

DECEMBER 10, 2009**1911 OLD CALHOUN RD****ZONE CHANGE**

From: I-1 Light Industrial
To: I-2 Heavy Industrial
Proposed Use: Agri-Business
Acreage: 4.0 +/-
Applicant: Miles Farm Supply, LLC (0912.1769)
Surrounding Zoning Classifications:
North: I-1 South: I-1, A-R
East: A-R West: B-4

Proposed Zone & Land Use Plan

The applicant is seeking an I-2 Heavy Industrial zone. The subject property is located in an Industrial Plan Area, where heavy 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). Furthermore, any building or outdoor storage, loading or working areas (Except for accessory parking areas) should be located at least **three-hundred (300) feet** from any urban residential area and **one-hundred (100) feet** from any other area except those containing light industrial or agricultural/forestry uses.
- (b) **Logical zoning expansions outside of Industrial Parks** - Existing areas of Heavy 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 in the vicinity and outside of Industrial Parks. Such expansion should not overburden the capacity of roadways and other necessary urban services that are available in the affected area. Also, such an expansion should be of adequate size and shape to provide the separation from incompatible uses cited in criteria (a) above.

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 not located in a special flood hazard area per FIRM Maps 21059CO 118 & 256 D.

- 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

The subject property is located in an area of mixed commercial, industrial and agricultural zonings. The property to the north is zoned I-1 and is a tobacco warehouse. The property to the east and south is primarily zoned A-R and is part of the airport. The property to the west is zoned B-4 and is a go-cart track.

The subject property is part of the Miles Farm Supply and has been used as such for more than 20 years. Based on the storage of hazardous chemicals at the site, it has been determined that an I-2 Heavy Industrial zoning classification is more appropriate for the existing site than the current I-1 Light Industrial zoning. The applicant proposes to install four storage tanks on the subject property which precipitated the need to rezone the property. The storage of hazardous chemicals, which include such things as fertilizer and other farm related products, also requires a conditional use permit within an I-2 Heavy Industrial zone. The applicant has submitted a conditional use permit application which will be heard at the January 2010, Owensboro Metropolitan Board of Adjustments meeting.

SPECIFIC LAND USE CRITERIA

The proposed rezoning does not meet the criteria of the Comprehensive Plan as a logical expansion of I-2 zoning since there is none in the vicinity. However, based on the historical use of the property, the proposed zoning is more appropriate than the current zoning. The property has been in use for more than 20 years and the applicant thought the current zoning was appropriate. However, the desire to add storage tanks to the property that will house hazardous chemicals brought to light the zoning issue.

Planning Staff Recommendations

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

Findings of Fact:

- Staff recommends approval because the proposed zoning is more appropriate than the current zoning;

-
2. The subject property is located in an Industrial Plan Area, where heavy industrial uses are appropriate in limited locations;
 3. The existing industrial use on the subject property has been active for more than 20 years; and,
 4. The applicant proposes to expand the business to include additional storage tanks on the property which requires an I-2 Heavy Industrial zoning and a conditional use permit.