

JULY 14, 2016

10124 BOONE STREET

ZONE CHANGE

From: R-1B Single-Family Residential	
To: B-4 General Business	
Proposed Use: Office	
Acreage: 0.78	
Applicant: Jerry O'Bryan; Daviess-McLean Baptist Association, Inc. (1607.1962)	
Surrounding Zoning Classifications:	
North: R-1B	South: R-1B
East: R-1B	West: R-1B

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.

(f) New locations in rural communities – In rural community plan areas, new locations of General Business zones should be “major-street oriented” (D2) and should be sited at corners of intersecting streets if located in close proximity to existing dwellings.

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 21059CO230 D.
- The property is not 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, the EPA, the OMPC building/electrical/HVAC division 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 an existing on-site private system.

Development Patterns

The subject property is a 0.78 acre parcel in the Curdsville area. The property is zoned R-1B Single-Family Residential and has previously been used as a church. The applicant wishes to rezone the property to B-4 General Business and convert the church building into an office for his farming operation.

All surrounding properties are zoned R-1B Single-Family Residential. The nearest B-4 zoned properties are located more than 500 feet to the north.

If the rezoning is approved, the applicant will be required to provide landscape buffer screening in compliance with Article 17 of the zoning ordinance along the eastern and southern property boundaries where adjacent to residential property. Landscaping around the parking areas will also be required where adjacent to residential properties or public street rights-of-way.

Boone Street and Main Street in this location are classified as local streets. The total width of all driveways shall not exceed 40% of the street frontage of the property. Improvements would have to be made by the applicant to comply with the 40% limitation.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is not in compliance with the Comprehensive Plan. The proposed use as general business conforms to the criteria for nonresidential development. However, the proposed B-4 General Business zoning is not a logical expansion of B-4 General Business zoning in the vicinity. Furthermore, at 0.78 acres, the proposal is a significant increase in general business zoning in the vicinity and may overburden the capacity of roadways and other necessary urban services that are available in the affected area. Finally, the property is not major-street oriented which is the main criteria required to create a new location of general business zoning in a Rural Community Plan Area.

Planning Staff Recommendations

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

Findings of Fact:

1. Staff recommends denial because the proposal is not 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 use as general business conforms to the criteria for nonresidential development;
4. The proposal is not a logical expansion of existing B-4 General Business zoning in the vicinity;
5. At 0.780 acres, the proposal does significantly increase the extent of general business zoning in the vicinity and may overburden the capacity of roadways and other necessary urban services that are available in the affected area; and
6. The property is not major-street oriented which is the main criteria required to create a new location of general business zoning in a Rural Community Plan Area.