

**NOVEMBER 8, 2007**

**2401 GRIMES AV**

**ZONE CHANGE**

|   |  |  |
|---|--|--|
| <b>From:</b> I-1 Light Industrial                                       |  |  |
| <b>To:</b> I-2 Heavy Industrial   |  |  |
| <b>Proposed Use:</b> Recycling and Auto Crushing                        |  |  |
| <b>Acreage:</b> 2.79+/-   |  |  |
| <b>Applicant:</b> Dennis A. Knott Testamentary Trust, et al (0711.1695) |  |  |
| <b>Property Zone Existing Use</b>                                       | <b>to North</b><br>I-1<br>L&N Railroad switchyard and mainline |  |
|   | <b>Subject</b><br>I-1 ➔ I-2<br>Recycling Warehouse             | <b>to East</b><br>I-1<br>Truck Spring Manufacturer |
| <b>to West</b><br>I-1<br>Construction Yard                              | <b>to South</b><br>I-1<br>Welding Machine Shop                 |  |

**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 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 or **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.
- (c) Industrial Parks -** In Industrial Plan Areas, new and expanded locations of Heavy Industrial use should be developed as elements of planned “**Industrial Parks**” (**D7**). These provisions also apply where existing Industrial Parks are expanded into adjoining non-industrial plan areas that contain undeveloped land. Such Industrial Parks should be “**arterial-street-oriented**” (**D2**) and planned in modules of at least **one hundred (100) acres** in size, unless an existing Industrial Park is being expanded. Industrial Parks should be established or expanded only where sanitary sewer systems exist or may be expanded, or where new systems may be properly established. Heavy Industrial uses should be located away from any fringes of a park that adjoins incompatible plan areas or land uses. Such incompatible fringes are recommended locations for light industrial, highway business or other appropriate uses that would serve as “**buffer-uses**” (**D1**). Otherwise, these incompatible fringes should include adequate space for necessary buffers as cited in criteria (a) above.

**Applicant's Findings**

The rezoning is in compliance with the community's Comprehensive Plan inasmuch as the Plan recommends heavy industrial (I-2) land use in limited locations for this site. The 2.8+/- acre tract is located in close proximity to

an existing I-2 zone situated eastward on the Grimes Avenue/Alsop Lane intersection (1100-1300 block).

Rezoning subject tract will be a logical expansion of said current contiguous (in close proximity) I-2 zoning. This site is in the immediate vicinity of the previously developed East Industrial Park situated along Grimes Avenue, Alsop Lane and Ragu Drive (major industrial roadways). The site is major street oriented, with convenient access to E. Parrish Avenue and US 60 East.

The approximately 2.8 acre tract is non-residential in shape, side and setting. The site improvements and buildings are also non-residential in character.

All urban services are available to the site. The proposed rezoning (Recycling and auto crushing operation) will not overburden the existing urban services or the current roadway capacities.

Subject property is located between the L&N Railroad mainline and switchyard and the East Industrial Park in close proximity to the Owensboro By-pass and the proposed by-pass extension project.

## Planning Staff Review

The subject property is located in the 2401 block of Grimes Avenue. 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 21059CO139 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 in an industrial area. The subject property and all surrounding property is zoned I-1 Light Industrial. Heavy industrial zoning is located approximately 500 feet to the north and east of the subject property. All surrounding land uses are industrial in nature including warehouses, machine shops, and a rail yard.

Due to the character of the area, it could most appropriately be described as an industrial park. Although the subject property may not technically be part of the East Industrial Park, the industrial land uses in the vicinity are all an integral part of the industrial park setting.

The subject property has frontage on Grimes Avenue which is classified as a major collector roadway. There is a 250 foot driveway spacing standard. At present, the site does not comply with the spacing criteria. There is a small portion of curbing along the road frontage but the majority of the site has open access. With this rezoning, access should be altered to bring the site more into compliance with the access management standards. The existing access point on the western portion of the property is heavily utilized by semi-truck traffic that must be weighed on the scales located in front of the building. The applicant's engineers have provided drawings showing truck maneuvering radii that demonstrate the need for the entire width of the existing access point which are included with the staff report. However, the access along the east portion of the lot should be significantly reduced. The 120 foot plus opening should be narrowed to a 50 foot maximum width as far east along the property frontage as possible. The remainder of the road frontage shall be replaced with curbing and a grass strip restored within the right-of-way.

Based on the information contained within the application, if the rezoning to I-2 Heavy Industrial is approved, it appears as though a conditional use permit will also be required. Any wrecking, dismantling, or recycling of automobiles requires a conditional use permit within an I-2 Heavy Industrial zone. Also, the entire storage area around the wrecking yard must be screened with a 10 foot easement with an eight foot continuous wall or fence with one tree every 40 feet. The wall or fence must meet minimum opacity requirements of the zoning ordinance. Also, stacked cars within the storage yard shall not exceed the height of the fence.

It appears that there are two tracts on the subject property that have never been consolidated although the existing business on the property extends across property lines. With this rezoning and subsequent changes to the site, a consolidation plat shall be submitted to the OMPC for approval to combine the two tracts.

**SPECIFIC LAND USE CRITERIA**

The adopted Comprehensive Plan recognizes the need for industrial parks to contain a mixture of light and heavy industrial uses. Because the property is located within an Industrial Plan Area and is essentially a part of the East Industrial Park, the applicant's proposal could be considered in compliance with the adopted Comprehensive Plan. The proposed rezoning does not expand the existing industrial area, but merely increases the potential intensity of development on the subject property.

Due to the location of the property within the industrial area, it is not located on the fringe and is not adjacent to incompatible land uses. It is approximately 800 feet to the nearest non-industrial zoned property. The subject property is also within 500 feet of existing I-2 zoning within the industrial setting.

**Planning Staff Recommendations**

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

**Conditions:**

1. A consolidation plat shall be submitted to the OMPC to consolidate the subject property;
2. The existing access on the west side of the property should remain as is in order to provide sufficient room for truck maneuvering. The 120 foot plus opening on the east side of the property should be narrowed to a 50 foot maximum width as far east along the property frontage as possible. Curb and gutter along with a grass strip shall be restored along the remainder of the frontage;
3. The entire storage area around the wrecking yard must be screened with a 10 foot easement with an eight foot continuous wall or fence with one tree every 40 feet; and,
4. Vehicles stacked within the storage yard shall not exceed the height of the fence.
3. The subject property is an integral part of the industrial area including and surrounding the East Industrial Park;
4. The proposed rezoning does not expand the extent of the industrial area, but merely increases the potential intensity of uses of the subject property;
5. The subject property is located away from the fringes of the industrial area and does not adjoin any incompatible land uses; and,
6. Although not adjacent, the subject property is close to existing I-2 Heavy Industrial zoning to the north and east.

**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 Comprehensive Plan recognizes the need for both light and heavy industrial uses within industrial parks;