



AUGUST 8, 2002

3649 WATHENS CROSSING

ZONE CHANGE

From: B-3 Highway Business Center

To: I-1 Light Industrial

Acreage: 5.819 acres

Applicant: O'Bryan Heirs c/o William O'Bryan Wright (0208.1491)

Property Zone <i>Existing Use</i>	to North I-1, B-3 <i>Cheer zone business, contractor's office, vacant lot</i>	
to West B-3 <i>Vacant lots</i>	Subject B-3 ➔ I-1 <i>Vacant</i>	to East P-1 <i>Vacant lots</i>
	to South B-4, R-3MF, R-1C <i>Residential, convenience store</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-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; outdoor storage areas-** Building and lot patterns should conform with the criteria for “**Non-Residential 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.

Applicant's Findings

The proposed rezoning is in compliance with the Comprehensive Plan. The Comprehensive Plan recommends Light Industrial (I-1) land uses in very-limited locations as appropriate with urban residential land uses. The proposed rezoning is within an Urban Residential Plan Area. The Comprehensive Plan anticipates mixed land uses of industrial, business and residential within this quadrant of Owensboro. The Heritage Park development pattern is a mixed use Planned Urban Development integrating light industrial uses with other land uses.

The Comprehensive Plan anticipated the major interchange of Carter Road with the Wendell Ford Parkway. The Comprehensive Plan anticipated additional business and industrial growth in the area as a result of said interchange construction.

General land use criteria include:

- (a) The Comprehensive Plan anticipated conversion of agricultural land in the vicinity, such as the Mid-America Air Park and this site, to urban/non-agricultural uses.
- (b) All urban services, including sanitary sewers, are available to serve the site.
- (c) Previous improvements to Carter Road, the by-pass interchange and to Tamarack Road provide adequate highway and transportation links to serve the site.

Rezoning will provide a logical pod of light industrial in a contained development setting. Said lots were originally included and integrated into the concept plan of the entire development.

Specific land use criteria include:

- (a) The existing lot division indicates building and lot patterns typical of non-residential development for subject tract.
- (b) The proposed rezoning is adjacent to existing light industrial land uses. Rezoning subject tract will be an expansion of the existing adjacent I-1 zone. The planned and controlled I-1 expansion is consistent with the “expansion intent” of the community’s Comprehensive Plan.

Recent market demand has increased the need for additional light industrial zones.

The proposed I-1 rezoning parcels are “arterial-street-oriented” being located along a short run major collector connecting Carter Road to Tamarack Road.

Planning Staff Review

The subject property is located in the 3601 block of Wathens Crossing within the Heritage Park Planned Development. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA

Environment

The subject property contains prime farmland, however the property was previously zoned in 1998 from Urban Agriculture to Highway Business Center. The Comprehensive Plan recognizes that some prime farm land will be lost to urbanization and that basis was included in the previous zoning of the property.

Urban Services

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

Development Patterns

The subject property is located in Heritage Park Planned Development. This development encompasses 138 acres of multiple zones including single-family, multi-family, professional/service, highway business and light industrial zones. The subject property was previously zoned B-3 Highway Business Center. The original zoning application included a market analysis for the entire 138 acres tract that is included in the Heritage Park Development Plan. The market study recommended 20-25 acres of retail use, 3-8 acres of office use, 15 to 20 acres of industrial use, 15-25 acres of open space, and the remaining acreage in residential use. 13.9 acres were originally zoned to I-1 Light Industrial. The applicant’s request to rezone an additional 5.819 acres would keep the total acreage zoned industrial in accordance with the recommendation of the market study.

Tamarack Road is classified as a minor arterial with a traffic projection of less than 10,000 vehicles per day. Although the subject property fronts on Tamarack Rd, access points are restricted by the development plan to Wathens Crossing for the subject property. The effect of increased industrial traffic on residential properties across Tamarack Rd should be mitigated by the access limitations.

Properties across Tamarack Rd to the south are zoned R-1C and consideration should be given to the impact of rezoning to neighboring residents. In this instance, non-residential zoning is currently in place on the subject property. If any outdoor storage areas are proposed, they shall be screened with a minimum of a six-foot high solid element and one tree per 40 linear feet. In order to reduce visual impact from the adjoining residential neighborhood, new buildings and all signs should not be faced toward Tamarack Rd. A property perimeter landscape easement containing a 6-foot high continuous element and one tree per 40 linear feet of boundary should be provided between site improvements and the south property line for the entire length of the south property boundary.

While the original Heritage Park Development plan included a light industrial zoning element, this light industrial zoning was interior-oriented with the perimeter properties along Tamarack Rd zoned B-3 Highway Business Center, P-1 Professional/Service, or R-1C Single-Family Residential. In doing this, there was provided a transition between the intensity of zones with B-3

Highway Business zone and P-1 Professional/Service zone acting as a buffer zone between the Light Industrial zone and the existing and new Residential zones in the vicinity. Additional screening should be provided between Light Industrial and Residential zones. With frontage of Light Industrial zoning on Tamarack Rd, recommended screening would be two rows of staggered pines for visual and sound buffering.

There is currently in place a buffer between the subject property and the residential property across Tamarack Rd. The Comprehensive Plan identifies both an arterial roadway and ditch as being acceptable buffers between incompatible land uses. In this particular instance, Tamarack Rd and Tamarack Ditch both lie between residential properties and the subject property. This places the property line of the subject property approximately 165 feet from the property lines of the residential lots fronting on Tamarack Rd. Additional screening and the orientation of buildings and signs toward the west or north away from Tamarack Rd, in combination with the roadway and ditch buffer, should provide adequate visual protection and reduction of ambient noise for the adjoining residential area to the south.

A preliminary development plan for Heritage Park Development was approved at the same time that the zoning classifications were sought and approved. Final development plans for each lot must be approved by the OMPC prior to the issuance of a building permit.

SPECIFIC LAND USE CRITERIA

The subject property is located outside of an Industrial Park and exceeds the minimum one and one-half acre size criteria for expansions of light industrial uses across an intervening street. The subject property is near the Mid America Airpark which is zoned and is being developed with both light and heavy industrial uses.

The property adjoins existing I-1 Light Industrial zoning within the Heritage Park Development. The existing Light Industrial zoning immediately adjoins the subject property and is located on Edna Ct, a cul-de-sac that runs parallel to Wathens Crossing. This area of Light Industrial zoning was approved with the recognition that particular high-intensity uses may be desirable in close proximity to highway business uses. The types of industries specifically described in this context include warehousing, wholesale businesses, self-storage, etc. The applicant proposes a use on the subject property of a beer warehousing and distribution facility, which is the type of industrial use anticipated in proximity to highway business uses. Although not abutting the same street as existing Light Industrial zoning in the vicinity, the applicant's

proposal is a logical expansion of that zoning. The existing area of Light Industrial zoning is oriented toward an interior street within the Heritage Park Development and adjacent to B-3 Highway Business Center zoning. Similarly, the subject property is located at the end of a cul-de-sac, oriented toward an interior street in the Heritage Park Development, and lies in close proximity to B-3 Highway Business Center zoning.

The original market demand for the subject property prepared by Robert L. Siegel & Associates, Inc. of Kenner, Louisiana in early 1998 identified some industrial uses that were considered viable uses for the industrial element of the Heritage Park Development Plan. These included trucking firms, distribution firms and warehousing, and small industrial users not courted by the Airpark. The applicant's proposal fits in with the recommendations of the market study in terms of use.

Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the adopted Comprehensive Plan. This recommendation is made subject to the conditions and findings of fact that follow:

Conditions:

1. All buildings and all signs on the subject property shall not be oriented facing Tamarack Rd and no vehicular access points shall be permitted on Tamarack Rd;
2. A minimum of a 6-foot high continuous element with one tree per 40 feet of linear boundary shall be provided between the site improvements on the subject property and the south property line for the entire frontage along Tamarack Rd; and,
3. A final development plan shall be submitted and approved by the OMPC prior to the issuance of any building permit or sign permit.

Findings of Fact:

1. The subject property is located in an Urban Residential Plan Area, where light industrial uses are appropriate in very-limited locations;
2. The subject property is located outside of an Industrial Park and exceeds the one-and-one-half acre size criteria for expansions of light industrial uses across an intervening street;
3. The subject property is near the Mid America Airpark which is zoned and being developed with both light and heavy industrial uses;

4. The subject property immediately adjoins existing I-1 Light Industrial zoning;
5. The applicant's request is a logical expansion of existing Light Industrial zoning that would not significantly increase the extent of the Light Industrial zone in the vicinity and would not overburden existing roadways or other necessary urban services;
6. The applicant's request agrees with the recommendations of the original market study conducted for the entire 138 acres of the Heritage Park Development, substantiating the viability of light industrial uses in the area and the acreage that those uses could support; and,
7. The orientation of the building and all signs away from Tamarack Rd Crossing, the existing buffers formed by Tamarack Rd and ditch, and the installation of screening will act as visual buffering and sound protection for the adjacent residential properties to the south.