

APRIL 14, 2005

821, 825 W 11TH ST

ZONE CHANGE

From: I-1 Light Industrial

To: I-2 Heavy Industrial

Acreage: 0.22 acres

Applicant: Dahl & Groezinger, Inc. (0504.1588)

Property Zone Existing Use	to North I-1 Residential	
to West I-2 Scrap Metal Business	Subject I-1 ➔ I-2 Vacant	to East I-1 Residential
	to South B-4 & R-4DT Screened parking lot	

**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 a Central Residential Plan Area, where heavy industrial uses are not generally recommended.

Applicant's Findings

The existing lots are vacant and across an alley from the existing Dahl & Groezinger scrap metal business. A proposed alley closing will allow the lots to be consolidated with the recently rezoned Dahl & Groezinger 3.4 acre tract (rezoning recommendation of October 2000 by the OMPC).

The character of the neighborhood area located between the CSX mainline to near Hickman Avenue to near W 9th Street to W 11th Street is a mixed use area; primarily business/industrial in nature; with heavy industrial uses existing along this section of W 9th Street. Other heavy industrial uses in the area include but are not limited to a building supply and salvage warehouse, a commercial (industrial/distilling) salvage business, and gasoline/oil distribution.

The rezoning will be a logical expansion of the applicant's current I-2 zone. Applicant owns both lots and has an alley closing request filed and in process with the City of Owensboro.

Changes within the neighborhood including the removal of existing houses are contributing to a change in the neighborhood not anticipated at the time of the Comprehensive Plan adoption.

Planning Staff Review

The subject property is located in the 800 block of W 11th Street. 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 does not appear to be in a special flood hazard area per FIRM Map 21059CO140 C. It appears that the subject property is not designated as prime agricultural land according to the "Important

Farmlands” map created by the US Department of Agriculture Soil Conservation Service dated March 1980. 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 sewer.

Development Patterns

The subject property is currently zoned I-1 Light Industrial but an I-2 zone is required to consolidate the subject property with the existing business located at 940 W 9th Street which is the intent of the applicant. An alley vacation has been submitted to the City Engineers office for review and must also be approved before the lots can be consolidated. The alley closing must go before the Planning Commission in the form of a Public Facility Review and approved by the Owensboro City Commission.

Although the subject property is located within a Central Residential Plan Area, the only area zoned residential is across W 11th Street to the southwest of the subject property. The remainder of the adjacent zoning includes industrial zonings to the north, east and west with commercial zoning to the south. With the significant amount of industrial zoning within the vicinity, the potential exists for more industrial uses.

However, much of the adjacent industrial zoning is occupied by primarily single-family residential uses on lots zoned I-1 Light Industrial. Screening along shared property lines with the residential uses should be installed. It also appears that some of the screening along the east side of the existing site adjoining residential property is damaged and should be repaired. The light industrial zoning prevents new residential development on existing parcels without a zoning change and discourages improvement of those residential non-conforming uses and accessory uses would not be permitted in the existing zone.

SPECIFIC LAND USE CRITERIA

No specific criteria are applicable to this zoning request since heavy industrial uses are not recommended in Central Residential Plan areas.

However, with the extent of industrial zoning existing in the vicinity of the subject property, it is clear that the development of the neighborhood has not been in line with the concept established in the Comprehensive Plan for this area as central residential uses. The proposed rezoning expands an existing I-2 Heavy Industrial zone and the applicant’s proposed consolidation of two small lots with an existing industrial operation once the alley is vacated. The existing heavy industrial use has existed in the neighborhood for many years and was zoned to I-2 in 2000 to bring a non-conforming use into conformity with the zoning ordinance.

Planning Staff Recommendations

Staff recommends approval because there have been major changes of a physical, social or economic nature that were not anticipated in the adopted Comprehensive Plan and those changes have substantially altered the basic character of the general vicinity. The conditions and findings of fact that support this recommendation include the following:

Conditions:

1. Alley closing submitted and reviewed for compliance with the Comprehensive Plan under a Public Facility Review.
2. Submission of a consolidation plat to consolidate the tracts to adjoining property upon alley closure.
3. Install a continuous 8’ high solid wall or fence with one tree ever 40 linear feet on the subject property for screening the adjoining residential property to the north and east.
4. Repair damaged screening on the existing site along the east side of the property.

Findings of Fact:

1. The subject property is located in a Central Residential Plan area where heavy industrial uses are not recommended;
2. The extent of industrial uses and zonings was not anticipated in Comprehensive Plan;
3. Existing light industrial zoning for many properties in this area preclude central residential uses from developing as anticipated in the Comprehensive Plan and discourage maintenance of existing residential uses on I-1 lots; and,
4. The applicant’s proposal expands an existing I-2 Heavy Industrial zone immediately adjacent to the site and proposed to be consolidated with an existing heavy industrial use.