

FEBRUARY 13, 2014

9036 HIGHWAY 54

ZONE CHANGE

From: B-4 General Business	
To: I-1 Light Industrial	
Proposed Use: Light Industrial	
Acreage: 1.396	
Applicant: Tim Peay; Crandall Properties, LLC (1402.1895)	
Surrounding Zoning Classifications:	
North: A-R	South: A-R
East: A-R	West: A-R

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” (D7), and outdoor storage yards with “Buffers for Outdoor Storage Yards” (D1).

(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.

Planning Staff Review

GENERAL LAND USE CRITERIA

Environment

- It appears that the subject property is not located in a wetland area per the US Department of Agriculture Soil Conservation Service dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Map 21059CO310 D.
- It appears that the subject property is not within the Owensboro Wellhead Protection area per the GRADD
- 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

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 on Highway 54 close to the City of Whitesville. The parcel is currently zoned B-4 General Business with two buildings on the site. One building is a former service station and Subway restaurant and the other is a large building used as a garage and for storage. Surrounding land uses in the vicinity include large farm parcels with agricultural buildings and scattered rural residences.

The property was rezoned to B-4 General Business in 1986. The information submitted by the applicant at that time indicated that the property had been used as a garage and service station for approximately 26 years which would predate zoning regulations. The Planning Commission made findings that the proposed B-4 General Business zoning was more appropriate than the existing agricultural zoning at that time. Since then, various uses have taken place on the subject property including a restaurant, service station and auto body repair shop. Based on conversations with the applicant, the restaurant building is in poor condition and will likely be demolished as part of the redevelopment of the property. If not demolished, it will be converted to a storage building. That will leave only the larger industrial building on the site. There has been a long history of nonresidential/nonagricultural use on the property including many uses that are actually more appropriate under an industrial zoning classification than a commercial zoning.

There are currently two access points that serve the property on Highway 54. In the vicinity of the subject property, Highway 54 is classified as a minor arterial roadway with a 75 foot building setback. The western drive is approximately 60 feet wide which exceed the 50 foot maximum width established in the zoning ordinance for an industrial property. Approximately 10 feet of the driveway shall be removed and returned to grass per the specifications of the Kentucky Transportation Cabinet. The total width of all access points also cannot exceed 40% of the total road frontage. All vehicular use areas are required to be paved and vehicular use area landscaping is required on private property.

SPECIFIC LAND USE CRITERIA

The applicant’s proposal for an I-1 Light Industrial zoning is more appropriate than the current B-4 General Business zoning given the possibility that the one building that has been used for commercial purposes is in poor condition and will likely be demolished. The subject property has a history of nonresidential/nonagricultural use and has been used as a service station, restaurant, garage and warehouse for more than 50 years. Both the B-4 General Business and I-1 Light Industrial zones have the potential to generate traffic, a smaller site such as the subject property will

typically generate less traffic than a commercial site since there will not be the in and out customer traffic typically associated with retail or commercial uses.

Planning Staff Recommendations

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

Condition: Meet all site development requirements including, but not limited to, driveway width, landscaping, screening, paving, etc.

Findings of Fact:

1. The subject property was rezoned to B-4 General Business in 1986 based on a history of commercial and industrial uses that predated zoning regulations;
2. The proposed I-1 Light Industrial zoning is in agreement with historical uses on the property and with the potential removal of the lone commercial building on the property, the site will be used exclusively for industrial purposes and the industrial zoning classification will be more appropriate for the subject property;
3. The property has been historically used for higher intensity uses such as a service station, restaurant, auto body shop and warehouse and has not been used for residential or agricultural purposes for at least 50 years;
4. With the industrial uses already established on the property and no residences in the vicinity, the I-1 zoning should not cause a burden to neighboring properties; and,
5. Given the ongoing use of the property, the proposed zoning should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.