



**DECEMBER 9, 2004**

**PORTION 5361 KY 54**

## ZONE CHANGE

**From:** B-4 – General Business

**To:** I-1 – Light Industrial

**Acreage:** 0.043 acres

**Applicant:** Backyard, LLC (0412.1583)

<b>Property Zone Existing Use</b>	<b>to North A-U Residence &amp; Retail Sales</b>	
<b>to West A-U Residence &amp; Heater/Wood Stove Sales</b>	<b>Subject B-4 ➔ I-1 Sales and Storage</b>	<b>to East B-4 Beauty Shop and Car Sales</b>
	<b>to South A-U Cemetery &amp; Residence</b>	

## GENERAL LAND USE CRITERIA Apply, if marked below:

*Described in Comprehensive Plan on pages 445-448*

### Environmental ☒

- E1** Flood Plains
- E2** Steep Slope
- E3** Historical & Archaeological Sites
- E4** Soils
- E5** Plant & Animal Life

### Urban Services ⌘

- U1** Roadway Capacity
- ⌘ **U2** Electricity Supply
- ⌘ **U3** Water Supply
- U4** Stormwater Disposal
- ⌘ **U5** Sanitary Sewage Disposal

### Development Patterns ♦

- D1** Land-Use Intensity, Clusters and Buffers
- D2** Land Use versus Street Function
- D3** Intersection & Driveway Spacing
- D4** Roadway Buffer Standards
- D5** Lot Sizes & Proportions
- D6** Residential Development
- ♦ **D7** Non-Residential Development
- D8** Building Quality

## 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; outdoor storage areas –** Building and lot patterns should conform to the criteria for “**Nonresidential Development**” and outdoor storage yards, with “**Buffers for Outdoor Storage Yards.**”

**(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. 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.

## Applicant's Findings

The proposed rezoning is in compliance with the Comprehensive Plan. Subject property is located within the rural service area of Philpot. The Comprehensive Plan recognizes rural growth areas, such as the Philpot area, as special areas of mixed use which provide basic services, and otherwise urban amenities to the rural areas.

The request for rezoning off the southwest corner of 5361 KY 54, which is a part of an existing drive, is to be consolidated with said property at 5355 KY 54, and is for maintaining all of said existing entrance to said property.

## Planning Staff Review

The subject property is located in the 5300 block of KY 54. Land use criteria applicable to this proposal are reviewed below.

## GENERAL LAND USE CRITERIA

### Environment

According to a study prepared by the US Department of Agriculture Soil Conservation Service dated March 6, 1990, it appears that the subject property is not in a wetlands area. The subject property does not appear to be in a special flood hazard area per FIRM Map 21059CO285 C. The developer is responsible for obtaining permits as

may be required by the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

It appears that the subject property is outside the Owensboro Wellhead Protection area according to a map created by the GRADD office dated March 1999.

### Urban Services

Gas, water and electricity are available to the site. Sanitary sewer disposal is currently served by an on-site septic system.

### Development Patterns

The area is best characterized as a mixed use. Adjacent to the property are business uses consisting of car sales and a beauty salon, residential uses, a cemetery and some agricultural zonings. A portion of the drive for the subject property is on an adjacent lot and this rezoning petition will rectify this situation.

The current use of the facility is sales and storage. The applicant has indicated in additional information submitted in accord with this petition, that their intent is to move away from the sales and focus more on light manufacturing and goods distribution.

### SPECIFIC LAND USE CRITERIA

The subject property will be consolidated with an existing I-1 Light Industrial tract and is considered a logical expansion of an existing zone. The parcel size is only 0.043 acres and will therefore not significantly increase the industrial zone in the area or overburden roadways and other urban services in the affected area.

### Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The condition and findings of fact that support this recommendation include the following:

**Condition:** A consolidation plat shall be submitted and approved.

#### Findings of Fact:

1. The subject property is located in a Rural Community Plan Area, where light industrial uses are appropriate in limited locations.

2. The subject property is immediate adjacent to an I-1 Light Industrial zone and will be consolidated with that parcel; and,
3. The applicant's proposal is a logical expansion of an existing I-1 zoning classification onto contiguous land that abuts the same street and will not significantly increase the extent of the I-1 zone in the vicinity and will not overburden the capacity of roadways and other necessary urban services that are available in the affected area.