

JUNE 8, 2017

7101 & A PORTION OF 7071 HIGHWAY 81

ZONE CHANGE

From:	R-1A Single-Family Residential & A-U Urban Agriculture
To:	B-4 General Business
Proposed Use:	Retail
Acreage:	1.17
Applicant:	Susan Cox Development, LLC; Kuegel & Kamuf Land Co., LLC (1706.2008)
Surrounding Zoning Classifications:	
North: R-1A & A-U	South: R-1A & A-U
East: A-U	West: R-1A & I-2

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 21059CO265 D.
- It appears that this 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 may be accomplished by either an on-site septic system or sewer extension to the site.

Development Patterns

The subject property is a 0.649 acre parcel known as 7101 Highway 81 and a 0.521 acre portion of a large parcel known as 7071 Highway 81. Once consolidated these parcels, located near the Moseleyville area, total 1.17 acres. While both parcels are currently vacant, 7101 Highway 81 was previously used residentially and 7071 Highway 81 has been used agriculturally. The applicant wishes to rezone the properties to B-4 General Business to allow the construction of a retail business.

This area includes a mixture of residential, commercial, industrial and agricultural properties. Property to the north is a large agricultural parcel, zoned A-U and R-1A. Property to the east is a large agricultural parcel, zoned A-U. Property to the south is a single-family residence, zoned R-1A & A-U. A salvage yard, zoned I-2 is located across Highway 81 from the subject property. A single family residential parcel, zoned R-1A, is also located directly across Highway 81 from the site. The nearest B-4 zoned property is located approximately 325 feet to the south on the opposite side of Highway 81. The nearest B-4 zoning on the same side of Highway 81 is located approximately 475 feet to the south.

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 southern property boundary where adjacent to residential property. Vehicular use area screening will also be required where adjacent to residential properties or public street rights-of-way.

Highway 81 in this location is classified as a major collector street with a 60 foot building setback line and a 30 foot roadway buffer. Access to the site must be compliant with applicable sections of the zoning ordinance and will require Kentucky Transportation Cabinet approval. The Access Management Manual does not apply to this site since it is located outside the urban service area.

Due to the proximity to existing residential zones, all lighting for the subject property shall be directed away from the residential property to reduce the glare and impact of the lighting on the residential uses.

If approved, prior to occupancy of the property the applicant must obtain approval of a site plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage.

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 1.17 acres, the proposal may be considered a significant increase in general business zoning in the vicinity and the traffic generated by the proposed retail use has the potential to overburden the capacity of roadways and other necessary urban services that are available in the affected area. Finally, while the property is considered major-street oriented, it is not sited at the corners of intersecting streets, which are 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 1.17 acres, the proposal may be considered a significant increase in general business zoning in the vicinity and the traffic generated by the proposed retail use has the potential to overburden the capacity of roadways and other necessary urban services that are available in the affected area; and
6. While the property is considered major-street oriented, it is not sited at the corners of intersecting streets, which are the main criteria required to create a new location of general business zoning in a Rural Community Plan Area.