

**MARCH 9, 2006**

**7061 KY 2830**

**ZONE CHANGE**

<b>From:</b>	I-2 Heavy Industrial B-4 General Business	
<b>To:</b>	I-2 Heavy Industrial	
<b>Proposed Use:</b>	Industrial Scrap Metal Yard	
<b>Acreage:</b>	14.41 acres	
<b>Applicant:</b>	River Metals Recycling, LLC (0603.1635)	
<b>Property Zone Existing Use</b>	<b>to North</b> I-2 Agricultural, Industrial	
<b>to West</b> MHP, I-2 Mobile Home Park, Industrial	<b>Subject</b> I-2, B-4 ↻ I-2 Scrap Metal Yard	<b>to East</b> I-2 Industrial
	<b>to South</b> I-2, A-R Industrial, Agricultural	

**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-2 Heavy Industrial zone. The subject property is located in a Rural Community Plan Area where heavy industrial uses are appropriate in very-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." 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 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. Such an expansion should not significantly increase the extent of industrial use 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.

**Applicant's Findings**

The proposed rezoning is in compliance with the Comprehensive Plan. The subject property is in a rural community plan area.

The criteria for heavy industrial uses is that said uses are allowed in limited locations in a rural community plan area. Heavy industrial zones may be expanded onto contiguous land that generally abuts the same street. The expansion of the heavy industrial zone would not significantly increase the extent of industrial uses that are located in the vicinity and outside of industrial parks.

The proposed rezoning is an expansion of a heavy industrial use. The property has been used as a scrap metal yard for years.

Most of the property to be rezoned is presently zoned Heavy Industrial. However, there are two small strips of land which are shown on the property information drawing filed herewith that are now zoned B-4.

The purpose of the rezoning is to assure that all the

property described in the zoning application will be zoned Heavy Industrial. With this rezoning application, the applicant, along with Double T Investments, the owner of an adjoining 1.881 acre tract of land, have filed a request for a Supplemental Conditional Use Permit. (River Metals Recycling, LLC has a contract to purchase the 1.881 acre tract of land and will consolidate the 14.41 acre tract with the 1.881 acre tract.)

The Conditional Use Permit application states that the proposed use of said property will be for (1) reclaiming sheet metal from used fabrication items and (2) recycling and processing of vehicles and automobiles.

The expansion should not overburden the capacity of roadways and other necessary urban services that are available in the affected area. Also, such an expansion is of adequate shape and size to provide the separation from incompatible uses as required in criteria A listed under heavy industrial uses in the OMPC Land Use Plan.

## Planning Staff Review

The subject property is located in the 7001 block of KY 2830. 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 located in a wetlands area. The subject property is located in a special flood hazard area and floodway per FIRM Map 21059CO135 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

All urban services, including sanitary sewers, are available to the site.

#### Development Patterns

The subject property is in an area of predominately I-2 Heavy Industrial zonings and uses. A MHP Manufactured Housing Park zone is located west of the subject property and an A-R Rural Agricultural zone located south across KY 2830 are the only surrounding properties not zoned I-2. The subject property is currently used as a scrap metal

yard which is conditionally permitted in an I-2 zone. As the applicant stated though, there is a small portion of the property that is zoned B-4.

The subject property currently has a conditional use permit on file with the OMPC; however, some of the indicated changes to the site will require the CUP to be updated. As the applicant stated, the petition has been filed with the OMPC office and will be heard at the April Board of Adjustments meeting if the applicant's proposal for zoning change is approved.

Along with the CUP update, other aspects of the site must also be brought into compliance with current regulations. All vehicular use areas shall be paved and the required three foot screening element with one tree every 40 linear feet shall be installed. If a revised conditional use permit is approved, additional landscape screening requirements may be necessary according to Article 17 of the zoning ordinance. The improvements could include a 10 foot landscape easement to be installed along all common boundaries, including road right-of-way. The easement shall contain a continuous eight foot high solid wall or fence with one tree every 40 linear feet.

### SPECIFIC LAND USE CRITERIA

The subject property is currently split zoned with the significant majority being I-2 and the remainder zoned B-4. The applicant's proposal will create a tract with a single, zoning classification for the entire property. The limited expansion of the I-2 zone should not significantly increase the extent of the zone in the vicinity and should not overburden roadway capacity and other urban services in the vicinity. It appears that the scrap yard use area on the subject property is more than 300 feet from the neighboring residential zone but the application should provide documentation that this criterion is met.

### Planning Staff Recommendations

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

#### Findings of Fact:

1. The subject property is located in a Rural Community Plan Area where heavy industrial uses are appropriate in very-limited locations;
2. The proposal is a logical expansion of an existing I-2 Heavy industrial zone that occupies the majority of the subject property; and,
3. The expansion of the I-2 zone should not overburden roadways and other necessary urban services that are available in the affected area.