

JANUARY 10, 2008

7230, 7300 BLK US 431

ZONE CHANGE

From: A-R Rural Agriculture R-1A Single-Family Residential		
To: I-1 Light Industrial		
Proposed Use: Farm Equipment Sales		
Acreage: 8		
Applicant: H&R Agri-Power Equipment, Mike & Larry Hayden (0801.1705)		
Property Zone Existing Use	to North I-1, R-1A Church, Excavation Contractor	
	to West A-R Agriculture	to East A-R Agriculture
	Subject A-R, R-1A ➡ I-1 Agriculture	
	to South A-R Agriculture	

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 Community 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” (D7), and outdoor storage yards with “Buffers for Outdoor Storage Yards” (D1).

(e) New locations in Rural Communities - In Rural Community plan areas, new location of Light Industrial use should be “major-street-oriented” (D2) and should be sited at corners of intersecting streets if located in close proximity to existing dwellings.

Applicant's Findings

The proposed zoning map amendment is in compliance with the Comprehensive Plan. The Plan allows new locations of Light Industrial uses that are major street oriented. The proposed site is located on US 431 just south of existing Light Industrial Zones which include Alexander & Sons, Inc., Meuth Concrete, Marks Company Inc., and the existing location of H&R Agri-Power Equipment.

Planning Staff Review

The subject property is located in the 7200-7300 blocks of US 431. 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 a portion of the subject property may be located in a wetlands area and that a portion of the property is considered to be prior wetlands converted prior to December 31, 1985. The subject property is located in a special flood hazard area per FIRM Map 21059CO270 C. Based on the preliminary FIRM maps dated July 7, 2007, the subject property is located in a special flood hazard area per map 21059CO270 D. 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 a portion of 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 rural setting with the majority of surrounding land uses being agricultural in nature. A church and excavation contractor are located north of the subject property but all other surrounding properties are zoned agricultural and are used for agricultural or rural large-lot residential purposes.

This rezoning is submitted in conjunction with another rezoning on the Planning Commission agenda to rezone the entire tract to A-R Rural Agriculture except for this eight acre tract that will be used for a farm equipment sales business. A minor subdivision plat has been submitted to the planning office for approval that will create an eight acre tract for the proposed farm equipment sales business.

Any outdoor storage areas associated with the business shall be appropriately screened in compliance with Section 17 of the Owensboro Metropolitan Zoning Ordinance. The screening should include a minimum six foot high fence around the entire perimeter of the storage area. All vehicular use areas shall be paved and vehicular use area screening will be required where the parking adjoins road right-of-way.

In the vicinity of the subject property US 431 is classified as a principal arterial roadway with a 75' building setback and 50' roadway buffer from the street centerline. Although outside of the urban service area and access management requirements, staff would recommend that access to US 431 be established in a manner that will not have a detrimental impact on US 431 traffic. US 431 is a heavily traveled corridor and conflict points such as driveways increase the potential of crashes. The same street classification within the Urban Service Area would require 500 foot spacing between drives. The entire road frontage of the parent tract is approximately 1000 feet. Based on the street classification and traffic in US 431, staff would recommend that the parent tract, which would include the entire road frontage for the A-R and I-1 zonings, be limited to two access points. Any proposed access to the subject property will require approval from the Kentucky Transportation Cabinet.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. With frontage on US 431, which is classified as an arterial roadway, the requirement for a new location of light industrial use within a Rural Community Plan Area is met. The new location criterion also states that, if the subject property is located near existing residences, that the use should be located at the corners of intersecting streets. The site is not located on the corner of intersecting streets, but there is not a concentration of residences in the vicinity of the subject property. Other than the church and excavation operation located to the north of the subject property, the majority of the surrounding property is agricultural.

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. The parent tract, which would include the entire road frontage for the 53 acre A-R zoning and the eight acre I-1 zoning, shall be limited to two access points on US 431;
2. All vehicular use areas shall be paved and vehicular use area screening shall be installed; and,
3. Any outdoor storage areas shall be completely screened with a six foot high continuous fence.

Findings of Fact:

1. The subject property is located in a Rural Community Plan Area, where light industrial uses are appropriate in limited locations;
2. With frontage on US 431, the subject property is major street oriented; and,
3. Although not located on the corner of intersecting streets, there is not a concentration of residential uses in the vicinity of the subject property.