

APRIL 11, 2024

4450 HIGHWAY 144 (TWO LOTS)

ZONE CHANGE

From: I-2 Heavy Industrial	
To: B-4 General Business	
Proposed Use: Manufactured Home Dealership	
Acreage: 4.729	
Applicant: James W. Marksberry Sr. & Lauri Marksberry (2404.2287)	
Surrounding Zoning Classifications:	
North: I-2	South: MHP
East: B-4 & MHP	West: I-2 & B-4

Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business zone. The subject properties are located in an Industrial Plan Area where General Business uses are appropriate in very-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)**.

(b) Logical zoning expansions of proportional scope – Existing General Business zones may be expanded onto contiguous land that generally abuts the same street(s). The expansion of a General Business zone should not significantly increase the extent of the zone in the vicinity of the expansion and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

Planning Staff Review

GENERAL LAND USE CRITERIA

Environment

- It appears that the subject properties are not located in a wetlands area per the US Department of Agriculture Soil Conservation Service map dated March 6, 1990.
- The subject properties are not located in a special flood hazard area per FIRM Map 21059CO141D.
- It appears that the subject properties are not located within the Owensboro Wellhead Protection area per the OMU map dated 2015.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

Urban Services

All urban services, including sanitary sewers, are available to the subject properties.

Development Patterns

The subject properties are two lots, both addressed as 4450 Highway 144 (per PVA records). The two lots combine to total 4.729 acres in size and are located at the intersection of Highway 144 and Highway 2830. The properties are zoned I-2 Heavy Industrial but appear to be existing farmlands. The applicant intends to rezone the lots to B-4 General Business in order to establish a Manufactured Home Dealership.

There are two existing areas of B-4 General Business zoning in the immediate vicinity. The first of which totals less than half-an-acre in size and is located on the adjoining property to the west. The second is a small portion of the adjoining property to the east, which is an existing manufactured housing park that is primarily zoned MHP. A portion of this property, at the intersection of Reid Road and Highway 144, is a small area that is zoned B-4 and appears to be an office for the complex. The subject property is sandwiched between these two small islands of existing B-4 zoning. At 4.7-acres, the proposal is much larger than the existing B-4 General Business zoning in the area; however, the proposal will connect the two existing B-4 zonings, eliminating the spot zoning in both situations.

Additionally, other adjoining properties include I-2 Heavy Industrial zoning to the west and north; both appear to the former OMU plant operations. Establishing a B-4 General Business use at the subject property will serve as a buffer between the industrial operations and the existing manufactured housing park to the east.

As previously mentioned, this site is located at the intersection of Highway 144 and Highway 2830. Although the existing access point is located within this signalized intersection, there is not currently a traffic signal directing those exiting the properties. In preparation, the applicant has met with the Kentucky Transportation Cabinet on-site and understands that, if the proposal is approved, a traffic signal will need to be installed at this intersection prior to occupancy. Additionally, the access point will need to be greatly improved, which shall be addressed within the required Encroachment Permit process with KYTC and shall be reflected on the required Final Development Plan.

Because this portion of Highway 144 is classified as a minor arterial roadway with a 500-foot spacing standard, direct access to the subject property shall be limited to the existing, previously described access point. Additionally, development of this site shall comply with a 75-foot building setback and a 50-foot roadway buffer, each measured from the centerline of Highway 144.

Prior to any construction activity at the subject properties, the applicant shall obtain approval of a final development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage. The OMPC building and electrical division should be contacted prior to any construction activity or changes at the properties.

SPECIFIC LAND USE CRITERIA

The proposal is in compliance with the community's adopted Comprehensive Plan. The proposed use, a manufactured home dealership, is non-residential in nature and the development will comply with the requirements for buffers for outdoor storage yards. Additionally, the proposed B-4 zoning is a logical expansion of existing B-4 zoning to the east and west; however, at 4.729-acres the proposal is not of proportional scope in relation to the existing B-4 acreage. Nevertheless, the proposal will eliminate existing spot-zoning by connecting the B-4 zoning within the vicinity, and the proposal will serve as a buffer between the existing industrial zoning to the west and the existing residential uses to the east. Lastly, compliance with KYTC requirements at the signalized intersection will ensure that the proposal will not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

Planning Staff Recommendations

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

Conditions:

1. Obtain approval of a Final Development Plan which shall illustrate all improvements required by KYTC in conjunction with their encroachment permit; and,
2. Direct access to Highway 144 shall be limited to the location of the existing access point, in alignment with the terminus of Highway 2830.

Findings of Fact:

1. Staff recommends approval because the proposed B-4 General Business zone is in compliance with the community's adopted Comprehensive Plan;
2. The subject properties are located in an Industrial Plan Area where general business uses are appropriate in very-limited locations;
3. The proposed use, a manufactured home dealership, conforms to the criteria for nonresidential development and, at 4.729-acres, the development is large enough to ensure compliance with the criteria associated with buffers for outdoor storage yards;
4. The proposal is a logical expansion of existing B-4 General Business zoning to the east and west;
5. Although, at 4.729-acres the proposed logical expansion is not of proportional scope in relation to the existing B-4 General Business zoning, the proposal will eliminate two instances of existing spot-zoning by connecting all B-4 zoning within the immediate vicinity;
6. The proposed B-4 General Business zone will serve as a buffer between the existing industrial zoning to the west and the residential uses to the east; and,
7. Compliance with KYTC requirements at the signalized intersection will ensure that the proposal will not overburden the capacity of roadways and other necessary urban services that are available in the affected area.