

OCTOBER 4, 2018

1107 WING AVENUE

ZONE CHANGE

From: I-1 Light Industrial	
To: I-2 Heavy Industrial	
Proposed Use: Towing and Vehicle Storage/Impound	
Acreage: 2.89	
Applicant: Tally Trucking, Inc. PGB Investments, LLC (1810.6064)	
Surrounding Zoning Classifications:	
North: I-2	South: I-1
East: I-1	West: I-1 & R-4DT

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 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 21059CO139D.
- It appears that the subject property is located 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 sewers, are available to the site.

Development Patterns

The subject property is an existing 2.89 acre flag-shaped lot that is zoned I-1 Light Industrial. The property is located within an Industrial Plan area that is primarily surrounded by industrial zones and activity. To the north, across the railroad tracks, is the former HON factory, which is zoned I-2 Heavy Industrial. Adjoining properties to the west, south, and east are a grouping of I-1 Light Industrial zoned properties which include Texas Gas' training center and an RWRA storage yard. To the west, across Wing Avenue, is a residential neighborhood that is zoned R-4DT Inner City Residential which adjoins the 50-foot wide driveway of the subject property that leads behind the Texas Gas training center to the subject property's storage/impound yard. Due to the length of the driveway, the residential zone is approximately 308 feet from the closest point of any outdoor storage areas on subject property.

The former HON plant that is located to the north is a 12.37 acre parcel that is zoned I-2 Heavy Industrial. Furthermore, to the east (on the other side of the RWRA property) is an additional 2.7 acre storage yard with an I-2 Heavy Industrial zoning classification. Consequentially, the proposed I-2 Heavy Industrial zoning classification for the subject property is a logical expansion of the existing I-2 zoning within the area and, at 2.89 acres, should not significantly increase the extent of industrial uses in the vicinity, nor should it overburden the capacity of roadways and other necessary urban services that are available in the affected area.

The applicant proposes to rezone the subject property from I-1 to I-2 in order to apply for a Conditional Use Permit which would allow the subject property to be utilized as an impound yard in conjunction with the operating trucking business.

Wing Avenue is classified as a local street, which requires a 25' building setback line. Access to the subject property must comply with the requirements of the zoning ordinance.

Areas of the outdoor storage yard that are utilized for the impounding of vehicles and/or the storage of salvaged vehicles shall be fully enclosed with an 8-foot tall solid wall or fence. Additionally, any other areas of the subject property that are utilized for outdoor storage and/or have a gravel surface shall be fully enclosed with a minimum 6-foot tall solid wall or fence.

Since the subject property is located within the Owensboro Wellhead Protection area, according to OMU, if the property will have or produce anything that can contaminate the soil then they must have a wellhead protection plan. OMU should be contacted regarding such a plan.

Prior to any development 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 in compliance with the community's adopted Comprehensive Plan. The proposed use as a towing a vehicle impound facility is non-residential in nature. Furthermore, the closest point of the outdoor storage area on the subject property is approximately 308 feet from the nearest residential zone and greater than 100 feet from any other except those containing light industrial or agricultural/forestry uses.

The proposed I-2 Heavy Industrial zoning classification is a logical expansion of the I-2 zoning to the north and, at 2.89 acres, should not significantly increase the extent of industrial uses in the vicinity, nor should it overburden the capacity of roadways and other necessary urban services that are available in the affected area.

Planning Staff Recommendations

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

Condition:

1. Approval of a site plan or final development plan.
2. Approval of a Conditional Use Permit to operate a vehicle storage/impound yard.

Findings of Fact:

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located within an Industrial Plan Area, where heavy industrial uses are appropriate in limited locations;
3. The proposed use as a towing a vehicle impound facility is non-residential in nature.
4. The closest point of the outdoor storage area on the subject property is approximately 308 feet from the nearest residential zone and greater than 100 feet from any other except those containing light industrial or agricultural/forestry uses.
5. The proposed I-2 Heavy Industrial zoning classification is a logical expansion of the I-2 zoning to the north; and
6. At 2.89 acres, should not significantly increase the extent of industrial uses in the vicinity, nor should it overburden the capacity of roadways and other necessary urban services that are available in the affected area.