

FEBRUARY 13, 2014

315 WORTHINGTON RD

ZONE CHANGE

From: A-U Urban Agriculture
To: I-1 Light Industrial
Proposed Use: Light Industrial
Acreage: 7.00
Applicant: Sara Jane McNulty (1402.1898)
Surrounding Zoning Classifications:
North: A-U South: A-U
East: A-U West: R-1B, A-U

Proposed Zone & Land Use Plan

The applicant is seeking an I-1 Light Industrial zone. The subject property is located in a Business 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 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.

(d) New locations in Highway Business Centers – New locations of light industrial use should be established in Business plan areas only as integral components of planned “**Highway Business Centers**” (D7). Such a light industrial component should be “**arterial-street oriented**” (D2) and provide for particular higher-intensity uses that maybe desirable in close proximity to highway business uses, such as wholesale-type businesses, self-storage mini-warehouses, etc. Such a light industrial component should be relatively small in size compared to the overall size of the business center and should be development in keeping with the design theme of the larger center.

(f) Industrial Parks – New and expanded locations of Light Industrial use should be developed as elements of planned “**Industrial Parks**” (D7). These provisions also apply where existing Industrial Parks are expanded into adjoining non-industrial plan areas that contain undeveloped land. Such Industrial Parks should be “**arterial-street oriented**” (D2) and planned in modules of at least **one hundred (100) acres** in size, unless an existing Industrial Park is being expanded. Industrial Parks

should be established or expanded only where sanitary sewer systems exist or may be expanded, or where new systems may be property established. Light Industrial uses should be located near the fringes of a park that included Heavy Industrial uses, to serve as “buffer-uses” (D1) adjoining incompatible plan areas or land uses.

Planning Staff Review GENERAL LAND USE CRITERIA Environment

- It appears that the subject property is not located in a wetlands 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 21059CO118 D.
- The property is designated as prime agricultural farmland per the US Department of Agriculture Soil Conservation Service map dated March 1980.
- It appears that the subject property is not within the Owensboro Wellhead Protection area per the GRADD map dated March 1999.

Urban Services

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

Development Patterns

The subject property is a 7 acre parcel on the southeast corner of US Highway 60 W and Worthington Road. Land uses in the vicinity include an elementary school, single-family residences and agricultural land.

The subject property has frontage on both US Highway 60 W and Worthington Road. In the vicinity of the subject property US Highway 60 W is classified as a minor arterial roadway with a 500 foot access spacing standard, a 75 foot building setback and 50 foot roadway buffer. Worthington Road is classified as a major collector roadway with a 250 foot access spacing standard, a 60 foot building setback and 30 foot roadway buffer.

The applicant proposes to construct a contractor equipment sales, service and rental business on the subject property. The planning staff met with a representative of the applicant in the fall of 2013 to look at various locations that could potentially serve the business. The initial three sites, including this site, did not meet the Comprehensive Plan criteria for a zoning change to light industrial. GIS was used to look at various other sites in the community that might be better suited for a zoning change to light industrial or for sites that were already zoned correctly. As is common with location factors in Daviess County, both quality transportation access and proximity to floodplain were concerns on possible site locations. The applicants have also met with planning staff since the submission of the rezoning application and discussed a possible site layout. Bryant Engineering has submitted a conceptual site plan that provides an overview of how the site could

develop if the rezoning is approved. The site plan shows a single building for the sales and services areas, two access points to Worthington Road, customer parking and a large outdoor display area. Based on zoning ordinance requirements the outdoor display area is required to be paved; however, it is shown as gravel on the site plan. The area could be gravel if considered an outdoor storage yard but that requires a continuous six foot solid element around the entire perimeter with some trees required where adjoining residentially zoned property. Since a six foot tall solid element would defeat the purpose of visibility of equipment on site that is for sale or rent the applicant, if a rezoning is approved, will submit a variance request to reduce the perimeter screening requirements to the Owensboro Metropolitan Board of Adjustment for consideration at the March 2014 meeting.

The proposed I-1 Light Industrial zoning is the appropriate zone for a contractor equipment dealer. However, it should be noted that the Planning Commission does not have the ability to rezone property and limit it to one particular use. Once rezoned, any use that is listed as principally permitted within the I-1 zone in the Zones and Uses Table of the zoning ordinance could locate on the property. The rezoning would also create the possibility of future rezonings of adjoining properties to I-1 that will meet the Comprehensive Plan criteria for logical expansions. If a rezoning were approved for the subject property, based on the proximity to existing residences and the school, due consideration should be given to the adjoining property owners in regards to noise, lighting, dust control, screening/buffering, access and various other site development issues.

SPECIFIC LAND USE CRITERIA

The applicant's proposed rezoning is not in compliance with the adopted Comprehensive Plan. The construction of a contractor equipment dealership would meet the criteria for non-residential development; however, none of the other criteria can be satisfied. The proposal is not a logical expansion of existing I-1 Light Industrial zone or use. The nearest I-1 Light Industrial zoning is located approximately 1/3 of a mile west of the subject property on the north side of US Highway 60 W at Booth Field Road. The proposal is not an industrial component of a larger Highway Business Center and it is not of sufficient size to meet the criteria for a new industrial park.

In the absence of findings that the proposal is in compliance with the adopted Comprehensive Plan, the Planning Commission or Legislative Body may make alternative findings that the existing zoning classification given to the property is inappropriate and the proposed zoning classification is more appropriate or that there have been major changes of an economic, physical, or social nature within the area which were not anticipated in the

adopted Comprehensive Plan. Based on the staff's review, we cannot support findings that an industrial zoning is more appropriate than the existing A-U Urban Agriculture zoning given the existing use of the subject property and the surrounding zonings and uses or that there have been major changes in the area not anticipated in the Comprehensive Plan since the plan was last updated in 2013.

Planning Staff Recommendations

The planning staff recommends denial subject to the findings of fact that follow:

Findings of Fact:

1. Staff recommends denial because the proposal is not in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located in a Business Plan Area, where light industrial uses are appropriate in limited locations;
3. The proposal is not a logical expansion of existing I-1 Light Industrial zone or use since the nearest I-1 zoning is located 1/3 of a mile to the west of the subject property on the opposite side of US Highway 60 W;
4. The proposal is not a light industrial component of a larger Highway Business Center;
5. The proposal is not of sufficient size to meet the criteria for a new industrial park; and,
6. Based on the existing land use and zoning of the subject property and the surrounding properties, the current zoning is more appropriate than an I-1 Light Industrial zone and there have not been major changes in the area not anticipated in the Comprehensive Plan since the last update in 2013.