

APRIL 11, 2002

5430 KY 144

ZONE CHANGE

From: R-1A Single-Family Residential & A-U Urban Agriculture

To: **B-4 General Business**

Acreage: 1.76 ± acres

Applicant: Martin Hayden (0204.1475)

| | | |
|--|---|--|
| Property Zone Existing Use | to North R-1A <i>Cropland, Residence, Church</i> | |
| to West R-1A & B-4 <i>Residence</i> | Subject R-1A & A-U ⇄ B-4 <i>Residence</i> | to East R-1A <i>Residential</i> |
| | to South P-1, R-1A <i>Residential, Parks Dept.</i> | |

**GENERAL LAND USE CRITERIA
Apply, if marked below:**

Described in Comprehensive Plan on pages 445-448

Environmental ☒

- E1** Flood Plains
- E2** Steep Slope
- E3** Historical & Archaeological Sites
- E4** Soils
- E5** Plant & Animal Life

Urban Services ☒

- U1** Roadway Capacity
- ☒ **U2** Electricity Supply
- ☒ **U3** Water Supply
- ☒ **U4** Stormwater Disposal
- ☒ **U5** Sanitary Sewage Disposal

Development Patterns ❖

- ❖ **D1** Land-Use Intensity, Clusters and Buffers
- D2** Land Use versus Street Function
- ❖ **D3** Intersection & Driveway Spacing
- ❖ **D4** Roadway Buffer Standards
- D5** Lot Sizes & Proportions
- D6** Residential Development
- ❖ **D7** Non-Residential Development
- D8** Building Quality

Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business zone. The subject property is located in a Future Urban Plan Area, where general business uses are appropriate in very-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.

Applicant's Findings

The subject property is located in a Future Urban Plan Use Area where general business uses are appropriate in very-limited locations. Applicant proposes to rezone the property to B-4 General Business in order to construct an electrical service and supplies business, as previously approved for the former site of D & D Hardware just east of the subject property.

Hayden Electric, Inc. is a KY Corporation managing in the sale of electrical service and supplies presently located at the former D & D site. Upon relocation to the subject site, the applicant wishes to continue its services including the retail sale of electrical and lighting supplies.

The existing zoning of R-1A Single Family Residential is inappropriate for the following reasons:

The Thruston area has developed as an area of mixed use and zoning classifications consisting of B-4 General Business and P-1 Professional along with residential uses in the area, including an auto repair shop, a hardware store, one existing convenient store and a fast food restaurant.

Considering the mixture of uses in the area, the requested zoning would be a logical expansion. Access to the subject property is easily obtained from KY Highway 144. All applicable landscaping and screening requirements will

be provided.

Planning Staff Review

The subject property is located in the 5400 block of KY 144. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA

Environment

No important environmental criteria apply to the subject property.

Urban Services

All necessary urban services are available to the site, with the exception of sanitary sewers. The site is currently served by an on-site septic system.

Development Patterns

The subject property fronts KY 144 with residences to its north and south. A residence and cropland comprise the land uses of the properties north across KY 144. Property at 5464 KY 144 is zoned B-4 General Business and is being developed with a gasoline station/convenience store and mini-storage units. This property was zoned to B-4 General Business in 1993. A portion of the property immediately to the west of the subject property was rezoned to B-4 General Business in 1997, but has not developed to date with a commercial use.

Land-Use Intensity, Clusters and Buffers

Landscape buffers should be located between adjoining land uses that are incompatible with each other. The subject property is located between two lots that contain residences and R-1A Single-family Residential zoning. A minimum 10-foot wide landscape easement with a 6-foot high solid wall, fence or planting and one tree for every 40 linear feet of boundary is required between B-4 General Business and R-1A Single-Family Residential.

Intersection & Driveway Spacing

KY 144 is classified as a minor arterial roadway with a spacing standard for new development of 500 feet between driveway access points. The subject property has approximately 150 feet of road frontage along KY 144. The driveway access should remain where the current driveway is located to the east of the subject property. An access easement should be provided in order to accommodate a shared access for 5430 KY 144 and 5444 KY 144 should the property to the east develop commercially.

Roadway Buffer Standard

A roadway buffer of 40 feet from the street centerline applies to the subject property. No parking or required landscaping is permitted within the roadway buffer.

SPECIFIC LAND USE CRITERIA

Previous zoning changes in the vicinity of the subject property that were not anticipated in the adopted Comprehensive Plan have changed the nature of the general vicinity. In 1993, a map amendment changing the zoning classification on property at 5464 KY 144 to B-4 General Business established a general business use in this area on this side of KY 144. The Planning Commission found that this was a logical extension of B-4 zoning that existing at the northeast intersection of KY 144 and KY 405. There is also existing B-4 General Business zoning classification on a portion of the property located at 5422 KY 144, immediately to the west of the subject property. This zoning map amendment occurred in 1997. The subject property is located between these two areas of B-4 zoning. The applicant's proposal is a logical expansion of that zone that would not significantly increase the extent of the zone in the vicinity and should not overburden the capacity of roadways and other necessary urban services available in the affected area.

Planning Staff Recommendations

Staff recommends approval because there have been major changes of a physical and economic nature that were not anticipated in the adopted Comprehensive Plan that have substantially altered the basic character of the area involved. This recommendation is made subject to the conditions and findings of fact that follow:

Conditions:

1. Provide a minimum 6-foot high continuous solid wall, fence, or planting within a minimum 10-foot landscape easement between the subject property and the R-1A Single-Family Residential properties to the east and west of the subject property; and
2. Driveway access shall be limited to one access point located where the existing driveway access exists and an access easement must be provided for future shared access with 5444 KY 144.

Findings of Fact:

1. The subject property is located in a Future Urban Plan Area, where general business uses are appropriate in very-limited locations;

2. The character of the vicinity has been substantially altered by two rezoning changes on nearby properties that were not anticipated by the Comprehensive Plan;
3. The subject property is now contiguous to B-4 General Business zones; and,
4. The applicant's proposal is a logical expansion of the existing B-4 General Business zones and use established in the vicinity and would not significantly increase the extent of the B-4 General Business zone in the vicinity of the expansion and would not overburden the capacity of roadways and other necessary urban services that are available in the affected area.