

MARCH 11, 2021

710 GRACIAN STREET

ZONE CHANGE

From: R-4DT Inner-City Residential	
To: I-2 Heavy Industrial	
Proposed Use: Solid Waste Hauler	
Acreage: 0.101	
Applicant: Local Property Holdings, LLC (2103.2155)	
Surrounding Zoning Classifications:	
North: R-4DT	South: I-2
East: I-2	West: I-2

Proposed Zone & Land Use Plan

The applicant is seeking an I-2 Heavy Industrial zoning classification. 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 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. Such an expansion should not significantly increase the extent of industrial use 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.

Planning Staff Review

GENERAL LAND USE CRITERIA

Environment

- It appears that the subject property is not located in a wetlands area per the US Department of Agriculture Soil Conservation Service dated March 6, 1990.

- The subject property is not located in a special flood hazard area per FIRM Map 21059C0119D.
- It appears that the subject property is not located within the Owensboro Wellhead Protection area per the OMU map dated 2015.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA, the EPA, the OMPC building/electrical/HVAC division or other state and federal agencies as may be applicable.

Urban Services

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

Development Patterns

The subject property is a 0.101 acre parcel of land that is zoned R-4DT Inner-City Residential and has, most recently, been utilized residentially until the house on the property was torn down. Historically, much of this block has been utilized residentially; however, the vast majority of such uses were legal non-conforming uses that were zoned I-2 Heavy Industrial. In fact, the only two residentially zoned properties in the vicinity are the subject property, and the neighboring property to the north (at the intersection of W. 7th Street and Gracian Street). All other properties in the immediate vicinity are zoned I-2 Heavy Industrial.

The applicant intends to utilize the subject property in conjunction with the majority of the adjoining properties within the immediate vicinity (all zoned I-2 Heavy Industrial) in order to operate a Solid Waste Hauling business. Per conversations with the applicant, this use consists of the temporary storage of recyclable materials at the subject property. The intent is for all recyclable materials to be stored indoors. The zoning ordinance allows for recycling collection centers to operate in the B-5 Business/Industrial, I-1 Light Industrial, and I-2 Heavy Industrial zones. Of which, the applicant has proposed to rezone the subject property to I-2 in order to maintain consistency with the other properties.

As an industrial use adjoining a residential use, the development shall be required to maintain a 10-foot wide landscape buffer with a 6-foot tall solid element and one tree per 40-linear-feet where the subject property adjoins the residentially zoned property to the north. Additionally, the site shall maintain a building setback of 20-feet from the adjoining residential property and all outdoor storage areas shall be fully enclosed by a 6-foot tall solid wall or fence.

Specific Land Use Criteria (a) calls for much more severe building setbacks than those described in the previous paragraph. However, the zoning ordinance only requires such increased setbacks for specific industrial uses; which does not include recycling collection centers. Nevertheless, should the use evolve to become a refuse yard, or any of the other more extreme heavy industrial uses, then the setbacks stated within the Specific Land Use Criteria should be re-evaluated throughout review of a Site Plan or Final Development Plan (and possibly through the review of a Conditional Use Permit).

Prior to any activity on the property the applicant must obtain approval of a site plan or a final development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage. The OMPC Building, Electrical & HVAC department shall be contacted before any construction activity takes place on the property.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the community's adopted Comprehensive Plan. The proposal is a logical expansion of the I-2 Heavy Industrial zone within the area; however, the limited expansion of the I-2 zone should not significantly increase the extent of industrial uses in the vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area. By consolidating the subject property with the other industrial zoned properties in the area, the proposal is large enough to conform to the criteria for "nonresidential development" and "buffers for outdoor storage yards."

Planning Staff Recommendations

The planning staff recommends approval subject to the conditions and findings of fact that follow:

Conditions:

1. Approval of a Minor Subdivision Plat consolidating the subject property and all adjoining properties that are associated with the proposed solid waste hauling operation;
2. Approval of a Site Plan or Final Development Plan;
3. The subject property shall maintain a 10-foot wide landscape buffer consisting of a 6-foot tall solid element and 1 tree per 40-linear-feet where the subject property adjoins the residential zone to the north; and,
4. All outdoor storage areas shall be fully enclosed by a 6-foot tall solid wall or fence.

Findings of Fact:

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located in an Industrial Plan Area, where Heavy Industrial uses are appropriate in limited locations;
3. The proposed use, a Solid Waste Hauler, is nonresidential in nature;
4. By consolidating the subject property with the adjoining properties in the immediate vicinity, the proposal is large enough to conform to the criteria for nonresidential development and buffers for outdoor storage yards;
5. The proposal is a logical expansion of existing I-2 Heavy Industrial zoning to the south, east and west; and,
6. At 0.101 acres, the limited expansion of the I-2 Heavy Industrial zone will not significantly increase the extent of industrial zoning in the immediate vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.