



APRIL 9, 2009

1621 MOSELEY ST

ZONE CHANGE

From: I-1 Light Industrial		
To: I-2 Heavy Industrial		
Proposed Use: Concrete Mix Plant		
Acreage: 0.619		
Applicant: Transit-Mix Concrete Co., Inc. (0904.1744)		
Property Zone Existing Use	to North I-1 Vacant, Residential	
to West I-1 Concrete and Construction Company	Subject I-1 ➔ I-2 Concrete Mix Plan	to East I-1, B-4 Church, Industrial, Residential
	to South I-1 Concrete Company	

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 Business/Industrial 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” (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.

Applicant's Findings

The requested rezoning is in compliance with the Comprehensive Plan and allowed in very-limited locations. That Land Use criteria which supports the requested rezoning are:

a) Building and lot patterns should conform to the criteria for “non-residential development.” The historic use of this site has been for Transit-Mix Concrete business. The property currently is zoned I01 and has been operating under this zone for many years. The building on this site exceed the 300-ft. requirement from a residential zone and 100-ft. from other zoned except I-1.

b) Logical expansions outside of industrial parks. The requested rezoning is not an expansion of I-2 zone. The rezoning of this site will bring the lot into compliance with the historic use of the property. Granting the rezoning of this site will not overburden the roadways or other services because the existing us is not changing.

Planning Staff Review

The subject property is located in the 1601 block of Moseley Street. 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 not located in a special flood hazard area per FIRM Map 21059CO140 C. Based on the preliminary FIRM maps dated July 7, 2007, the subject property is not located in a special flood hazard area per map 21059CO138 D. 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 located on Moseley street between 16th Street and 17th Street and all buildings within this blockfront are currently zoned I-1 Light Industrial and are used for industrial purposes.

Transit-Mix Concrete Company has been in operation in the subject property since well before current zoning regulations went into effect. However, under current zoning regulations, a concrete plant is only a principally permitted use within an I-2 Heavy Industrial Zone. The applicant proposes to rezone the property to I-2 Heavy Industrial to bring the zoning into compliance so that a building permit can be issued for an addition.

Vehicular use area landscaping is required between vehicular use areas and the road right-of-way. The screening element shall include a three foot easement with a three foot element and one tree every 40 linear feet.

SPECIFIC LAND USE CRITERIA

The proposed I-2 Heavy Industrial zoning for the subject property is more appropriate than the existing I-1 Light

Industrial zoning since the historic use of the property has been a concrete plant which is only principally permitted within an I-2 zone. The property is located on Moseley Street which is entirely industrial within the blockfront of the subject property. The rezoning of the property will bring the site into compliance from a zoning perspective and will allow for a limited expansion of the business on the subject property.

Planning Staff Recommendations

Staff recommends approval because the proposed I-2 Heavy Industrial zoning classification is more appropriate than the current I-1 Light Industrial zoning. The conditions and findings of fact that support this recommendation include the following:

Condition: Install vehicular use area screening where vehicular use areas adjoin public right-of-way.

Findings of Fact:

1. The subject property is located in a Business/Industrial Plan Area, where heavy industrial uses are appropriate in very-limited locations;
2. The subject property has historically been in use as a concrete plant and the use predates the current zoning regulations;
3. The subject property is located on Moseley Street which is zone entirely industrial within this blockfront; and,
4. The current zoning classification of light industrial is not appropriate for the subject property and the proposed zoning of I-2 Heavy Industrial is the more appropriate zoning classification for the subject property.