



**DECEMBER 11, 2008**

**6045, 6071 HIGHWAY 54**

## ZONE CHANGE

<b>From:</b>	A-U Urban Agriculture B-4 General Business	
<b>To:</b>	<b>I-1 Light Industrial</b>	
<b>Proposed Use:</b>	Sales and Truck Repair	
<b>Acreage:</b>	3.41	
<b>Applicant:</b>	Bluegrass Truck, Trailer & Equipment, LLC (0812.1731)	
<b>Property Zone Existing Use</b>	<b>to North</b> A-U Fairgrounds	
<b>to West</b> B-4, A-U Auto Sales, Residential	<b>Subject</b> A-U, B-4 ➔ I-1 Sales, Truck Repair	<b>to East</b> R-1A, A-U Residential
	<b>to South</b> B-4 Post Office, Auto Sales	

## 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 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).

**(e) New locations in Rural Communities -** In Rural Community plan areas, new locations 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 change is in compliance with the Comprehensive Plan. The site is located at the intersection of a major street (Hwy 54) and Winkler Road. The subject property has a long history of multiple light industrial uses. The light industrial zone will be more appropriate for this property.

## Planning Staff Review

The subject property is located in the 6001 block 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. It appears that the subject property is not 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 not in the vicinity of 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 with primarily commercial and residential uses in the vicinity. The property to the east and south is zoned B-4 General Business with auto sales establishments and the Post Office. The property to the north is zoned A-U Urban Agriculture and is the fairgrounds. The property to the east is zoned A-U Urban Agriculture and R-1A Single-Family Residential and is the drive serving the fairgrounds.

The majority of the subject property is currently zoned B-4 General Business with the rear portion zoned A-U Urban Agriculture. Current uses on the property include auto sales, office, landscape material supplies, and auto repair. The applicant is also proposing an ornamental iron business. With the exception of the auto sales and office, the remaining uses are not appropriate within a B-4 General Business zone. However, the auto sales and office are not appropriate in a light industrial zone. So, the applicant proposed to create a split-zone tract which would allow the existing and proposed uses to function appropriately. A development plan has been submitted in conjunction with the rezoning application detailing all applicable site development requirements.

At present there are two existing access points to Highway 54. The western driveway does not meet the zoning ordinance requirement of a 50 foot spacing from the property line and is shown to be closed on the submitted development plan. The same is true for the southern drive on Winkler Road. The applicant proposes to widen the other drive on Highway 54 to the maximum 40 feet and maintain the second access to Winkler Road. In the vicinity of the driveways that are to be closed there is some existing pavement that is within the road right-of-way that is to be removed. Vehicular use area screening is required where parking or drive areas adjoin road right-of-way.

The existing landscape business has bulk landscaping materials that are stored on the site which require screening. Outdoor storage areas are required to be screened by a minimum six foot tall solid wall or fence. Materials within the storage area shall not be stacked higher than the fence. Screening meeting the requirements of the zoning ordinance shall be installed where the subject property adjoins residentially or agriculturally zoned property under 10 acres with a residence.

The building setback along Highway 54 is either 75 feet from the street centerline or 25 feet from the property line

whichever is greater. The roadway buffer is contained within the road right-of-way.

### SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The applicant proposes to rezone the majority of the subject property to I-1 Light Industrial with a small portion remaining B-4 General Business in order to bring into compliance various uses on the property that are not appropriate within the current zoning. The site is major street oriented on Highway 54 which is classified as a minor arterial in the vicinity of the subject property. It is also located at the corner of intersecting streets at Highway 54 and Winkler Road.

### 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. Approval of a final development plan for the subject property;
2. All outdoor storage areas shall be screened with a six foot solid wall or fence;
3. Material within the outdoor storage area shall not be stacked higher than the screening fence;
4. All vehicular use areas shall be paved with appropriate vehicular use area screening installed where required;
5. Appropriate screening shall be installed where the subject property adjoins residential or agricultural property under 10 acres with a residence; and,
6. The southern drive on Winkler Road and the western drive on Highway 54 shall be closed due to proximity to the intersection as shown on the development plan.

#### 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 commercial and industrial uses on the subject property are non-residential in nature and use;
3. All outdoor storage areas are shown to be screened appropriately in the submitted final development plan;
4. The subject is major street oriented on Highway 54; and,
5. The subject property is located at the corner of intersecting streets at Highway 54 and Winkler Road.