

**MAY 12, 2011**

**820 PLEASANT VALLEY RD**

**ZONE CHANGE**

<b>From:</b> I-1 Light Industrial	
<b>To:</b> I-2 Heavy Industrial	
<b>Proposed Use:</b> Liquid Storage	
<b>Acreage:</b> 5.570	
<b>Applicant:</b> TransMontaigne Operation Co. LP (1105.1806)	
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> B-4	<b>South:</b> I-1
<b>East:</b> R-1A	<b>West:</b> R-1A

**Proposed Zone & Land Use Plan**

The applicant is seeking an I-2 Heavy Industrial zone. The subject property is located in an Industrial Plan Area, where heavy industrial uses are appropriate in limited locations.

**SPECIFIC LAND USE CRITERIA**

**(a) Building and lot patterns; outdoor storage yards –** Building and lot patterns should conform to the criteria for “**Nonresidential Development**” (D7), and outdoor storage yards, with “**Buffers for Outdoor Storage Yards**” (D1). 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(s). Such an expansion should not significantly increase the extent of industrial uses 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.

**Planning Staff Review**

**GENERAL LAND USE CRITERIA**

**Environment**

- It appears that a portion of the subject property is 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 21059CO139 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**

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

**Development Patterns**

The subject property is currently used for storage of petroleum products in large, above ground storage tanks. The property has been used for petroleum storage since before the adoption of the zoning ordinance and TransMontaigne has operated the site for the last 15 to 20 years. The church to the north is zoned B-4 General Business and the property to the south is zoned I-1 Light Industrial and I-2 Heavy Industrial (across the railroad track). The property to the east and west is zoned R-1A Single-Family Residential.

The current I-1 Light Industrial zone is inappropriate since the use of the property as a high-hazard industrial use requires an I-2 Heavy Industrial zone with a Conditional Use Permit. The applicant proposes to construct a storage building on the property but the building cannot be permitted until such time that the property is rezoned and a CUP has been approved. As noted in the applicable criteria, such uses should be a minimum of 300 feet from an residential area and 100 feet from any zone other than industrial or agricultural. Since those buffer distances cannot be accomplished, a variance will also be required.

In the vicinity of the subject property Pleasant Valley Road is classified as a minor arterial roadway with an access spacing standard of 500 feet. There is currently one main access to the property and a secondary shared access with the adjoining property to the south. Access to Pleasant Valley Road shall be limited to the existing access points with no additional access to Pleasant Valley Road permitted.

**SPECIFIC LAND USE CRITERIA**

The proposed zoning for the subject property is more appropriate than the current zoning classification. The subject property has been used for similar purposes since well before the establishment of the zoning ordinance. The zoning classification assigned at the time of initial zoning was I-1 Light Industrial but high-hazard storage tanks require an I-2 Heavy Industrial zone along with a Conditional Use Permit. There is existing I-2 Heavy Industrial zoning in the vicinity to the south across the railroad track.

**Planning Staff Recommendations**

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

**Conditions:**

1. Access to Pleasant Valley Road shall be limited to the existing access points with no additional access to Pleasant Valley Road permitted; and
2. Submission and approval of a Conditional Use Permit and Variance prior to the issuance of permits for building construction.

**Findings of Fact:**

1. Staff recommends approval because the proposed zoning is more appropriate than the existing zoning;
2. The subject property is located in an Industrial Plan Area, where heavy industrial uses are appropriate in limited locations;
3. The use of the subject property predates the adoption of the zoning ordinance;
4. Petroleum storage tanks require an I-2 Heavy Industrial zone with a Conditional Use Permit; and,
5. The site has been in operation for many years and has not overburden the capacity of roadways and other necessary urban services available in the affected area.