

JUNE 14, 2018

806 HIGHWAY 279 N

ZONE CHANGE

From: A-R Rural Agriculture	
To: I-1 Light Industrial	
Proposed Use: Fresh Fruit Packaging	
Acreage: 10.017	
Applicant: The Fruit Company, Inc.; Cabbage Properties Kentucky, LLC (1806.2051)	
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 area – Building and lot patterns should conform to the criteria to “**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.

(g) Large Industrial Reserve – In Future Urban, Rural Preference, and Rural Maintenance plan areas, new and expanded locations of Light Industrial use may be developed as part of a planned “**Large Industrial Reserve**” (D7), which may also contain Heavy Industrial uses. Such a reserve should be “**major-street-oriented**” (D2), at **least 500 hundred (500) acres** in size, and be focused around a large industry. Plans for such a reserve should include substantial provisions to assure compatibility with adjoining land uses and the environment, and to assure the adequacy of necessary transportation and utility facilities.

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 located in a special flood hazard area per FIRM Maps 21059CO105D and 21059CO115D.
- It does not appear that the subject 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 located within the Owensboro Wellhead Protection area per the OMU map dated 2015.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA, the EPA, the OMPC building/electrical/HVAC division or other state and federal agencies as may be applicable.

Urban Services

Electricity, water and gas are existing to the subject property. Sanitary sewage disposal is accomplished by an on-site septic system.

Development Patterns

The subject property is a 10.017 acre tract with a large industrial type warehouse on the property. Originally, the property was used by the Western Kentucky Growers Corporative to process the produce grown directly around the facility. At some point, the facility transitioned into a privately owned cabbage processing plant which was not an approved use. The warehouse has been vacant for several years at this point. The applicant proposes to rezone the subject property to I-1 Light Industrial for the use of a fruit packaging facility.

All of the surrounding properties in this area are zoned A-R Rural Agriculture and are being used for cropland and single family residential homes.

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. However, the Comprehensive Plan does anticipate the conversion of some prime agricultural land for development.

If the rezoning is approved, the applicant will be required to provide vehicular use area screening compliant with Article 17 of the zoning ordinance around the perimeter of any proposed parking area that faces the Highway 279 N right-of-way. Any outdoor storage areas shall be screened with a six foot high continuous solid wall or fence.

If approved, prior to occupancy of the property the applicant must obtain approval of a final development plan or site plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is not in compliance with the Comprehensive Plan. The proposed use as a fresh fruit packaging facility does conform to the criteria for nonresidential development, however there is no other

industrial zoning in the area; all surrounding properties are zoned A-R Rural Agriculture. At 10.017 acres the subject property does not meet the minimum size of 500 acres for a large industrial reserve nor is this an expansion of an existing large industrial reserve.

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 Rural Maintenance Plan Area, where light industrial uses are appropriate in limited locations;
3. The proposed use as a fresh fruit packaging facility would be nonresidential in nature;
4. There is no other industrial zoning in the area; all surrounding properties are zoned A-R Rural Agriculture; and,
5. At 10.017 acres the subject property does not meet the minimum size of 500 acres for a large industrial reserve nor is this an expansion of an existing large industrial reserve.