

JUNE 8, 2017

10631 HIGHWAY 764, WHITESVILLE

ZONE CHANGE

From: R-1B Single-Family Residential	
To: I-1 Light Industrial	
Proposed Use: Wholesale Supply Establishment	
Acreage: 0.539	
Applicant: Wisconsin Auto Supply, Inc. (1706.2009)	
Surrounding Zoning Classifications:	
North: R-1A & R-1B	South: R-1B & P-1
East: R-1A & B-2	West: R-1A & A-U

Proposed Zone & Land Use Plan

The applicant is seeking an I-1 Light Industrial zone. The subject property is located in an Urban Residential Plan Area where light industrial uses are appropriate in very limited locations.

SPECIFIC LAND USE CRITERIA

(a) Building and lot patterns – Building and lot patterns should conform to the criteria for “**Nonresidential Development**” (D7), and outdoor storage yards, with “**Buffers for Outdoor Storage Yards**” (D1).

(b) Logical expansions outside of industrial parks – Existing areas of Light 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 that are located in the vicinity and outside of industrial parks. Also, such an expansion should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

(c) Expansions across streets in residential areas – In Central Residential, Urban Residential and Future Urban plan areas, the expansion of Light Industrial uses that are located outside of industrial parks and across an intervening street should be at least **one-and-one-half (1.5) acres** in size, but should not occur if this would significantly increase the extent of industrial uses that are located in the vicinity and outside of industrial parks.

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 21059CO340D.
- It appears that the subject property is not within the Owensboro Wellhead Protection area per the OMU map dated 2015.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA, the EPA, the OMPC building/electrical/HVAC division or other state and federal agencies as may be applicable.

Urban Services

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

Development Patterns

The subject property is a 0.539 acre R-1B zoned parcel located at 10631 Highway 764 within the City of Whitesville. The property, which includes a primary structure and a parking lot, has previously been used as an office. The applicant proposes to rezone the property to I-1 Light Industrial in order to utilize the property as an auto parts wholesale supply business.

This area includes a mixture of residential, commercial, professional and agricultural properties. To the north is a residential property, zoned R-1A & R-1B. To the west is a residential property, zoned R-1A. To the south is a residential property, zoned R-1B, and a parking area for an office building, zoned P-1. To the east across Highway 764 is a residential property, zoned R-1A, and a commercial property, zoned B-2.

Highway 764 in this location is classified as a local street which has a 25' building setback requirement. Access to the site must be compliant with applicable sections of the zoning ordinance. The Access Management Manual does not apply to this site since it is located outside the urban service area.

If the rezoning is approved, the applicant will be required to provide landscape buffer screening in compliance with Article 17 of the zoning ordinance along the perimeter of the property boundary where adjacent to residential zoning districts. Vehicular use area screening will also be required where adjacent to public street rights-of-way.

Due to the proximity to existing residential zones, all lighting for the subject property shall be directed away from the residential property to reduce the glare and impact of the lighting on the residential uses.

If approved, prior to occupancy of the property the applicant must obtain approval of a site plan or final development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is not in compliance with the Comprehensive Plan. The proposed industrial use conforms to the criteria for nonresidential development. However, the proposal is not a logical expansion of existing I-1 zoning in the area. Since there is no existing industrial zoning in this area this proposal would significantly increase the extent of industrial uses in the vicinity. This proposal may overburden the capacity of roadways and other necessary urban services that are available in the affected area. This proposal is also not a logical expansion of light industrial zoning across an intervening street.

Planning Staff Recommendations

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

Findings of Fact:

1. Staff recommends denial because the proposal is not in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located in an Urban Residential Plan Area where light industrial uses are appropriate in very limited locations;
3. The proposed use as light industrial conforms to the criteria for nonresidential development;
4. The proposal is not a logical expansion of existing I-1 Light Industrial zoning in the area;
5. Since there is no existing industrial zoning in this area this proposal would significantly increase the extent of industrial uses in the vicinity;
6. This proposal may overburden the capacity of roadways and other necessary urban services that are available in the affected area; and
7. This proposal is also not a logical expansion of light industrial zoning across an intervening street.