



**OCTOBER 14, 2004**

## 1646 RIVER ROAD - PORTION

### ZONE CHANGE

<b>From:</b> I-1 – Light Industrial		
<b>To:</b> I-2 – Heavy Industrial		
<b>Acreage:</b> 0.113 acres		
<b>Applicant:</b> Miles Construction Managers, Inc. (0410.1575)		
<b>Property Zone</b> <i>Existing Use</i>	<b>to North</b> I-1 Warehouse	
<b>to West</b> I-2 and EX-1 Wooded/Vacant	<b>Subject</b> I-1 ➔ I-2 Vacant	<b>to East</b> I-2 Riverport Warehouse
	<b>to South</b> I-2 Vacant	

### 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 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**” and outdoor storage yards, with “**Buffers for Outdoor Storage Yards.**” 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 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. 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 rezoning requires is in compliance with the Comprehensive Plan. Subject tract is a micro-silver of land (0.113 acres) being divided and consolidate to provide a more regularly shaped lot configuration.

## Planning Staff Review

The subject property is located in the 1600 block of River Road. 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 in a wetlands area. The subject property does not appear to be in a special flood hazard area per FIRM Map 21059CO120 C. 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 are available to the site, including sanitary sewers.

### Development Patterns

The subject property is a small sliver of property that is involved in a land swap and consolidation with an adjacent tract to create two lots more uniform in shape. A minor subdivision for the transfer of property and consolidation has been prepared and submitted to the OMPC office for review.

The adjoining property to which the subject property will be attached is zoned I-2 Heavy Industrial. The applicant's zoning request is to change the zoning to be compatible with the tract to which it is to be consolidated. The resulting tract will meet all separation requirements in the Comprehensive Plan as it is bordered by I-1, I-2 and EX-1. The transfer and consolidation of such a small tract of land will not overburden the available urban services or the transportation network serving the affected area.

### SPECIFIC LAND USE CRITERIA

The applicant's proposal meets the specific criteria of the Comprehensive Land Use Plan. Limited expansion of industrial uses should be accommodated where they satisfy a set of logical expansion criteria. The applicant's request for the expansion of an existing heavy industrial zone within a industrial plan area is appropriate in limited locations. The request meets the criteria for logical expansion onto contiguous land abutting the same street.

### Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The condition and findings of fact that support this recommendation include the following:

**Condition:** Record subdivision plat for the property consolidation.

### Findings of Fact:

1. The subject property is located in an Industrial Plan Area, where heavy industrial uses are appropriate in limited locations;

2. The applicant proposes to consolidate the subject property to adjacent property to the south that is currently zoned I-2 Heavy Industrial; and,
3. The applicant's request is a logical expansion of existing heavy industrial zone and use onto contiguous land that will not significantly increase the extent of heavy industrial use located in the vicinity and will not overburden the capacity of roadways and other necessary services that are available in the affected area.