

FEBRUARY 9, 2006

9501-9601 BLKS SAUER LA

ZONE CHANGE

From: A-R Rural Agriculture		
To: I-1 Light Industrial		
Proposed Use: Storage		
Acreage: 39 +/- acres		
Applicant: Buskill Properties Partnership The Strode Farming Partnership, LTD (0602.1630)		
Property Zone Existing Use	to North A-R Agricultural	
to West A-R Agricultural, Residential	Subject A-R ⇌ I-1 Agricultural	to East A-R Agricultural, Residential
	to South A-R, I-2 Agricultural, Residential, Kimberly Clark	

**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-1 Light Industrial zone. The subject property is located in a Rural Maintenance Plan Area where light industrial uses are appropriate in 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**” and outdoor storage yards to “**Buffers for Outdoor Storage Yards.**”
- (b) Logical expansion 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. 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.

Applicant's Findings

The proposed rezoning is in accord with the Comprehensive Plan. The subject property is in a rural maintenance plan area.

The criteria for light industrial uses is that light industrial use is allowed in limited locations. Industrial zones may be expanded onto contiguous land that generally abuts the same street. The expansion of the light industrial zone would not significantly increase the extent of industrial uses that are located in the vicinity and outside of industrial parks. The proposed rezoning is an expansion of an industrial use to the west of the subject property where Kimberly Clark has an industrial plant. (Kimberly Clark is zoned Heavy Industrial.)

The applicant will use the subject property as an accessory storage for Kimberly Clark products.

(a) Rezoning the subject property as accessory storage for Kimberly Clark products would take a substantial amount of traffic off of Highway 60 and Innovative Way in that the traffic would be localized in this industrial area.

(b) Rezoning the subject property would reduce traffic traveling to Owensboro storage warehouses by way of U.S. Highway 60 resulting in:

1. Fuel savings for truckers who haul Kimberly

Clark products to Owensboro;

2. Would enhance public safety by reducing highway traffic.

The expansion should not overburden the capacity of roadways and other necessary urban services that are available in the affected area. At the time that Kimberly Clark was built, an industrial access road was built from Highway 60 to the Kimberly Clark plant, which is known as Innovative Way. Sauer Lane was widened to the east of the Kimberly Clark plant so as to allow for additional traffic coming to and from the Kimberly Clark plant.

The applicant is willing to make the necessary reasonable road improvements from Gate "C" of Kimberly Clark located on Sauer Lane to the subject property. Sauer Lane can be widened on the south side along the Kimberly Clark property.

Planning Staff Review

The subject property is located in the 9501 - 9601 blocks of Sauer Lane. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA

Environment

According to a study prepared by the US Department of Agriculture Soil Conservation Service dated March 6, 1990, it appears that the subject property is not located in a wetlands area. The subject property is located in a special flood hazard area per FIRM Map 21059CO85 C. It appears that the subject property is designated as prime agricultural land according to the "Important Farmlands" map created by the US Department of Agriculture Soil Conservation Service dated March 1980. The developer is responsible for obtaining permits as may be required by the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

It appears that the subject property is outside the Owensboro Wellhead Protection area according to a map created by the GRADD office dated March 1999.

Urban Services

Electricity, water and gas are available to the subject property. Sanitary sewage disposal would be accomplished by an on-site septic system.

Development Patterns

The subject property is located in a primarily agricultural area with agricultural zonings adjoining the property on all sides. The subject property does touch an I-2 Heavy Industrial zoning classification to the south. The I-2 property is part of the Kimberly Clark facility.

According to a conversation with the Daviess County Engineer, Sauer Lane is approximately 18 feet in width in the vicinity of the subject property. That road width is not sufficient to accommodate truck traffic typically associated with industrial related properties. When Kimberly Clark was completed, Sauer Lane was widened to 22 feet to the easternmost access serving the facility. In their findings, the applicant commits to widening Sauer Lane from that point to their access point. The road should be widened to a minimum of 22 feet and begin its taper back to 18 feet beyond the entrance. The county may also require that the applicant post an excessive weight permit bond to accommodate road repairs that may be necessary in the event that the truck traffic damages the county road.

According to zoning regulations, the applicant will be required to install a ten foot landscape easement with a six foot high element and one tree every 40 linear feet where the subject property joins 9651 Sauer Lane. The remaining adjoining properties are zoned agriculture and over 10 acres, which does not require screening. However, any outdoor storage areas would require a six foot high solid wall or fence. All vehicular use areas within the development are required to be paved.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposal is a logical expansion of a large area of industrial zoning (Kimberly Clark) located south of and contiguous to the subject property. In order for the proposed use to not overburden the transportation network, the applicant has agreed to widen Sauer Lane to accommodate the truck traffic that may be associated with the site.

Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The conditions and findings of fact that support this recommendation include the following:

Conditions:

1. Widen Sauer Lane to 22 feet from where roadway improvement end at the Kimberly Clark site to the easternmost access point of the subject property. The transition taper back to 18 feet shall begin beyond the access point;
2. All vehicular use areas shall be paved; and,
3. Outdoor storage areas shall be screened per zoning ordinance requirements.

Findings of Fact:

1. The subject property is located in a Rural Maintenance Plan Area where light industrial uses are appropriate in limited locations;
2. That proposed storage use associated with the existing Kimberly Clark facility will be nonresidential in use;
3. The proposed zoning change is a logical expansion of an existing industrial zoning classification located immediately south of the subject property; and
4. With the commitment by the developer to widen Sauer Lane, the proposed zoning change should not overburden roadways or other necessary urban services that are available in the affected area.