

**JULY 14, 2011**

**5541 HIGHWAY 54**

**ZONE CHANGE**

<b>From:</b> R-1A Single-Family Residential	
<b>To:</b> I-1 Light Industrial	
<b>Proposed Use:</b> Powder Coating Business	
<b>Acreage:</b> 0.722	
<b>Applicant:</b> Bruce A. Hardesty (1107.1812)	
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> R-1A	<b>South:</b> R-1A, B-4
<b>East:</b> R-1A	<b>West:</b> R-1A, B-4

**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).

**(e) New locations in Rural Communities –** In Rural Community plan areas, new locations of Light Industrial use should be “**major-street-oriented**” (D2) and should be sited at corners of intersecting streets if located in close proximity to existing dwellings.

**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 Map 21059CO285 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**

Electricity, water and gas are available to the subject property.

**Development Patterns**

The subject property is located in the Rural Community of Philpot which is an area of mixed residential, commercial and industrial zonings and uses. The property to the east is zoned B-4 General Business and is a used car sales lot and

a hardware store is located to the south across Highway 54. The remaining surrounding properties are zoned single-family residential.

The applicant proposes to construct a building on the property for a powder coating business which requires industrial zoning. The subject property is not adjacent to any existing light industrial zoning but the property is located at the corner of intersecting streets and is major street oriented which meets the requirements of the Comprehensive Plan for new locations of light industrial zoning. The proposal is not a significant increase of non-residential use in the vicinity since much of the Philpot Rural Community is comprised of mixed zoning.

If the zoning change is approved, the applicant will be required to install a six foot tall solid wall or fence along the north and east property lines according to Article 17 of the zoning ordinance. One tree for every 40 linear feet of fence is also required. Although not proposed at this time per the applicant’s findings, outdoor storage requires a minimum six foot tall solid wall or fence around the entire perimeter of the storage yard. All vehicular use areas are required to be paved and vehicular use area screening is required where parking areas and drives are adjacent to the road right-of-way. Any commercial or industrial style lighting shall be directed away from the adjoining residences.

**SPECIFIC LAND USE CRITERIA**

The applicant’s proposal is in compliance with the Comprehensive Plan. The proposed powder coating business is non-residential in use. The site is at the corner of intersecting streets and is major-street oriented. The conversion of 0.722 acres of land to non-residential use is not a significant increase based on the existing mixed use character within the Philpot area.

**Planning Staff Recommendations**

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

**Findings of Fact:**

1. Staff recommends approval because the proposal is in compliance with the community’s adopted Comprehensive Plan;
2. The subject property is located in a Rural Community Plan Area, where light industrial uses are appropriate in limited locations;
3. The subject property is located within the Rural Community of Philpot which has existing mixed uses and zonings; and,
4. The subject property is located at the corner of intersecting streets and is major-street oriented with road frontage on Highway 54.