

FEBRUARY 11, 2016

3305 HIGHWAY 144

ZONE CHANGE

From: B-4 General Business	
To: I-1 Light Industrial	
Proposed Use: Contractor's Office	
Acreage: 3.156 acres	
Applicant: Phillips Brothers Construction, LLC & CMH of KY, Inc. (1602.1948)	
Surrounding Zoning Classifications:	
North: B-4	South: P-1 & R-1A
East: B-4	West: B-4

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 developed in keeping with the design theme of the larger center.

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 Maps 21059CO137 D.
- It appears that the subject property is not within the Owensboro Wellhead Protection area per the GRADD map dated March 1999.
- 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 site.

Development Patterns

The subject property in this rezoning application is a 3.156 acre B-4 General Business zoned parcel that was previously used for manufactured home sales. The applicant, Phillips Brothers Construction LLC, proposes to rezone the property to I-1 Light Industrial to allow use of the property as a contractor's office.

Properties in this area are predominantly zoned commercial and professional/service as well as some residential. Property to the north of the site is zoned B-4 and owned by the United States Coast Guard. To the west just beyond the driveway back to the Coast Guard property is a vacant B-4 zoned parcel. To the east of the site is the Daviess County Detention Center, zoned B-4. To the south across Highway 144 is the Owensboro Church of Christ, zoned P-1 and a residential property, zoned R-1A.

As specified in the Land Use Criteria of the Comprehensive Plan specific to this property, an industrial zoning classification must either be a logical expansion of existing contiguous industrial zoning or a new location of light industrial zoning must be located in a planned highway business center. This location is not a part of a planned highway business center nor does this proposal comply with the logical expansion criteria. This property is adjacent to two governmentally owned facilities exempt from zoning requirements, the U.S. Coast Guard Facility to the north, and the Daviess County Detention Center to the east. Using GIS Mapping OMPC staff was able to determine that the nearest industrial zoned property to the east along Highway 144 is approximately 2,600 feet from the subject property and the nearest industrial zoned property to the west along Highway 144 is approximately 4,000 feet from the subject property.

The zoning ordinance requires privately owned correction facilities to be located in either the B-5, I-1 or I-2 zoning district and obtain a Conditional Use Permit. OMPC staff contends that correctional facilities are located in the industrial zoning districts within the zoning ordinance because these are the most restrictive zones on the spectrum of zoning classifications and as such, areas that are industrially zoned are least likely to be located adjacent to or near residential areas. The activities that occur in a correctional facility are not industrial by nature, but rather institutional.

It is the understanding of OMPC staff that the U.S. Coast Guard facility includes an office as the primary land use as well as accessory uses such as light equipment storage and maintenance, all of which could potentially be allowed in the B-4 zoning district.

If the rezoning is approved, the applicant will not be required to provide property perimeter screening since the adjacent properties are commercially zoned, but the applicant will have to comply with the vehicle use area screening requirements within Article 17 of the zoning ordinance where any proposed parking areas are adjacent to Highway 144 right-of-way. Furthermore, any area of the site proposed to remain gravel, if any, will be required to comply with the outdoor screening requirements of the zoning ordinance including the installation of a 6' tall solid wall or fence.

Highway 144, a State Highway, in this location is classified as a minor arterial roadway and the subject property must comply with a 75' building setback line and a 50' roadway buffer. Access to the subject property must comply with the Access Management Manual. OMPC Staff recommends access to this site be limited to the existing single access point.

Prior to any non-residential occupancy of the property, if the rezoning is approved, the applicant must obtain approval of a site plan or development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management, outdoor storage screening and signage. Site plan or development plan approval must be obtained prior to the issuance of any building, electrical or HVAC permits.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is not in compliance with the Comprehensive Plan. The proposed use conforms to the criteria for non-residential development. This proposal is not a logical expansion of industrial zoning in the area. This proposal for a new location of industrial zoning is not located in an industrial park nor is it located in a planned highway business center.

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 proposed use conforms to the criteria for non-residential development;
4. This proposal is not a logical expansion of industrial zoning in the area;
5. The land use activities of adjacent properties are not industrial in nature; and
6. This proposal for a new location of industrial zoning is not located in an industrial park nor is it located in a planned highway business center.