

APRIL 10, 2014**4194, 4198 HIGHWAY 554****ZONE CHANGE**

From:	EX-1 Coal Mining R-1A Single Family Residential
To:	I-2 Heavy Industrial
Proposed Use:	Auto Salvage
Acreage:	27.765
Applicant:	Panther Motors and Auto Salvage, Inc.; Chris Clark (1404.1901)
Surrounding Zoning Classifications:	
North: B-4, R-1A	South: A-R
East: A-R	West: EX-1

Proposed Zone & Land Use Plan

The applicant is seeking an I-2 Heavy Industrial zone. The subject property is located in a Rural Maintenance Plan Area, where heavy 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). 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 the 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 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 partially located in a special flood hazard area per FIRM Map 21059CO265 D.
- The property is designated as prime agricultural farmland per the US Department of Agriculture Soil Conservation Service map dated March 1980.
- It appears that the subject property is not within the Owensboro Wellhead Protection area per the GRADD map dated March 1999.

Urban Services

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

Development Patterns

The subject property is located in the rural community of Panther. Uses in the vicinity include scattered rural residences, a commercial building across Highway 554 and agriculture property. According to the applicant, the subject property was mined by the Green Coal Company prior to the auto salvage business being opened in the late 1940's; the auto salvage business has existed on the property since that time. The current zoning classifications of EX-1 Coal Mining and R-1A Single Family Residential do not allow for the existing use of the property as an auto salvage yard, however it does predate zoning regulations. The applicant is proposing to build a new building on the subject property; in order to do so, the property will need to be rezoned.

The current use of the property as a salvage yard is Conditionally Permitted in an I-2 Heavy Industrial zone; the applicant will be required to receive a Conditional Use Permit from the Owensboro Metropolitan Board of Adjustment. Additionally, an auto salvage yard must be located 300 feet from any Residential zone and 100 feet from any other zone except an I-1 or A-R zone. It does not appear the subject property meets those requirements as residentially zoned property is located across the street and to the west of the subject property. A Variance can be requested from the Board of Adjustment to reduce the required buffers.

A 6 foot tall solid wall or fence is required around the perimeter of an outdoor storage area, additionally, 1 tree every forty linear feet is required along boundaries adjoining residential property, unless a Variance is approved by the Board of Adjustment.

Currently the subject property has access to Highway 554 through a single gravel access point, approximately 90 foot wide. According to the street access limits, a driveway for an industrial property shall not exceed 40% of the road frontage for the property up to a maximum of 50 feet in width. The applicant shall reduce the width of the existing access point to 40% of the total road frontage or a

maximum of 50 feet.. Vehicular use areas are required to be paved; the applicant shall be required to pave the access drive and any customer parking.

SPECIFIC LAND USE CRITERIA

The applicant's proposal for an I-2 Heavy Industrial zoning is more appropriate than the current EX-1 Coal Mining and R-1A Single Family Residential zonings since mining of the property ceased in the late 1940's and the subject property has a history of nonresidential/nonagricultural use and has been used as an auto salvage business since the late 1940's.

Planning Staff Recommendations

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

Conditions:

1. Access to Highway 554 shall be reduced to 40% of the total road frontage or a maximum of 50 feet wide, whichever is greater; and,
2. Vehicular use areas for the driveway and customer parking shall be paved.

Findings of Fact:

1. The proposed I-2 Heavy Industrial zoning is more appropriate than the current zoning classifications since mining activity ceased on the property and the auto salvage business was opened in the late 1940's;
2. The property has been historically used as an auto salvage yard for more than 60 years;
3. With the industrial use already established on the property the I-2 zoning should not cause a burden to neighboring properties; and,
4. Given the ongoing use of the property, the proposed zoning should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.