

**MAY 8, 2008**

**7200 BLOCK US HIGHWAY 431**

## ZONE CHANGE

<b>From:</b> A-R Rural Agriculture		
<b>To:</b> I-1 Light Industrial		
<b>Proposed Use:</b> Farm Equipment Sales		
<b>Acreage:</b> 2		
<b>Applicant:</b> H&R Agri-Power Equipment, Mike & Larry Hayden (0805.1715)		
<b>Property Zone Existing Use</b>	<b>to North</b> I-1, R-1A Church, Excavation Contractor	
	<b>Subject</b> A-R ➔ I-1 Agriculture	<b>to East</b> I-1, A-R Agriculture
<b>to West</b> A-R Agriculture	<b>to South</b> A-R Agriculture	

## 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” (D7), and outdoor storage yards with “Buffers for Outdoor Storage Yards” (D1).

**(b) Logical zoning expansion 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.

## Applicant's Findings

The proposed zoning map amendment is in compliance with the Comprehensive Plan. The plan allows expansion of existing zones.

## Planning Staff Review

The subject property is located in the 7200 block of US 431. 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 a portion of the subject property may be located in a wetlands area and that a portion of the property is considered to be prior wetlands converted prior to December 31, 1985. The subject property is located in a special flood hazard area per FIRM Map 21059CO270 C. Based on the preliminary FIRM maps dated July 7, 2007, the subject property is located in a special flood hazard area per map 21059CO270 D. 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. 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 a portion of the subject property is outside the Owensboro Wellhead Protection area according to a map created by the GRADD office dated March 1999.

### Urban Services

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

### Development Patterns

The subject property is located in a rural setting with the majority of surrounding land uses being agricultural in nature. Eight acres of this parent tract were rezoned to I-1 Light Industrial in January and was followed by a minor subdivision plat to create the tract. The proposed two acre rezoning will be consolidated to the previously zoned eight acres as part of the farm equipment sales lot.

Any outdoor storage areas associated with the business shall be appropriately screened in compliance with Section 17 of the Owensboro Metropolitan Zoning Ordinance. The screening should include a minimum six foot high fence around the entire perimeter of the storage area. All vehicular use areas shall be paved and vehicular use area screening will be required where the parking adjoins road right-of-way.

In the vicinity of the subject property US 431 is classified as a principal arterial roadway with a 75' building setback and 50' roadway buffer from the street centerline. Although outside of the urban service area and access management requirements, staff would recommend that access to US 431 be established in a manner that will not have a detrimental impact on US 431 traffic. US 431 is a heavily traveled corridor and conflict points such as driveways increase the potential of crashes. The same street classification within the Urban Service Area would require 500 foot spacing between drives. The entire road frontage of the parent tract is approximately 1000 feet. Based on the street classification and traffic in US 431, staff would recommend that the parent tract, which would include the entire road frontage for the A-R and I-1 zonings as rezoned in January 2008, be limited to two access points. Any proposed access to the subject property will require approval from the Kentucky Transportation Cabinet.

### SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposal is a logical expansion if existing I-1 Light Industrial zoning located immediately east of this rezoning. At 2.00 acres, I-1 Light Industrial 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.

### Planning Staff Recommendations

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

#### Conditions:

1. The parent tract, which would include the entire road frontage for the approximately 61 acre parent tract zoned to A-R and I-1 in January 2008, shall be limited to two access points on US 431, as conditioned on the prior zoning change;
2. Submission of a consolidation plat to consolidate the subject property to the previously created industrial lot;
3. All vehicular use areas shall be paved and vehicular use area screening shall be installed; and,
4. Any outdoor storage areas shall be completely screened with a six foot high continuous fence.

#### 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 a logical expansion of I-1 zoning located immediately east of the subject property; and,
3. At 2.00 acres, I-1 Light Industrial 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.