

MARCH 14, 2002

1920 MCFARLAND AV

ZONE CHANGE

From: B-4 General Business

To: I-2 Heavy Industrial

Acreeage: 1.84+ acres

Applicant: West Side Auto Parts, Inc, Henry E. Phillips, Mary E. Posey (0203.1468)

Property Zone Existing Use	to North R-4DT <i>Residences, vacant lot</i>	
to West I-1, R-4DT <i>Plumbing business, residence</i>	Subject B-4 → I-2 <i>Wrecked vehicle lot</i>	to East B-4 <i>Wrecker Service, Manpower office</i>
	to South I-1, B-4 <i>Residences, warehouse</i>	

**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 “**Non-Residential Development**” (D7), and outdoor storage yards, with “**Buffers for Outdoor Storage Yards**” (D1). Furthermore, any building or outdoor storage, loading or working areas (except 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 area 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 an expansion should not overburden the capacity or 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 Land Use Element of the community’s Comprehensive Plan recommends I-2 Heavy Industrial in very-limited locations. Rezoning the site will result in correcting the zone classification to be consistent with the land use, which existed at the site for at least the past 20 years.

The site is on the south side of McFarland Av. In addition to this site the zoning applicant has operated a similar operation (storage and dismemberment of disabled vehicles) on the north side of McFarland Av at Crabtree Av for approximately 50 years. The general character of the neighborhood, including the disabled vehicle storage and dismemberment has remained essentially unchanged for approximately 20 years, since the extension of McFarland Av westward.

The site contains approximately 1.9 acres and is non-residential in size and character. A solid perimeter fence

currently screens the site. Said screen is characteristic of any industrial tract.

The site is relatively contiguous- as previously defined by the OMPC- to the existing I-2 site of the West Side Auto Parts operation. Currently, the site adjoins industrial zones at the west and southern corner of the site.

All urban services are available.

Inasmuch as the existing land use has existed at the site for approximately two decades, the rezoning, conforming to the existing use, will not overburden the capacity of the roadway.

Planning Staff Review

The subject property is located in the 1900 block of McFarland Av. Land use criteria applicable to this request are reviewed below.

GENERAL LAND USE CRITERIA

Environment

No important environmental criteria apply to the subject property.

Urban Services

All urban services are available to the site.

Development Patterns

The subject property is located in a mixed-use area. Property to the north across McFarland Av is zoned R-4DT and is residential in use. Property to the east of the subject property is zoned B-4 General Business and is used for junk vehicle storage. This is a non-conforming use. Property to the south is zoned B-4 and I-1 Light Industrial and contains business and industrial uses. Property to the west is zoned I-1 and is used for a plumbing contractor's office. There is also property to the west that is zoned R-4DT Inner-City Residential. The applicant proposes to use the subject property to store and dismember disabled vehicles. This use would require a conditional use permit to be approved by the Owensboro Metropolitan Board of Adjustment.

Land-Use Intensity, Clusters and Buffers

In I-2 Heavy Industrial Zones, any building or outdoor storage, loading or working areas (except 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. The location of residential zoning to the west and north requires a 300-foot buffer to be established in those locations. The B-4 General Business zoning on the east would require a 100-foot buffer at that location. The size and shape of the property would not accommodate these buffer requirements without the granting of a variance by the Owensboro Metropolitan Board of Adjustment.

Intersection & Driveway Spacing

McFarland Av is classified as a minor arterial roadway. Driveway access on McFarland Av should be limited to one access point, not to exceed 50 feet in width at the property line. Currently, the subject property meets the driveway access requirements for the functional classification of the roadway. No additional driveway access would be permitted.

Roadway Buffer Standards

A roadway buffer of 40 feet from the street centerline applies to McFarland Av. No required parking or landscaping is permitted within the roadway buffer.

SPECIFIC LAND USE CRITERIA

The subject property is located in an area of mixed industrial, business and residential use. The property immediately to the east is zoned B-4, but contains a legal, non-conforming heavy industrial use of storage of junk vehicles. The expansion of this use onto the subject property can be considered a logical expansion of a heavy industrial use that does not significantly increase the extent of industrial uses in the vicinity. There are other industrial uses located in the area.

However, the subject property adjoins residentially zoned property. The criteria for an expansion specifically state that the expansion should be of a size and shape to accommodate the buffer requirements to separate incompatible land uses. In this case, the 300-foot setback from the residentially zoned property could not be met and still maintain a usable area on the subject property. Because the subject property adjoins and is adjacent to residential property and a residential plan area, the buffering requirement of a 300-foot setback from those properties is critical to the use of the property for an industrial use. Since this setback is primarily for the benefit of the owners of property in the neighborhood, due consideration should be given to neighboring residents with respect to the established lot patterns in their neighborhoods.

The applicant argues that the proposed zoning is the appropriate zone for the property, stating that the current use of the property for the storage of junk vehicles has

existed for 20 years. The property has been cited several times in the past 10 years for being in violation of the Zoning Ordinance. The B-4 General Business zoning classification permits operable vehicles to be parked there, but not inoperable, wrecked or disassembled vehicles. The current use of the property is a violation of the Zoning Ordinance.

The City of Owensboro's Community Development Department has begun to collect very preliminary information to review the possibility of developing a project for a residential revitalization area for properties in the vicinity of the subject property. This redevelopment area would include residential properties to the north of the subject property across McFarland Av. We should remain cognizant of the possibility of residential redevelopment in this area across McFarland Av. While there are existing industrial uses located in the vicinity, these are oriented toward Old Henderson Rd within the Business/Industrial Plan area and not adjoining residential block fronts.

As stated above, due consideration should be given to neighboring residents with respect to the established lot patterns in their neighborhoods. There is currently a mixture of business uses, light and heavy industrial uses, and residential uses within this area. The frontage of the subject property on McFarland Av faces an existing developed residential block. The increase of heavy industrial use in the area could be detrimental to the existing residences that are established there, unless there can be conditions placed on the property to minimize negative effects that are acceptable to the owners in the neighborhood.

Planning Staff Recommendations

Staff recommends denial because the proposal is not in compliance with the community's Comprehensive Plan. This recommendation is made subject to the findings of fact that follow:

1. The subject property is located in a Business/Industrial Plan Area, where heavy industrial uses are appropriate in only very-limited locations;
2. The subject property adjoins existing residentially zoned and developed property to the west and to the north across McFarland Av and zoning the subject property to I-2 Heavy Industrial would permit an incompatible land use;
3. The applicant's proposal is not a logical expansion of heavy industrial uses existing in the area because the size and shape of the property are not adequate to meet the setback requirements of 300 feet from residentially zoned properties; and,

4. The use of the subject property for disabled and wrecked vehicle storage and dismemberment may create a nuisance for the adjoining residential properties.