

MAY 11, 2023

3009 & 3027 E 8TH STREET

ZONE CHANGE

From: B-4 General Business	
To: I-1 Light Industrial	
Proposed Use: Industrial	
Acreage: 1.108	
Applicant: Auto Truck and Trailer Rentals, LLC; Pleasant Valley Community Church (2305.2262)	
Surrounding Zoning Classifications:	
North: B-4	South: B-4
East: B-4	West: R-1A

Proposed Zone & Land Use Plan

The applicant is seeking an I-1 Light Industrial zone. The subject properties are located in a Business Plan Area where light 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**” (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. Such an expansion should not significantly increase the extent of industrial use 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.
- (d) **New locations in Highway Business Centers** New locations of Light Industrial use should be established in Business plan areas only as integral components of planned “**Highway Business Centers**” (D7). Such a light industrial component should be “**arterial-street-oriented**” (D2) and provide for particular higher intensity uses that may be desirable in close proximity to highway business uses, such as wholesale-type businesses, self-storage mini-warehouses, etc. Such a light industrial component should be relatively small in size compared to the overall size of the business center and should be developed in keeping with the design theme of the larger center.
- (f) **Industrial Parks.** In Industrial, Future Urban, and Rural Preference plan areas, new and expanded locations of Light Industrial use should be developed as elements of planned “**Industrial Parks**” (D7). These provisions also apply where

existing Industrial Parks are expanded into adjoining nonindustrial 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. Light Industrial uses should be located near the fringes of a park that includes Heavy Industrial uses, to serve as “**buffer-uses**” (D1) adjoining incompatible plan areas or land uses.

Planning Staff Review

GENERAL LAND USE CRITERIA

Environment

- It appears that the subject properties are not located in a wetlands area per the US Department of Agriculture Soil Conservation Service map dated March 6, 1990.
- The subject properties are not located in a special flood hazard area per FIRM Map 21059CO139D.
- The subject properties are 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 or other state and federal agencies as may be applicable.

Urban Services

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

Development Patterns

As mentioned in a corresponding rezoning staff report for 3004 & 3108 E 8th Street, the subject properties combine to equal 1.108-acres in size and are currently zoned B-4 General Business. The current owner (Pleasant Valley Community Church) and the applicant (Auto Truck and Trailer Rentals, LLC) intend to trade properties in order to grow the church campus on the south side of E 8th Street, and to relocate the auto repair business to the subject properties. Doing so will increase the industrial zoning in the vicinity from 0.546-acres to 1.108-acres.

Although the proposed use, truck/trailer repair, is non-residential in nature and the site will be large enough to ensure compliance with the criteria associated with buffers for outdoor storage yards, the proposal is not a logical expansion of existing industrial zoning, because the corresponding rezoning is to eliminate the only existing industrial zoning in the immediate vicinity. At the same time, the subject properties are not located in a Highway Business Center, nor is this an industrial park. As such, the proposal is not in compliance with the community's adopted Comprehensive Plan.

Nevertheless, as previously stated, the goal of this proposal and the corresponding rezoning is to swap lands to enable the church campus to encompass the entirety of the south side of E 8th Street. As such, the I-1 Light Industrial zoning is more appropriate at the proposed location than it is at the existing location because relocating to the north side of E 8th Street allows for the intended continuity of the church use along the south side of E 8th Street.

As was the case in the corresponding rezoning, the adjoining properties to the west are residential lots along E Glenn Court. As the subject properties develop, the zoning ordinance requires that the sites maintain a 10-foot wide landscaping easement consisting of a 6-foot tall continuous element and 1-tree per 40-linear-feet where adjoining residential zoning. A site visit noted a main gas line running along this property line. As such, the developer shall obtain input from Atmos throughout review of a Final Development Plan to ensure that the required screening elements will not adversely affect the buried lines. The easement width may exceed 10-feet if necessary to accommodate the existing gas line and required screening elements. In addition to the 10-foot wide landscape easement, development of the site shall maintain a 20-foot building setback from the property line where adjoining residential zoning.

No such screening element is required to the north or east where the development will adjoin B-4 General Business zoning. However, this proposal is to allow an industrial zone for truck/trailer repair, so the applicant should be aware that all outdoor storage areas shall be fully enclosed by a 6-foot tall solid wall or fence.

Prior to any construction activity on the properties the applicant shall obtain approval of 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 properties.

Lastly, because the subject properties are located within the Owensboro Wellhead Protection area, according to OMU, if the properties will have or produce anything that can contaminate the soil then they must have a wellhead protection plan. OMU should be contacted regarding such a plan.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is not in compliance with the community's adopted Comprehensive Plan. Although the proposed use is non-residential in nature and shall comply with the criteria for buffers for outdoor storage yards, the proposal is not a logical expansion of industrial zoning, nor is the site located in a highway business center or an industrial park. However, the proposed location for industrial zoning is more

appropriate than the existing location, as moving the industrial zoning to the north side of E 8th Street allows for the intended continuity of the church use along the south side of E 8th Street. The proposal shall not be a significant increase in industrial zoning in the vicinity, nor will the proposal overburden the capacity of roadways and other necessary urban services that are available in the affected area.

Planning Staff Recommendations

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

Conditions:

1. Obtain approval of a Final Development Plan; and,
2. Development of the subject properties shall require a 10-foot wide landscaping easement consisting of a 6-foot tall continuous element and 1-tree per 40-linear-feet where the I-1 Light Industrial zoning adjoins residential zoning to the west.

Findings of Fact:

1. Staff recommends approval because, although the proposal does not comply with the community's adopted Comprehensive Plan, the proposed location is more appropriate for industrial zoning than the existing location;
2. The subject properties are located in a Business Area where light industrial uses are appropriate in limited locations;
3. The proposed use, truck and trailer repair, conforms to the criteria for nonresidential development and, at 1.108-acres in size, the site is large enough to ensure compliance with the criteria associated with buffers for outdoor storage yards;
4. The I-1 Light Industrial zoning is more appropriate at the proposed location than it is at the current location because relocating to the north side of E 8th Street allows for the intended continuity of the church use along the south side of E 8th Street; and,
5. The proposal is not a significant increase of the industrial zoning within the vicinity, nor should the proposal overburden the capacity of roadways and other necessary urban services that are available in the affected area.