

**AUGUST 13, 2015**

**11351 & 11397 US HIGHWAY 431**

**ZONE CHANGE**

<b>From:</b> A-U Urban Agriculture	
<b>To:</b> B-4 General Business	
<b>Proposed Use:</b>	Retail-Sporting Goods, Commercial Lawn Mowers, Hand Held Power Equipment
<b>Acreage:</b>	2.096 acres
<b>Applicant:</b>	Mark Melloy (1508.1935)
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> B-4	<b>South:</b> A-R
<b>East:</b> A-R	<b>West:</b> A-U

**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.

**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 21059CO405 D.
- The property may be designated as prime agricultural farmland per the US Department of Agriculture Soil Conservation Service map dated March 1980.
- 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 will be extended to the site. Sanitary sewage disposal will be accomplished by a new on-site private system.

**Development Patterns**

The subject properties in this rezoning application are two parcels of 1.048 acres each, totaling 2.096 acres known as 11351 & 11397 US Highway 431 in the rural community of Utica. The applicant proposes to use the B-4 zoned parcels, which are currently vacant, for retail purposes.

Most properties in this area are zoned agricultural and residential while there are some commercial and industrial properties scattered throughout. The property to the north of the site was rezoned from A-U to B-4 in 2002 for a restaurant use, but was never used commercially as originally intended. To the east and south of the site is a 22 acre agricultural/residential property, zoned A-R Rural Agriculture. Residential properties of one acre and 12 acres in size are located to the west across US Highway 431; both of which are zoned A-U Urban Agriculture.

US Highway 431 in this location is classified as a principal arterial. Access to both parcels should be limited to a single access point the location of which shall be reviewed and permitted by the Kentucky Transportation Cabinet and the County Engineer. The required minimum building setback for the subject properties shall be 75' from the street centerline, or 25' from the lot line, whichever is greater. A 60' roadway buffer from street centerline will also be required. Any outdoor storage of merchandise, if proposed, will be required to comply with applicable requirements of the zoning ordinance including the installation of a 6' high solid fence to screen the storage area from view.

If the rezoning is successfully approved, zoning ordinance requirements related to landscaping, parking, signage, setbacks, buffers and access will be reviewed by OMPC staff during the required development plan or site plan review process prior to any 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 north as well as other commercial and industrial zoning in the vicinity. At 2.096 acres, 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 condition and findings of fact that follow:

**Condition:**

1. Access to both subject parcels shall be limited to a single access point, the location of which shall be reviewed and approved by the Kentucky Transportation Cabinet and the County Engineer.

**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 proposed retail use conforms to the criteria for non-residential development;
4. This proposal is a logical expansion of existing B-4 zoning to the north as well as other commercial and industrial zoning in the vicinity; and
5. At 2.096 acres, 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.