

**AUGUST 10, 2006**

**PORTION OF 9500-9600 BLKS SAUER LA**

**ZONE CHANGE**

<b>From:</b> A-R Rural Agriculture		
<b>To:</b> I-1 Light Industrial		
<b>Proposed Use:</b> Storage		
<b>Acreage:</b> 20.50		
<b>Applicant:</b> Buskill Properties, a Kentucky Partnership (0608.1653)		
<b>Property Zone Existing Use</b>	<b>to North</b> A-R Agricultural	
<b>to West</b> A-R Agricultural, Residential	<b>Subject</b> P-1 ↔ A-U Cropland, Wooded	<b>to East</b> A-R Agricultural, Residential
	<b>to South</b> A-R, I-2 Agricultural, Residential, Kimberly Clark	

**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 Maintenance 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**” and outdoor storage yards to “**Buffers for Outdoor Storage Yards.**”
- (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. 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 proposed rezoning is in accord with the Comprehensive Plan. The subject property is in a rural maintenance plan area.

The criteria for light industrial uses is that light industrial use is allowed in limited locations. Industrial zones may be expanded onto contiguous land that generally abuts the same street. The expansion of the light industrial zone would not significantly increase the extent of the industrial uses that are located in the vicinity and outside of industrial parks. The proposed rezoning is an expansion of an industrial use to the west of the subject property where there is an industrial plant which is zoned Heavy Industrial (I-2). The industrial plan is a new state-of-the art tissue plant which received the overwhelming community support to locate at this particular site in Daviess County, Kentucky. The plant is one of the largest and most innovative tissue plants in the United States.

The applicant will use the subject property as an accessory storage for existing industry products.

- (a) Rezoning the subject property as accessory storage for existing industry products would take a substantial amount of traffic off of Highway 60 and Innovative Way in that the traffic would be localized in this industrial area.**

- (b) Rezoning the subject property would reduce traffic traveling to Owensboro storage warehouses by way of US Highway 60 resulting in:
- a. Fuel savings for truckers who haul existing products to Owensboro;
  - b. Would enhance public safety by reducing highway traffic.

The expansion should not overburden the capacity of roadways and other necessary urban services that are available in the affected area. At the time the existing plant was built, an industrial access road was built from Highway 60 to the existing plant, which was known as Innovative Way. Sauer Lane was widened to the east of the existing plant so as to allow for additional traffic coming to and from the plant.

The applicant is willing to make the necessary reasonable road improvements from Gate "C" of said plant located on Sauer Lane to the subject property. Sauer Lane can be widened along the existing plant property.

The applicant files herewith a preliminary development plan to demonstrate the intent of the project. The remainder of Tract 1 as shown on the preliminary development plan will not be rezoned and will remain agricultural. The reason to show the remaining tract on the preliminary development plan is to demonstrate the applicant's firm commitment to keep a buffer zone between the proposed rezoning and the neighbors to the west. The established tree line to the west of the subject property is to remain as it exists.

## Planning Staff Review

The subject property is located in the 9500-9600 blocks of Sauer Lane. 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 located in a special flood hazard area per FIRM Map 21059CO85 C. 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 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 primarily agricultural area with agricultural zonings adjoining the property on all sides. The subject property is contiguous to an I-2 Heavy Industrial zoning classification to the south. The I-2 property is part of the Kimberly Clark facility.

A rezoning for the entire portion of both tracts, approximately 39 acres, was submitted to the planning commission in February 2006, for consideration. At that time, the planning commission staff recommended approval of the rezoning based on the criteria of the Comprehensive Plan. However, after lengthy testimony from adjoining property owners, the planning commission voted to deny the rezoning by a four to three vote. The findings that supported the denial recommendation stated that "it's the right of every individual, especially a businessman, to buy property to pursue business interest, but when such purchase threatens the rural character of a community, what's left of the rural character of this community, such purchase would depreciate the objectives of the Comprehensive Plan and . . . exceeds the expected incidental land use in this area."

The planning commission staff forwarded the recommendation to deny to the Daviess County Fiscal Court but before the matter had first reading, the applicant chose to withdraw the application from further consideration. Since that time, the applicant has completed a preliminary development plan that was submitted in conjunction with the rezoning application to demonstrate the development pattern of the site and to address the finding of adverse impact to the rural character of the area. The overall acreage of proposed industrial ground has been reduced by nearly 50% from the original application. The balance of the western tract would remain agricultural in use to provide a buffer between the industrial use and the adjoining property owners. The plan also shows a double row of pine trees spaced 10 foot on center along the entire eastern boundary which is above and beyond the requirements of the zoning ordinance. The applicant would still be required to provide a 10 foot

landscape easement along the western boundary where the industrial zone would abut the property located at 9651 Sauer Lane. Also, any outdoor storage areas would require a six foot high solid wall or fence. All vehicular use areas within the development are required to be paved.

As was the case with the original submittal, roadway improvements to Sauer Lane would be required as part of this proposal. According to a conversation with the Daviess County Engineer, Sauer Lane is approximately 18 feet in width in the vicinity of the subject property. That road width is not sufficient to accommodate truck traffic typically associated with industrial related properties. When Kimberly Clark was completed, Sauer Lane was widened to 22 feet to the easternmost access serving the facility. In their findings, the applicant commits to widening Sauer Lane from that point to their access point. The road should be widened to a minimum of 22 feet and begin its taper back to 18 feet beyond the entrance. The county may also require that the applicant post an excessive weight permit bond to accommodate road repairs that may be necessary in the event that the truck traffic damages the county road.

### **SPECIFIC LAND USE CRITERIA**

The applicant's proposal is in compliance with the Comprehensive Plan. The proposal is a logical expansion of a large area of industrial zoning (Kimberly Clark) located south of and contiguous to the subject property. In order for the proposed use to not overburden the transportation network, the applicant has agreed to widen Sauer Lane to accommodate the truck traffic that may be associated with the site.

### **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. Widen Sauer Lane to 22 feet from where roadway improvement end at the Kimberly Clark site to the access point of the subject property. The transition taper back to 18 feet shall begin beyond the access point;
2. All vehicular use areas shall be paved;
3. Outdoor storage areas shall be screened per zoning ordinance requirements; and,
4. Submission and approval of a final development plan prior to the issuance of any building permits.

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

1. The subject property is located in a Rural Maintenance Plan Area where light industrial uses are appropriate in limited locations;
2. The proposed zoning change is a logical expansion of an existing industrial zoning classification located immediately south of the subject property;
3. With the commitment by the developer to widen Sauer Lane, the proposed zoning change should not overburden roadways or other necessary urban services that are available in the affected area; and,
4. With the preliminary development plan submitted in conjunction with the rezoning application provides screening to adjoining properties which should help reduce the impact of the development on the rural character of the surrounding properties.