

**JULY 14, 2016**

**6530 & 6542 HIGHWAY 56**

### ZONE CHANGE

<b>From:</b>	B-4 General Business (with conditions)
<b>To:</b>	<b>B-4 General Business (without conditions)</b>
<b>Proposed Use:</b>	Commercial
<b>Acreage:</b>	1.458
<b>Applicant:</b>	Woodland Ridge Development, Inc. (1607.1966)
<b>Surrounding Zoning Classifications:</b>	
<b>North: A-U</b>	<b>South: A-U</b>
<b>East: A-U</b>	<b>West: B-4</b>

### Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business zone (without conditions). 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 Map 21059CO115 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, 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 a new on-site private system.

##### Development Patterns

Two parcels totaling 1.458 acres located in the Sorgho area make up the subject area of this rezoning application. These two vacant properties were rezoned by a previous owner in 1993 from A-U to B-4 to allow expansion of the adjacent business, Sorgho Drugs, which was also owned by the same individual at that time. The 1993 rezoning including the following two conditions: 1) A development plan shall be submitted to the Planning Commission with surety posted to the Planning Office for landscaping and screening; and 2) Prior to the issuance of a building permit on the subject property, the applicant's general business development to the west shall be brought into

compliance with all landscaping and screening requirements contained in Article 17 of the Zoning Ordinance.

The proposed expansion of Sorgho Drugs onto the subject properties never occurred. The subject properties and the adjacent business to the west, now a convenience store/gas station, are owned by separate entities. The current owner of the subject properties, which are already zoned B-4 General Business, wishes to proceed with commercial development of the properties without the two conditions from the 1993 rezoning application.

Staff proposes to replace condition number one with a condition regarding site plan approval to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage. Enforcement of condition number two as written would require one property owner to bring an adjacent property, owned by someone else, into compliance with zoning ordinance landscaping requirements.

Properties in this area are zoned commercial, agricultural and residential. To the west is a convenient store, zoned B-4. To the east and south are single-family residences, zoned A-U. To the north across Highway 56 is a large agricultural tract, zoned A-U.

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.

Highway 56 in this location is classified as a minor arterial roadway with a 75 foot building setback line and a 50 foot roadway buffer. Since this property is outside the urban service area access to the site shall be limited to a single access point compliant with applicable requirements of the zoning ordinance.

### SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed use as general business conforms to the criteria for nonresidential development. The property is already zoned B-4 General Business therefore a logical expansion is not necessary. Furthermore, since the property is already zoned B-4 General Business, the proposal is not a significant increase in 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:

1. Approval of consolidation plat combining the two properties.
2. Approval of a site plan demonstrating compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage.
3. Access to the site shall be limited to a single access point compliant with applicable zoning ordinance regulations. KYTC approval of the access location and dimensions is also required prior to site plan approval.

#### 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 use as general business conforms to the criteria for nonresidential development;
4. The property is already zoned B-4 General Business therefore a logical expansion is not necessary; and
5. Furthermore, since the property is already zoned B-4 General Business, the proposal is not a significant increase in 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.