

MAY 8, 2008

6192, 6200 HIGHWAY 54

ZONE CHANGE

From: B-4 General Business		
To: I-1 Light Industrial		
Proposed Use: Machine Shop		
Acreage: 0.68		
Applicant: Tim Peay, All American Masonry, Inc. (0805.1713)		
Property Zone Existing Use	to North I-1, B-4 Car Lot, Grain Storage, Auto Machine	
	to West B-4 Hardware Store	to East I-1 Undeveloped
	Subject B-4, R-3MF → B-4 Machine Shop, Sign Shop	
	to South I-1 Undeveloped	

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).

(b) Logical zoning 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(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.

Applicant's Findings

The subject property is currently zoned B-4 General Business. The applicant is currently operating a machine shop in an existing structure on the subject property and is seeking a rezoning to I-1 Light Industrial to bring his current use into compliance with the zoning ordinance.

Type 1 Findings - In Compliance

The subject property is located in a Rural Community area where light industrial uses are appropriate in limited locations.

Specific Land Use Criteria applicable to the rezoning are as follows:

(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 require buffers. The subject property does not adjoin any residential uses. In addition, the applicant does not have any outdoor storage area on the subject property and does not propose an outdoor storage area.

(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(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. The subject property adjoins a light industrial zoning classification to the north, east and south. A general business zoning classification can be found to the west of the subject property. Via adjoining light industrial zoning on three sides the subject rezoning becomes a logical expansion of said zoning classification. In addition, the tract to be rezoned is less than 0.68 acres and will not overburden roads or urban services in the area.

(e) New locations in Rural Communities - Not Applicable

Planning Staff Review

The subject property is located in the 6100 and 6200 blocks of Highway 54. 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 not located in a special flood hazard area per FIRM Map 21059CO305 C. Based on the preliminary FIRM maps dated July 7, 2007, the subject property is not located in a special flood hazard area per map 21059CO305 D. 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 is accomplished by an on-site septic system.

Development Patterns

The subject property is located in the Rural Community of Philpot. All surrounding zonings are either B-4 General Business or I-1 Light Industrial. There are two existing structures on the subject property. One is used as a machine shop and the other is a sign company. The proposed rezoning is a result of a complaint received by the OMPC office of a business operating in an inappropriate zone. Both of the uses are appropriate in an I-1 Light Industrial zone.

The subject property was rezoned from I-1 Light Industrial to B-4 General Business in 2001. At the time of the rezoning in 2001, several conditions were included in the approval that have not been completed. The conditions included approval of a final development plan, paved vehicular use area, vehicular use area screening and access.

A final development plan is required since there are two principal uses on the subject property. If the rezoning is approved, a final development plan shall be submitted to the OMPC for approval within 30 days of the May 8th Planning Commission hearing.

All vehicular use area on the subject property shall be paved. Currently the site is a mix of pavement and gravel. Where adjoining road right-of-way, vehicular use area screening shall be installed. The screening shall include a three foot landscape easement with a continuous three foot high element with one tree every 40 linear feet. Access points shall be in conformance with the adopted street access standards, restricted to no more than 40% of the street frontage. Since the required improvements to the site were not accomplished with the prior rezoning as conditioned, surety should be posted at the time of final development plan submittal for paving and vehicular use area screening.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The subject property is adjacent to I-1 Light Industrial zoning to the north, east and south. At 0.68 acres, I-1 Light Industrial 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 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. A final development plan shall be submitted for approval to the OMPC within 30 days of the Planning Commission hearing;
2. All vehicular use areas shall be paved and the screening shall include a three foot landscape easement with a continuous three foot high element with one tree every 40 linear feet;

3. Access to Highway 54 shall be in conformance with the adopted street access standards, restricted to no more than 40% of the street frontage; and,
4. Since the required improvements to the site were not accomplished with the prior rezoning as conditioned, surety should be posted at the time of final development plan submittal for paving and vehicular use area screening.

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. The subject property is situated in the rural community of Philpot on a major street;
3. The subject property is contiguous to I-1 Light Industrial zones and use; and,
4. At 0.68 acres, I-1 Light Industrial 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.