

Staff Report
Bourbon County Joint Planning Commission

AUGUST 16, 2018

Case Number:	ZMA 18-05
Applicant:	City of Paris
Location(s):	4 E. Main St. (036-10-11-006.00) 20 E. Main St. (036-10-11-003.00) 38 E. Main St. (036-10-11-004.00)
Zone Change:	C Conservation to I-1 Light Industrial
Acreage:	48.4 acres
Application Date:	July 16, 2018
TRC Meeting Date:	July 25, 2018
Adjoining Letters:	August 2, 2018
Legal Notification:	August 2, 2018 (Bourbon County Citizen)
Signage Posted:	August 2, 2018



PROPOSAL

Applicant requests a zone change for approximately 48.4 acres of land from Conservation Zone to Light Industrial. The property is bordered by E. Main St., Stoner Creek, Stoner Manor, Inc. (Farm), and the Wyndamere Subdivision. A conceptual development plan has been submitted for informational purposes to show the land capacity to support the proposed use. However, a specific industrial use for the property has not been disclosed.

PROPOSED ZONE CHANGE AND THE COMPREHENSIVE PLAN

The goals contained in the 2017 Comprehensive Plan are those officially adopted by each participating jurisdiction. According to KRS 100.187 these goals shall serve as a guide for the physical development and economic and social well-being of the planning unit; in this instance, the City of Paris.

Regarding the designated future land use of the property, the existing Comprehensive Plan Future Land Use Map does not address future redevelopment of this specific property; only the addition of vacant undeveloped land for future development.

The most applicable goals that may be affected by this zone change request are as follows:

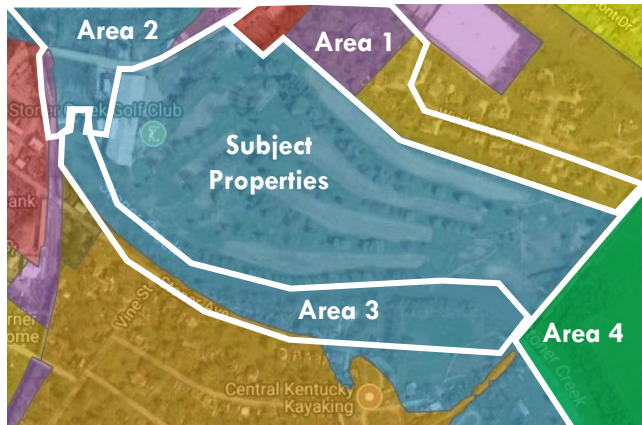
Environmental Resources: Goal 1 – To maintain or improve air, water, and soil quality throughout Bourbon County.

Economic Resources: Goal 1 – To stimulate economic growth and stability in Bourbon County.

Generally described in the Comprehensive Plan are existing water quality issues resulting from point and non-point sources of water contamination. The City of Paris' potable water source is from Stoner Creek located upstream from the subject property.

The Comprehensive Plan also describes compatibility/incompatibility of uses; such as the potential negative impacts resulting from placing higher intensity uses near less intensive uses.

EXISTING ZONING & LAND USE



The below table lists the existing zoning and land use on the subject properties and properties located along adjacent streets and waterway.

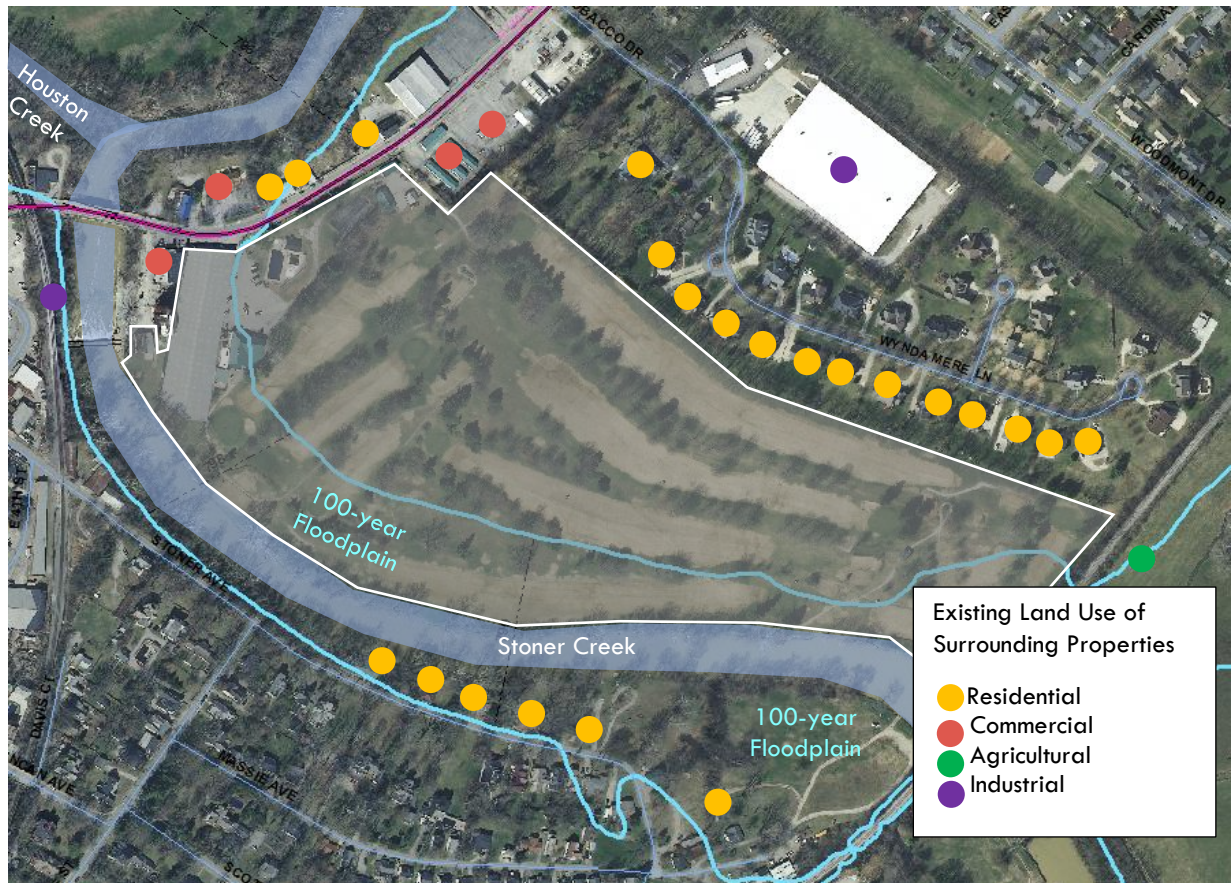
FIGURE 1: Zoning Area Map

Source: [Bourbon County Joint Planning Interactive Zoning Map](#)

Property	Existing Zoning	Existing Land Use
Subject Properties 4 E. Main St. 20 E. Main St. 38 E. Main St.	(C) Conservation (C) Conservation (C) Conservation	Private Club Vacant Golf Course/Country Club
Area 1 149 Tobacco Dr. 80 E. Main St. 2003, 2005, 2007, 2009, 2011, 2013, 2015, 2017, 2121, 2123, 2125, 2127 Wyndamere Lane	(I-1) Light Industrial (B-2) General Commercial (R-2) Residential	Single-family Residential A&B Cabinet Supply Single-family Residential
Area 2 North side of E. Main St. 11 E. Main St. 37 E. Main St. 41 E. Main St. 45 and 27 E. Main St. 49, and 51 E. Main St. 55 E. Main St. 73 E. Main St. South side of E. Main St. 6 E. Main St. E. Main St. Stoner Creek CSX Railroad	(C) Conservation (C) Conservation (C) Conservation (C) Conservation and (I-1) (C) Conservation and I-1 (C) Conservation and I-1 (C) Conservation and I-1 (C) Conservation (C) Conservation (C) Conservation (I-1) Light Industrial	Vacant Counseling Center Residence Duplex Residential Duplex Residential Vacant Commercial, Residential Commercial (Restaurant) Vacant (Abandoned Industrial) Waterway Freight Rail Transportation
Area 3 Stoner Creek 340, 350, 360, 370, and 390 Stoner Ave. 406 Massie Ave.	(C) Conservation (C) Conservation and R-3 Residential (C) Conservation	Waterway Single-family Residential Residential
Area 4 500 N. Middletown Rd.	(A-1) Agricultural	Farm

FIGURE 2: Existing Land Use of Surrounding Area

Source: [Bourbon County Joint Planning Interactive Zoning Map](#)



URBAN SERVICES REPORT

ROADS

The subject properties are most closely located to E. Main St., a state road northeast of downtown. The most recent traffic count was conducted by the Kentucky Transportation Cabinet (KYTC) in 2016 which showed an annual average daily traffic count of 7,259 vehicles. The width of E. Main St. is 35 ft. with 12 1/2' driving lanes along this corridor.

Road Cross Section A

5'	12.5'	12.5'	5'
Bike Lane	Driving Lane	Driving Lane	Bike Lane

Road Cross Section B

12.5'	12.5'
Driving Lane	Driving Lane

PHOTO 2: Southern View of E. Main St.

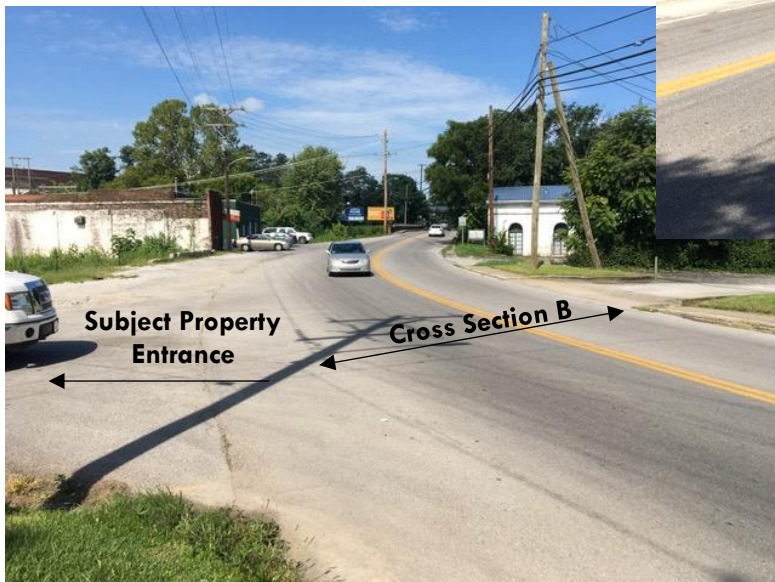


FIGURE 3: Annual Average Daily Traffic Count

(2016) Source: [Kentucky Transportation Cabinet](http://www.kentuckytransportationcabinet.com)

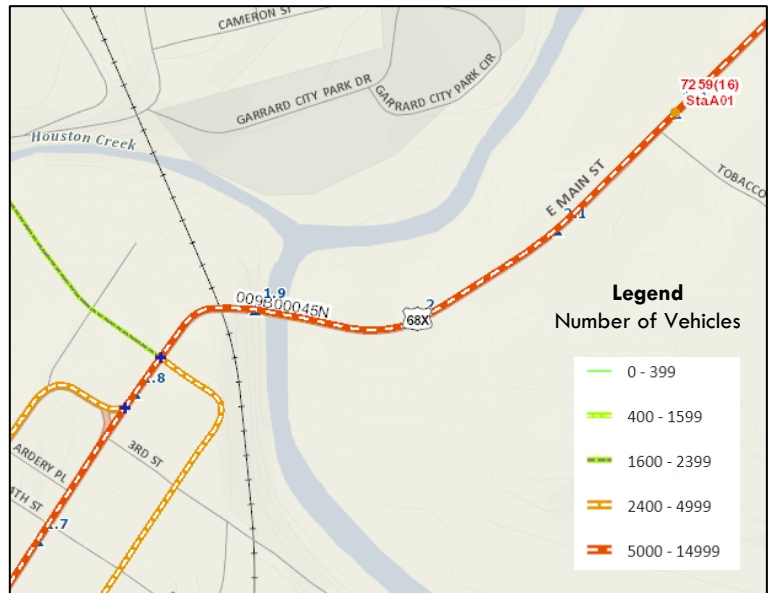


PHOTO 1: Northern View of E. Main St.



CURB/GUTTER/SIDEWALKS

The red line on the image below denotes areas that no curb, gutter, or sidewalks exist. The green line denotes areas that contain curb and sidewalk. However, this area does not contain gutters or storm sewer infrastructure to the northeast of the entrance to Tobacco Drive.

FIGURE 4: Stormwater and Pedestrian Infrastructure

Source: [Kentucky Transportation Cabinet](#)



FLOODPLAIN MANAGEMENT

The highest elevation of the subject property is on the north side at 840' (see FIGURE 6). The lowest elevation of the subject property is 788' at the edge of Stoner Creek. FIGURE 5 shows the floodway, Area of 1% Annual Flood Risk (Zone AE), and Area of Minimal Flood Risk (Zone X). As mentioned earlier in the report, 31 acres (or 64%) of the subject property is located outside of the high flood risk area.

FIGURE 5: Floodplain Boundaries

Source: FEMA Floodplain Layers PANEL 21017C0153C eff. 1/6/2011
City of Paris, ArcGIS Mapping System.

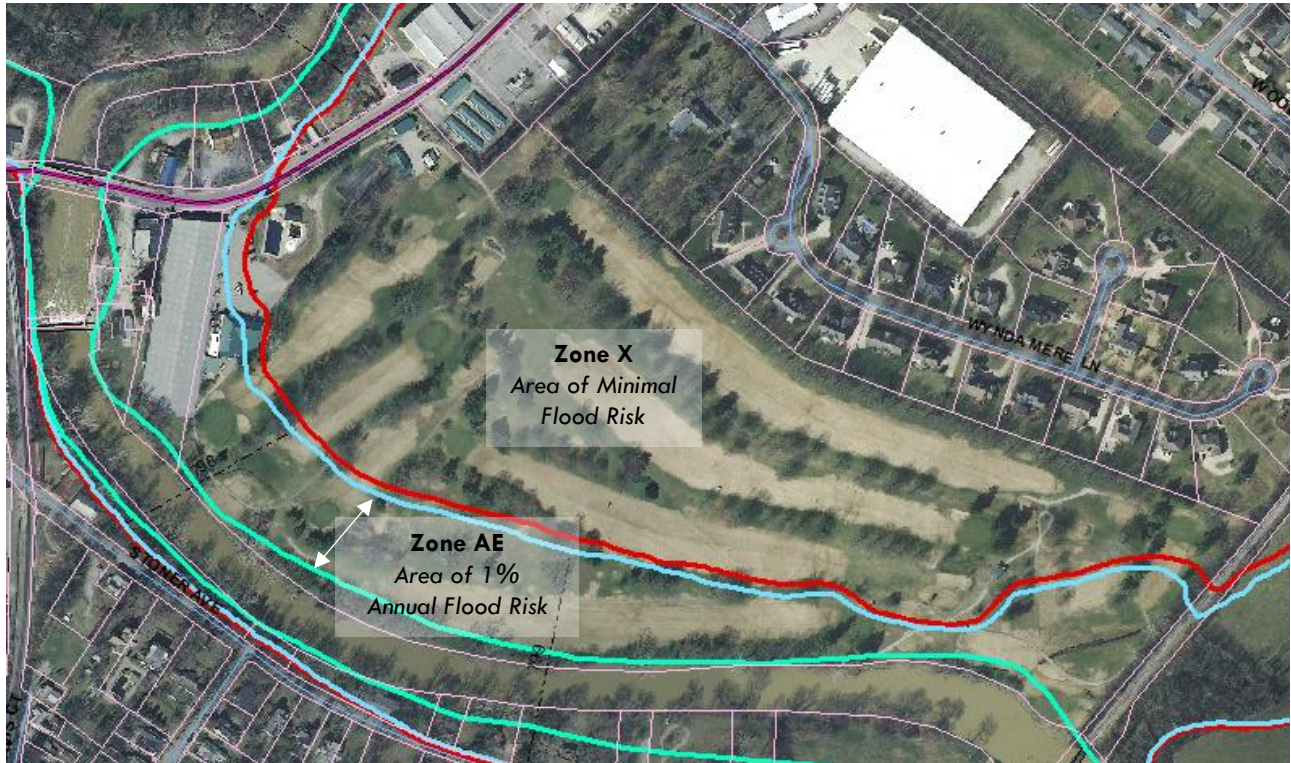
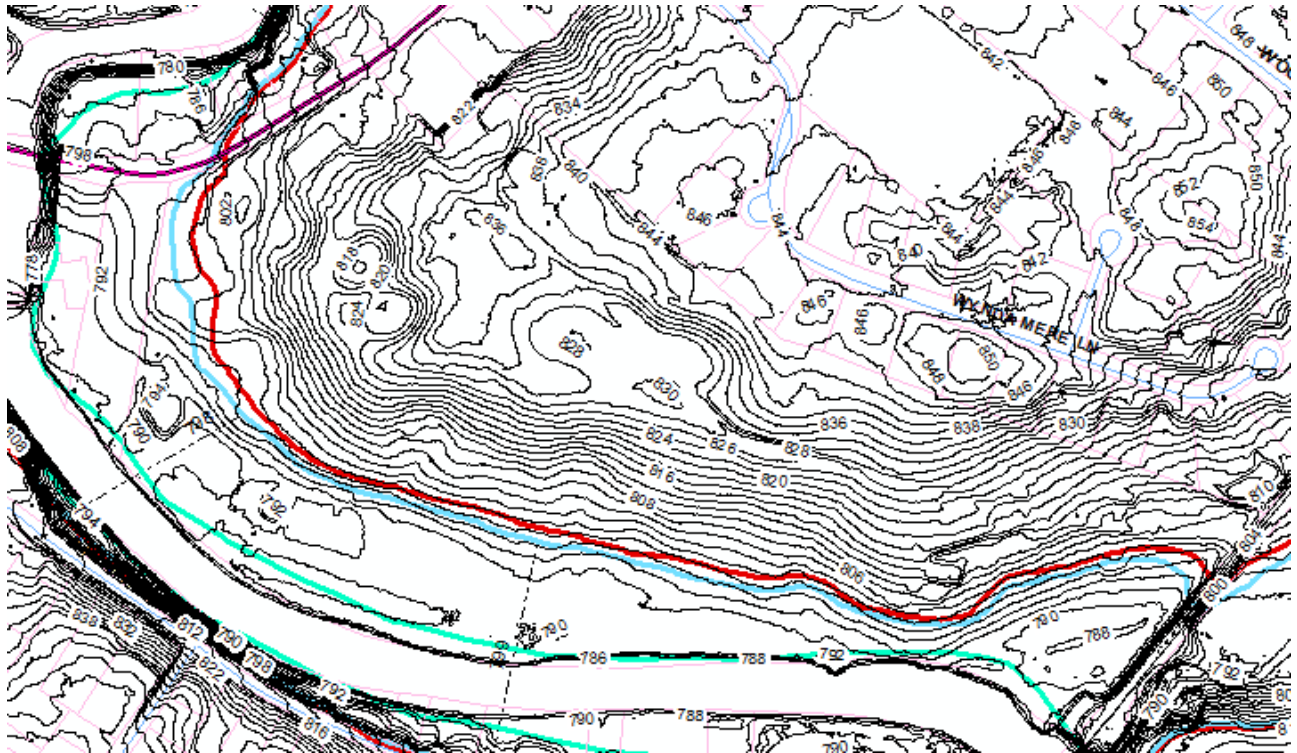


FIGURE 6: Floodplain Boundaries and Contours

Source: FEMA Floodplain Layers PANEL 21017C0153C eff. 1/6/2011
USGS



STORM SEWERS

The closest storm sewer infrastructure is located on E. Main St. at the entrance to the existing golf course. Outfall to existing storm sewer located to north of property near confluence of Stoner and Houston Creeks. There is a water retention area located in the southeast corner of the Wyndamere Subdivision (see FIGURE 8).

Per City of Paris Build Regulations, post-development stormwater runoff must be equal or less than pre-development conditions.

FIGURES 7&8: Existing Stormwater Infrastructure

Source: City of Paris, ArcGIS Mapping System



SANITARY SEWER

Currently, the subject property is serviced by the City of Paris Wastewater Treatment Facility. A lift station exists at the Country Club where contents are pumped approximately 210 ft to manhole 11. Contents then continue to gravity flow to the E. Main Lift Station.

Any modifications or changes of water usage on the subject property would need consideration for sanitary sewer upgrades.

FIGURE 9: Existing Sanitary Sewer Infrastructure

Source: City of Paris, ArcGIS Mapping System



WATER

Water service is provided by the City of Paris Water Treatment Plant. Water mains are located at the northwest and south east side of the subject property (see FIGURE 10).

If a future use requires an increased demand on system, upgrades to existing water infrastructure will need to be considered.

Additionally, if a future use is proposed to draw directly from Stoner Creek, anything over 10,000 will require a raw water withdrawal permit from the Kentucky Division of Water.

FIGURE 10: Existing Water Infrastructure

Source: City of Paris, ArcGIS Mapping System



REFUSE

Refuse collection is available from the City of Paris or other private contractors.

POLICE

The City of Paris Police Department serves the subject property. The nearest police station is located at 525 High St.; approximately .5 miles from the subject property.

FIRE/AMBULANCE

The City of Paris Fire Department serves the subject property. The nearest City of Paris fire station is located at 313 High St.; approximately .3 miles from the subject property. Additionally, the Bourbon County fire station is located at 345 E. Main St., 850 ft. from the subject property.

ELECTRICITY

The City of Paris Combined Utilities serves power to the subject property. Overhead electric is available on subject property. Currently, circuit upgrades are being made to E. Main St. corridor to increase power capability to this end of town.

FIGURE 11: Existing Electric Infrastructure

Source: City of Paris, ArcGIS Mapping System



ARTICLE 5: AMENDMENTS

<p>80.400 B. The zoning ... map shall not be amended, changed, or modified in such manner as to create a free-standing district of less than five (5) acres...</p>	<p>✓ Conforming. Property is adjacent to properties that are zoned as light industrial and is more than five (5) acres in area.</p> <p>Staff Comments: While one adjacent property along Tobacco Rd. is zoned for Light Industrial, the existing use is single-family residential.</p>
<p>80.403 B. The Planning Commission shall make findings of fact and a recommendation for approval or disapproval of the proposed amendment to the City Commission. Before recommending to the City Commission that an application for amendment to the Official Zoning Map ... be granted, the Planning Commission... must find that the amendment request is in agreement with the current Bourbon County Comprehensive Plan, or in the absence of such a finding that:</p> <p>The original zoning classification given to the property was inappropriate or improper, and that the proposed classification is proper.</p> <p>That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the Comprehensive Plan adopted by the Planning Commission and which have substantially altered the basic character of the area.</p> <p>The Planning Commission shall also determine, as part of its findings, the suitability and compatibility of any proposed development of said property.</p>	<p>The applicant claims that this zoning map amendment request is in alignment with the Comprehensive Plan, that the existing zoning classification is inappropriate, and that the change in economic and social nature has changed the character of this area.</p> <p>Staff Comments: In agreement with current Comprehensive Plan?</p> <p>The existing Comprehensive Plan does not include small area plans and specific goals related to redevelopment of property in the downtown area, such as the subject properties. However, the plan does elaborate on the importance of improving water quality, floodplain management, and the importance of providing adequate land for industrial development. It also notes that industrial type uses can bring a host of negative impacts. Types of impacts are largely dependent on the type of industrial use. Also, "due to the level of traffic these types of uses generate, collector streets shall be required as a minimum design standard for all industrial developments." In fact, the minimum collector road width requirement is 36 ft. Based on the existing high traffic volume and road width of E. Main St., there is concern about the high level of traffic that would be involved in allowing a more intensive use on this property.</p> <p>Have there been major changes in the area that were not anticipated at the time of the Comprehensive Plan?</p> <p>No. While there may have been some economic and physical changes to the subject properties in the past year, one has to look at the changing character of the surrounding area as well. In recent decades, the Wyndamere Subdivision was constructed which contains 25 single-family residences.</p> <p>Was the original zoning classification given to the property inappropriate or improper? Is the proposed classification proper?</p> <p>No, the original zoning classification given to this property is for low-intensity use due to the property's proximity to Stoner Creek. This property is also adjacent to 18 residential properties along E. Main St. and in the Wyndamere Subdivision. The proposed classification would increase the risk of adverse effects to these lower-intensity adjoining properties.</p>
<p>The Planning Commission shall have the power to hear and finally decide applications for variances ... in conjunction with a requested zoning map amendment, if the proposed development requires both a map amendment and one or more variances.</p>	<p>Staff Comments: Applicant requests a waiver of the height requirement of 60 ft. as required in the I-1 zoning district. Without disclosing a more specific use for the property and a full development plan, it is recommended that a waiver not be allowed.</p>

COMPREHENSIVE PLAN AND PROPOSED LAND USE

The goals contained in the 2017 Comprehensive Plan are those officially adopted by each participating jurisdiction. According to KRS 100.187 these goals shall serve as a guide for the physical development and economic and social well-being of the planning unit; in this instance, the City of Paris.

Regarding the designated future land use of the subject properties, the existing Comprehensive Plan Future Land Use Map does not address future redevelopment of this specific property; only the addition of vacant land to the City for future development. However, it is important to note that over the past 20 years, the Wyndamere Subdivision was built. This subdivision contains 25 homes.

The most applicable goals that may be affected by this zone change request are as follows:

Environmental Resources: Goal 1 – To maintain or improve air, water, and soil quality throughout Bourbon County.

Economic Resources: Goal 1 – To stimulate economic growth and stability in Bourbon County.

Also, generally described in the Comprehensive Plan are existing water quality issues resulting from point and non-point sources of water contamination. Point sources are contaminants that are released at one readily identifiable spot; a sewer outlet, a factory, a septic tank, etc. Examples of non-point sources include fertilizer runoff from farmland, residences, outdoor recreational facilities, and sedimentation of drainage ways from soil erosion. The City of Paris' potable water source is from Stoner Creek located upstream from the subject property.

To mitigate the effects of flooding and potential pollution from runoff, the City of Paris has adopted a Flood Damage Prevention Ordinance (Chapter 74) and established a Conservation Zone. The City of Paris Codes and Ordinances, the Conservation District and Flood Damage Prevention Ordinances were originally adopted in 1980 and 1981, respectively. As stated in the City of Paris Zoning Ordinance (Chapter 80.201 A. 6.), the Conservation District is designed to protect the natural resources and to encourage the preservation of lake areas, stream and river valleys...recreation and other open space of historic purposes. Therefore, the regulations are intended to control permitted development so as to prevent construction which would be detrimental to the environmental character of the area or increase the hazard of flooding. Of note is while the three proposed properties are zoned Conservation, 31 acres or 64% are located outside of the 100-year floodplain. However, runoff from the entire property drains toward Stoner Creek (see FIGURE 6 contours).

The City of Paris Zoning Ordinance defines industrial districts generally as intended primarily for manufacturing and assembly plants and warehousing conducted so the noise, odor, dust, and glare of such operation is not objectionable to neighboring uses. The proposed Light Industrial District permits manufacturing, fabrication, and/or processing of any commodity, retail sales or any commodity that is produced on the premises, or any commodity designed especially for use in agriculture, mining, industry, business, transportation, or construction, including the following uses: Building material sales yard and lumberyard, including the sale of rock, sand, gravel; Contractor's equipment storage yard, plant, or equipment rental; freighting or trucking yard or terminal; and wholesale sale, or storage of any article. Conditional uses of the light industrial district are as follows: Any use, which in the opinion of the Board of Adjustment would not emit detrimental or obnoxious noise, vibration, smoke, odors, dust, and/or other objectionable conditions beyond the confines of the property.

Staff Recommendation: Staff Recommendation:

Based on the current application and findings, staff recommends disapproval of ZMA 18-05. However, the public hearing is to serve as an opportunity for the applicant to provide further evidence to supplement the current application.

The request is not in alignment with the Comprehensive Plan, as it is proposing a more intensive district on land that is adjacent to existing residential properties. The claimed changes in economic, social, and physical nature in this area could pertain to the subject properties, but this argument does not take into account the inherent incompatibility of industrial uses with adjacent residential properties. The application for zone change does not acknowledge the potential adverse impacts and how these impacts could be mitigated. On its face, the current application lacks evidence to justify a finding for a significant change in economic, social, or physical nature not anticipated at the time of the adoption of the current Comprehensive Plan. Lastly, it is claimed that the existing zoning of the subject properties are improper now that the golf course has plans to close, and since a warehouse has been demolished. Any future plans for the subject properties, however, has no impact on whether the current zoning was appropriate when applied.