

JUNE 10, 2010

4050 US HIGHWAY 60 E

ZONE CHANGE

From: B-4 General Business	
To: I-1 Light Industrial	
Proposed Use: Storage of Portable Toilets	
Acreage: 1.736	
Applicant: Paulette Clayton, Paula Payne (1006.1778)	
Surrounding Zoning Classifications:	
North: I-2	South: I-1
East: I-1	West: I-1

Proposed Zone & Land Use Plan

The applicant is seeking an I-1 Light Industrial zone. The subject property is located in a Business Plan Area, where light industrial 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 expansions outside of Industrial Parks - Existing areas of Light Industrial use that are located outside of planned Industrial Parks may be expanded onto contiguous land that generally abuts the same street(s). Such an expansion should not significantly increase the extent of industrial uses that are located in the vicinity and outside of Industrial Parks. Also, such an expansion 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 21059CO141 D.
- It appears that the subject property is not within the Owensboro Wellhead Protection area per the GRADD map dated March 1999.
- 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 are available to the subject property. Sanitary sewage disposal is accomplished by an on-site septic system.

Development Patterns

The subject property is surrounded by industrial zoning on all sides while there is some B-4 General Business zoning to the west of the subject property along US Highway 60 E. The site is currently vacant although it has been used as a truck freight yard in the past.

The subject property was rezoned from I-1 to B-4 in 1995 but has never developed in a commercial manner. Conditions on the 1995 rezoning included the consolidation of two tracts, paving of all vehicular use areas; and closure of the existing westernmost drive. A consolidation plat was approved by the OMPC in June 1995 that consolidated the two tracts and indicated the westernmost drive was to be closed. However, there are still two curb cuts serving the property which will need to be remedied as part of this rezoning process.

In the vicinity of the subject property, US Highway 60 E is classified as a principal arterial roadway with a 500’ access spacing, 75’ building setback and 60’ roadway buffer. There are multiple drives along US Highway 60 in the vicinity that make it impossible to serve the site while achieving the access spacing standard. The applicant has stated that the western drive serves the property more efficiently than the eastern drive and is in alignment with an existing drive on the other side of US Highway 60 E. Access to the site shall be limited to a single access point and should be approved by the Kentucky Transportation Cabinet. If the western drive remains open based on KYTC recommendation, a minor subdivision plat is required to plat the approved drive location.

As required on the previous rezoning application, all vehicular use areas are required to be paved. Outdoor storage areas may be gravel but a six foot solid wall or fence is required around the entire perimeter of the storage yard.

SPECIFIC LAND USE CRITERIA

The applicant’s proposal is in compliance with the Comprehensive Plan. The I-1 Light Industrial zoning is a logical expansion of existing light and heavy industrial zoning located on all sides of the subject property. At 1.736 acres in size, the proposed rezoning expansion is not a significant increase in industrial zoning 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. Access to the subject property shall be limited to a single access point;
2. All vehicular use areas shall be paved; and,
3. Any outdoor storage shall be screened with a minimum six foot tall solid wall or fence around the entire perimeter of the storage yard.

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 Business Plan Area, where light industrial uses are appropriate in limited locations;
3. The use as a portable toilet storage business is nonresidential in nature and use;
4. The proposal is a logical expansion of existing industrial zoning located on all sides of the subject property; and,
5. At 1.736 acres, the proposal is not a significant expansion of I-1 zoning and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.