

SEPTEMBER 14, 2023

1708 WEST 7TH STREET

ZONE CHANGE

From: R-4DT Inner-City Residential	
To: I-2 Heavy Industrial	
Proposed Use: Heavy Industrial Uses	
Acreage: 0.201	
Applicant: Local Property Holdings, LLC (2309.2269)	
Surrounding Zoning Classifications:	
North: P-1	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 map 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 0.201-acre parcel of land that is located at the intersection of Gracian Street and W 7th Street, is zoned R-4DT Inner-City Residential, and has historically been utilized residentially until the house was recently torn down.

According to the application, the applicant, whom also owns the adjoining recycling collection center to the south and the vacant tract to the west (both zoned I-2 Heavy Industrial), intends to rezone the subject property to I-2 in order to consolidate this property with the existing recycling operation. Doing so will require an amended Site Plan or Final Development Plan which will ensure that the proposal conforms the criteria associated with Buffers for Outdoor Storage Yards as described within the Comprehensive Plan.

Other adjoining properties include additional I-2 Heavy Industrial zoning to the east and Foust Elementary School which is zoned P-1 Professional/Service and located to the north, across W 7th Street.

Both, W 7th Street and Gracian Street are classified as local roadways with 25-foot building setbacks measured from the property lines. Specific Land Use Criteria (a) calls for increased separation from the adjoining P-1 zoning located across W 7th Street. However, the zoning ordinance only requires such increased setbacks for specific industrial uses; which does not include recycling collection centers. Should the use evolve to become a refuse yard, or any of the other more intense heavy industrial uses, the setbacks stated within the Specific Land Use Criteria shall maintained and will be reviewed with an amended site plan or final development plan and, if applicable, a Conditional Use Permit. As such, the OMPC Planning Staff should be consulted prior to any changes of use at the subject property.

Prior to any activity on the property the applicant must obtain approval of an amended 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 zoning within the area. 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 existing industrial zoned operation to the south, 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 condition and findings of fact that follow:

Condition:

Approval of an amended Site Plan or Final Development Plan, incorporating the subject property to the existing recycling operation to the south.

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 Recycling Collection Center, is nonresidential in nature;
4. By incorporating the subject property into the existing operation to the south, the proposal is large enough to conform to the criteria associated with 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 0.201 acres, the 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.