

DECEMBER 10, 2015

5931, 5955 HIGHWAY 56

ZONE CHANGE

From:	I-1 Light Industrial (with conditions)
To:	I-1 Light Industrial (amended conditions)
Proposed Use:	Contractor Shop, Mini-Warehouse Facility, Storage Buildings & Sales
Acreage:	3.933
Applicant:	Hadson, LLC (1512.1941)
Surrounding Zoning Classifications:	
North: A-R	South: A-R
East: A-R	West: A-U

Proposed Zone & Land Use Plan

The applicant is seeking an I-1 Light Industrial zone. The subject property is located in a Rural Community Plan Area where Light Industrial uses are appropriate in limited locations.

SPECIFIC LAND USE CRITERIA

(a) Building and lot patterns – Building and lot patterns should conform to the criteria for “**Non-Residential Development**” (D7), and outdoor storage yards, with “**Buffers for Outdoor Storage Yards**” (D1).

(e) New Locations in Rural Communities – In Rural Community plan areas, new locations of Light Industrial use should be “**major-street oriented**” (D2) and should be sited at corners of intersecting streets if located in close proximity to existing dwellings.

Planning Staff Review

GENERAL LAND USE CRITERIA

Environment

- It appears that a portion of the subject property may be located in a wetlands area per the US Department of Agriculture Soil Conservation Service dated March 6, 1990.
- The subject property is partially located in a special flood hazard area per FIRM Map 21059CO115 D.
- It appears that the subject property is not within the Owensboro Wellhead Protection area per the GRADD map dated March 1999.
- The property is 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 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

In May 2014 the applicant successfully rezoned these properties from B-4 to I-1 to allow his contractor shop of special trade business to be located within an existing metal building on the property. The applicant also uses the property to display and sell storage buildings.

The 2014 rezoning approval included these two conditions:

1. Install perimeter landscape screening, vehicular use area landscaping and pave all vehicular use areas as required by the zoning ordinance; and,
2. Access to Highway 56 shall be limited to the single existing paved access point.

The applicant is requesting that the wording of Condition #2 be amended to read, “Access to Highway 56 shall be limited to the two existing access points as shown on the Final Development Plan.” Under a separate application, the applicant has submitted a Final Development Plan for consideration by OMPC staff that allows the property to be used as a mini-warehouse storage facility along with the current contractor shop and storage building sales uses. Since the 2014 rezoning occurred a second gravel entrance has been added in an area where an old unimproved entrance was located. The applicant desires to keep two entrances onto Highway 56 and the amendment of Condition #2 will be needed before the Final Development Plan showing two entrances can be approved.

The subject property is located outside of the urban service area and access spacing standards do not apply. However, Highway 56 is a major roadway and within the urban service area, a 500 foot access spacing standard is applicable. There is an existing paved driveway about 640 feet from the Lyddane Bridge Road intersection which serves as the only access to the subject properties at present. Given the location of the property and the existing access point on Highway 56, staff would recommend that access to Highway 56 be limited to the single existing access point.

The subject properties are the only non-agricultural zoned properties in the vicinity. The B-4 General Business zoning that was previously assigned to the property appears to be the original zoning applied to the subject properties in the late-1970s. Adjacent properties to the west across Lyddane Bridge Road are single-family residential, zoned A-U Urban Agriculture. Adjacent properties to the north and east are single-family residential, zoned A-R Rural Agriculture. Directly across Highway 56 is a large agricultural property, zoned A-R Rural Agriculture.

Since the subject property adjoins residential use to the north and east, perimeter screening and landscaping shall be required in accordance with the zoning ordinance. A 10 foot wide landscaping easement with 1 tree every 40 linear feet plus a 6 foot high wall or fence is required. All vehicular use areas are required to be paved and vehicular use area screening is required where adjacent to the road right-of-way.

SPECIFIC LAND USE CRITERIA

The subject property is in the rural community of Sorgho, where Light Industrial uses are appropriate in limited locations. The subject property is located at the intersection of the Highway 56, a minor arterial street, and Lyddane Bridge Road, meeting the criteria of the Comprehensive Plan for new locations of light industrial zoning. The proposed use of the property for a contractor shop of special trade, mini-warehouse facility and storage building sales also conforms to the non-residential development criteria of the Comprehensive Plan.

Planning Staff Recommendations

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

Conditions:

1. Install perimeter landscape screening, vehicular use area landscaping and pave all vehicular use areas as required by the zoning ordinance; and,
2. Access to Highway 56 shall be limited to the single existing paved access point located on the eastern side of the property known as 5931 Highway 56.

Findings of Fact:

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located in a Rural Community Plan Area, where light industrial uses are appropriate in limited locations;
3. The proposed use meets the criteria of the Comprehensive Plan for non-residential development in an industrial zone;
4. The subject property is major-street oriented and located the corner of intersecting streets; and,
5. With access limited to a single access point on Highway 56, the proposal should not overburden the capacity of roadways in the affected area.