

SEPTEMBER 9, 2021

**PORTIONS OF 6830 & 6920 HIGHWAY 431**

**ZONE CHANGE**

<b>From:</b>	I-1 Light Industrial & A-R Rural Agriculture
<b>To:</b>	<b>I-1 Light Industrial &amp; A-R Rural Agriculture</b>
<b>Proposed Use:</b>	Leasing Company (currently a truck terminal) & Company Retreat Area
<b>Acreage:</b>	1.041
<b>Applicant:</b>	H.J. Marks Co.; Rebecca Marks Wissehr (2109.2186)
<b>Surrounding Zoning Classifications:</b>	
<b>North: I-1 &amp; A-R</b>	<b>South: A-R</b>
<b>East: A-R</b>	<b>West: A-R</b>

**Proposed Zone & Land Use Plan**

The applicant is seeking an I-1 Light Industrial zone and an A-R Rural Agriculture zone. The subject properties are located in a Rural Preference Plan Area, where light industrial uses are appropriate in limited locations, and where rural large-lot residential uses are appropriate in general locations.

**SPECIFIC LAND USE CRITERIA FOR THE PROPOSED I-1 LIGHT INDUSTRIAL ZONE**

- (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).
- (b) **Logical expansions 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.

**SPECIFIC LAND USE CRITERIA FOR THE PROPOSED A-R RURAL AGRICULTURE ZONE**

- (a) **Separate, large, well-proportioned lots** – Each dwelling should be located on its own individual lot that fronts on a public road or street. Lots should be large enough in size and width to avoid the creation of excessive numbers of lots or odd-shaped lots.
- (b) **Frontage on existing roads or on new streets** – In Rural Preference plan areas, new lots may front existing public roads or streets, or may front new subdivision streets that should be constructed to urban specifications, including curbs and gutters.

- (d) **Coal mining advisory** – Prospective lot owners should be advised of the potential for coal mining activity in rural areas.

**Planning Staff Review**

**GENERAL LAND USE CRITERIA**

**Environment**

- It appears that the subject properties are located in a wetlands area per the US Department of Agriculture Soil Conservation Service dated March 6, 1990.
- The subject properties are located in a special flood hazard area per FIRM Map 21059CO270D.
- It appears that the subject properties are designated as prime agricultural farmland per the US Department of Agriculture Soil Conservation Service map dated March 1980.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA, the EPA, the OMPC building/electrical/HVAC division or other state and federal agencies as may be applicable.

**Urban Services**

Electricity, water and gas are available to the subject properties. Sanitary sewage disposal is accomplished by on-site septic systems.

**Development Patterns**

The subject properties consist of two parcels of land that have been owned by the same company since 1972 and are located at the intersection of Highway 431 and Highway 554. The adjoining property at 6840 Highway 431 is zoned I-1 Light Industrial and surrounded on three sides by the subject properties. Meanwhile, to the north is a property that is split-zoned A-R Rural Agriculture and I-1 Light Industrial and appears to be agricultural in nature. All other adjoining properties are zoned A-R Rural Agriculture.

The first subject property, 6920 Highway 431, is an existing 10.521-acre truck terminal along Highway 431 which is zoned I-1 Light Industrial and screened where required by a 6-foot tall solid fence. The second property, 6830 Highway 431, is a 10.894-acre parcel that is zoned A-R Rural Agriculture and is accessed through a platted ingress/egress easement that is located along the perimeter of the truck terminal. While the application states that this site is used for to host company retreats, PVA records have documented that the structure is a single family residence.

The majority of the residential property, 6830 Highway 431, is taken up by dense woodlands and a large lake. Roughly 90% of the lake appears to be located on this property. However, the property line separating the two subject properties cuts through the lake, placing a small portion on the industrial site. On the outskirts of the lake is a fence which, although located on the industrial property, is designed to keep the industrial activity from

encroaching into the residential property. So, as is, the residential activity currently utilizes a portion of the industrial property by way of a sliver of the lake and the fence that surrounds it.

In order to separate the two uses completely, the applicant intends for this rezoning and a separate minor subdivision plat to relocate both the zoning line and the shared property line in order to follow the aforementioned fence. In total this request will rezone:

- 1.031-acres of land from I-1 Light Industrial to A-R Rural Agriculture; and,
- 0.010-acres of land from A-R Rural Agriculture to I-1 Light Industrial.

Highway 431, in this vicinity, is classified as a Minor Arterial roadway with a 75-foot building setback and a 50-foot roadway buffer, each measured from the centerline of Highway 431. This portion of Highway 431 is located outside of the Urban Service Area where access is regulated by the Kentucky Transportation Cabinet (KYTC) and the County Engineer. The site has previously operated with three access points along Highway 431, each leading to gated entrances into the truck terminal. One of which is located very close to the roadway's intersection with Highway 554. The most recently approved site plan for the truck terminal illustrates that KYTC has required that the gate along this access point shall remain closed and locked in order to prevent utilization of this access point.

It should be noted that, if this request is approved, the most recently approved site plan for the truck terminal shall be updated to properly illustrate the development. This plan shall be updated prior to any activity on the industrial property in order to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage. The OMPC Building, Electrical & HVAC department shall be contacted before any construction activity takes place on the property.

Future changes to the residential property shall comply with applicable portions of the Owensboro Metropolitan Zoning Ordinance and Subdivision Regulations. Before any construction activity takes place on the property, the OMPC Building, Electrical and HVAC department shall be contacted regarding any necessary permits, inspections and certificates of occupancy and compliance.

#### **SPECIFIC LAND USE CRITERIA**

The applicant's proposal to rezone 1.031-acres of land to A-R Rural Agriculture is in compliance with the community's adopted Comprehensive Plan. The subject property is a 10+ acre tract of land that has road frontage along Highway 554, as well as platted access to Highway 431 and, as such, no new roads are proposed.

Additionally, the proposal is a logical expansion of existing A-R zoning on one of the subject properties.

The applicant's proposal to rezone 0.010-acres of land to I-1 Light Industrial is in compliance with the community's adopted Comprehensive Plan. The proposal is a logical expansion of the existing I-1 zoning located on one of the subject properties. As a truck terminal, this property is nonresidential in nature and appears to comply with the screening and buffer requirements for outdoor storage yards.

#### **Planning Staff Recommendations**

The planning staff recommends approval subject to the conditions and findings of fact that follow:

#### **Conditions:**

1. Obtain approval of a minor subdivision plat eliminating any split-zoning on the subject properties; and,
2. Obtain approval of an amended site plan for the truck terminal use.

#### **Findings of Fact:**

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject properties are located in a Rural Preference plan area where light industrial uses are appropriated in limited locations and rural large-lot residential uses are appropriate in general locations;
3. The proposed A-R Rural Agriculture zone is a logical expansion of existing A-R zoning located on one of the subject properties;
4. At over 10 acres in size, 6830 Highway 431 is a large, well-proportioned lot of record with a single dwelling on the property;
5. 6830 Highway 431 has road frontage along a public road, Highway 554, as well as platted access to Highway 431 and, as such, no new roads are proposed with this application;
6. The proposed I-1 Light Industrial zone is a logical expansion of existing I-1 zoning located on one of the subject properties;
7. The existing truck terminal is nonresidential in nature and appears to comply with all requirements and criteria for buffers and screening elements associated with outdoor storage yards; and,
8. At 0.010-acres the proposed I-1 Light Industrial zoning will not significantly increase the extent of the zone within the vicinity and should not overburden the capacity of roadways and other necessary services that are available in the affected area.