The subject property does not have sufficient frontage to meet this standard. Therefore access will be limited to an abandoned section of Old KY 144, which runs along the western edge of the subject property and currently serves as access to an adjacent property located at 5346 Highway 144.

Requirements related to landscaping, parking, signage and access will be reviewed by OMPC staff during the required site plan review process prior to any building permits being issued.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed retail use conforms to the criteria for non-residential development. This proposal is a logical expansion of existing B-4 zoning to the west and north. At 0.72 acre, the proposal is not a significant increase in B-4 General Business zoning in the vicinity and 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:

- Approval of the minor subdivision plat dividing the 1.14 acre B-4 zoned parcel from the 3.6 acre R-1A/A-U zoned remaining portion of 5422 Highway 144.
- Access to the new 1.14 acre parcel will be through the abandoned section of Old KY 144 along the western edge of the property. No direct vehicular access to Highway 144 will be allowed.

Findings of Fact:

- Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
- The subject property is located in a Business Plan Area where general business uses are appropriate in limited locations;
- The proposed retail use conforms to the criteria for non-residential development;
- This proposal is a logical expansion of existing B-4 zoning to the west and north; and
- At 0.72 acre, the proposal is not a significant increase in B-4 General Business zoning in the vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.