

JUNE 13, 2002

8220 KY 81

ZONE CHANGE

From: I-1 Light Industrial & A-R Rural Agriculture
To: I-2 Heavy Industrial
Acreage: 10.119 acres
Applicant: Kenneth Frazier & Winn Leasing Corp. (0206.1483)

Property Zone Existing Use	to North A-R <i>Agricultural</i>	
to West A-R <i>Pasture and feed yard</i>	Subject I-1 & A-R ↻ I-2 <i>Welding and steel fabrication</i>	to East A-U <i>Agricultural & residential</i>
	to South I-1 & B-4 <i>Vacant building, livestock feedyard</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 an I-2 Heavy Industrial zone. The subject property is located in a Rural Community Plan Area, where heavy industrial uses are appropriate in very-limited locations.

SPECIFIC LAND USE CRITERIA

- (a) Building and lot patterns; outdoor storage areas**
 Building and lot patterns should conform to the criteria for “**Nonresidential Development**” (**D7**), and outdoor storage yards, with “**Buffers for Outdoor Storage Yards**” **D1**). Furthermore, any building or outdoor storage, loading or working areas (except for accessory parking areas) should be located at least **three-hundred (300) feet** from any urban residential area and **one-hundred (100) feet** from any other area except those containing light industrial or agricultural/forestry uses.
- (b) Logical expansions outside of Industrial Parks**
 Existing areas of Heavy 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 in the vicinity and outside of Industrial Parks. Such an expansion should not overburden the capacity of roadways and other necessary urban services that are available in the affected area. Also, such an expansion should be of adequate size and shape to provide the separation from incompatible uses cited in criteria (a) above.

Applicant's Findings

The proposed rezoning is in compliance with the community’s Land Use Plan and the community’s Comprehensive Plan. Subject property is located within the Moseleyville “Rural Community” (R Comm). The Comprehensive Plan recommends heavy industrial land use in very-limited locations for Rural Service Areas such as the Moseleyville R Comm. Within the Moseleyville R Comm there currently exists only one I-2 zone; located at the intersection of KY 81 and Park Drive. Rezoning the subject tract will result in very limited distribution of the I-2 zone within said rural service planning area.

R Comms were adopted as mixed-use urbanized areas within the rural area to support and preserve commerce and controlled urban growth.

Also within the immediate vicinity of subject property and still located within said R Comm are two non-conforming uses; established prior to the adoption of current Zoning

Ordinance which are I-2 (Heavy Industrial) conditional uses under the current ordinance. Both stockyards and livestock feed yards are allowed in I-2 zones. Both uses are “contiguous” to the subject site in accord with local definitions for zoning purposes.

Rezoning subject site is a logical expansion of an existing heavy industrial land use. The rezoning will bring the site into compliance with the current heavy industrial land use.

The current site is a welding and metal fabrication shop; an I-2 principal use (#29 manufacturing). Rezoning the site for the existing use is consistent with the Comprehensive Plan as well. The current site contains heavy equipment; manufacturing facilities, massive steel components and is heavy industrial in appearance as well as character. The previous coal mining shop and equipment maintenance yard was also heavy industrial in appearance.

Rezoning the site will not alter the essential character of the neighborhood. Heavy industrial land use has a historic presence at this site.

The proposed I-2 building and facility will be located at least 300 feet away from all residentially-zoned tracts and at least 100 feet away from all other incompatibly zoned tracts; as shown on the Preliminary Development Plan. The current adjoining zones are compatible with the proposed zone and I-2 activities location as stated in the Zoning Ordinance criteria (i.e. said adjoining uses being zoned either Light Industrial or Agricultural).

All urban services are immediately available to the site. Sanitary sewer service will be provided by an on-site sanitary system and will have a very modest load due to the relatively small work force associated with the proposed use. The rezoning will not overburden the existing roadway facilities, which provided adequate truck route transportation for many decades to the former Green Coal Company. The highway is of adequate traffic capacity and load capacity to serve the site. A 200,000-gallon water storage tank exists within approximately one-half mile of the site.

The existing and proposed buildings are non-residential in construction and appearance. The 10.119-acre site is non-residential in size and lot pattern shown on the exhibit plat.

No outdoor storage areas are proposed as confirmed by the Preliminary Development Plan. Upon approval of the rezoning request applicant proposes to immediately follow with a final development plan application submittal.

The site is “major street oriented” along KY Hwy. 81.

Planning Staff Review

The subject property is located in the 8200 block of KY 81, in the rural community of Moseleyville. 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 urban services are available to the site, with the exception of sanitary sewers. The subject property will be served by an on-site septic system.

Development Patterns

The subject property is located in an area with various uses. Agricultural property adjoins the property to the north and west. Property to the south of the subject property is zoned B-4 General Business and is occupied by a vacant commercial building and parking lot. A portion of the subject property is currently being used as a welding and steel fabrication shop. Steel is stored on the property and outdoor storage areas are currently not screened. The applicant has submitted a development plan indicating that the current business on the property will be removed within a six-month to one-year period. A new building will be constructed for the tire-recycling center. Property to the east across KY 81 is zoned A-U Urban Agriculture with residential uses. There is a large area of I-1 Light Industrially zoned property in the vicinity that is currently used for a livestock market (Kentuckian Livestock Market), which is a conditionally permitted heavy industrial use under the current zoning ordinance. It is a continuing non-conforming heavy industrial use. There is also a livestock feed yard to the west of the subject property. The current zoning ordinance would require an I-2 Heavy Industrial zone for this use as well, with a conditional use permit.

The I-2 Heavy Industrial zone requires that all outdoor areas or yards used for storage of salvage materials to be enclosed by on all sides by a solid wall or fence not less than eight (8) feet in height. While no outdoor storage is proposed for the tire recycling operation at this time, any future outdoor storage would need to comply with this regulation.

SPECIFIC LAND USE CRITERIA

The subject property is located within an area with existing contiguous heavy industrial uses. The applicant's proposal is a logical expansion of heavy industrial uses in the vicinity that would not significantly increase the extent of industrial uses in the area or overburden the roadway capacity.

Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the adopted Comprehensive Plan. This recommendation is made subject to the conditions and the findings of fact that follow:

Conditions

1. All vehicular use areas shall be paved;
2. All outdoor storage areas shall be screened with an 8-foot high solid element with the storage of materials not to exceed the height of the 8-foot element; and
3. A final development plan shall be submitted and approved by OMPC.

Findings of Fact

1. The subject property is located in a Rural Community Plan Area, where heavy industrial uses are appropriate in very-limited locations;
2. The subject property is contiguous to existing heavy industrial uses; and
3. The applicant's proposal is a logical expansion of heavy industrial use that will not significantly increase the extent of industrial uses in the vicinity and will not overburden the capacity of the roadway.