

JUNE 8, 2006

713, 817 J.R. MILLER BLVD, 824, 826, 828 CRITTENDEN ST

ZONE CHANGE

From:	I-1 Light Industrial R-4DT Inner-City Residential B-4 General Business	
To:	R-4DT Inner-City Residential	
Proposed Use:	City Park, Residential	
Acreage:	2.574	
Applicant:	Community Development Department, City of Owensboro (0606.1645)	
Property Zone Existing Use	to North R-4DT Apartment, Vacant Lots	
to West I-1, P-1 Church, Janitorial Supply Business	Subject I-1, R-4DT, B-4 ↻ R-4DT Vacant	to East B-4, R-4DT Residential, Bar, Vacant Lots
	to South B-4, I-1 Sandwich Shop, MPD, Inc.	

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 R-4DT Inner-City Residential zone. The subject property is partially located in an Industrial Plan Area where urban low density residential uses are not recommended and partially located in a Central Residential Plan Area where urban low density residential uses are appropriate in general locations.

SPECIFIC LAND USE CRITERIA

Industrial Plan Area:

No criteria exist, not generally recommended

Central Residential Plan Area:

(a) Building and lot patterns should conform to the criteria for "Urban Residential Development."

Applicant's Findings

The majority of the subject property is located in an Industrial Plan Area where residential land uses are not appropriate. However, a small portion of the subject property is located in a Central Residential Plan Area where residential land uses are appropriate in general locations.

The applicant, Owensboro Community Development, an agency of the City of Owensboro, proposes to consolidate and redivide their existing mixed zone properties into a four (4) lot single-family residential subdivision and a neighborhood park. The subject property was formerly the location of Smith Machine Shop and approximately 10 homes. Today the property exists as a vacant lot and has been slated for redevelopment by the City of Owensboro. The subject property consists of four individual tracts and the existing zoning classifications include I-1 Light Industrial, B-4 General Business and R-4DT Inner-City Residential. In order to consolidate and redivide the individual tracts, the subject property must be rezoned to a single zoning classification. The applicant is seeking an R-4DT Inner-City Residential zoning classification which will be appropriate for the proposed use. The applicant has submittal of a combination final development plan and preliminary subdivision plat to the OMPC and anticipates submitting a final plat to the OMPC following the obtainment of the property zoning classification. In addition, the applicant has submitted a public facility plan review request for the consideration of the OMPC to address the development of city owned property.

Specific Land Use Criteria:

As previously stated, the portion of the subject property located in the Central Residential Plan area is appropriate in general locations with the only requirement that the development conform to the criteria for "Urban Residential Development." However, there are no applicable criteria within an Industrial Plan Area.

Based on the surrounding land uses and the proposed use of the property, the existing zoning classification is inappropriate and the proposed zoning classification is more appropriate. Although the majority of the subject property is located in an Industrial Plan Area, it adjoins Central Residential Plan Areas to the north and east, where residential uses and land uses are appropriate in general locations. The limits of the Central Residential Plan Area could have easily been extended to incorporate the subject property during the original drafting of the Comprehensive Plan. In fact, the subject property was originally subdivided into 21 residential lots with a city alley dividing the J.R. Miller Boulevard frontage lots and the Crittenden Street frontage lots. The industrial project on the subject property was constructed on the unconsolidated lots and was never completed.

There have also been changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan. The Comprehensive Plan could not have anticipated the acquisition of the subject property by the City of Owensboro and the obtaining of grant monies to redevelop the property and provide housing for low to moderate income level families. In addition, the Comprehensive Plan could not have anticipated the adoption of the proposed plan known as Germantown by the Owensboro Community Development department and the City of Owensboro. The project will be an asset to the general public by providing a community park which will provide recreational opportunities and serve as a buffer between general business and industrial uses located to the south and west of the subject property and existing residential uses to the north and east.

Planning Staff Review

The subject property is located in the 701-801 blocks of J.R. Miller Boulevard and the 800 block of Crittenden 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 is not located in a

special flood hazard area per FIRM Map 21059CO140C. 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 in the vicinity of 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 area of mixed commercial, industrial, professional/service and residential uses. The property to the north is zoned R-4DT and is currently occupied by apartments. The property to the east is zoned B-4 and R-4DT with residences, a bar and undeveloped lots. The property to the south is zoned B-4 and I-1 with a sandwich shop and MPD, Inc. The property to the west is zoned I-1 and P-1 with a church and a janitorial supply business.

Since the subject property will abut property to the south that is zoned B-4 and I-1, appropriate landscape buffers and screening should be installed. The screening should include a ten foot landscape easement with a six foot high element with a tree every 40 linear feet.

The proposed use for the subject property is four single-family residences and a park to be owned and maintained by the city. The applicant has submitted a preliminary plat/final development plan in conjunction with the rezoning. The four residences will not have frontage on a public street but will have access to an existing alley. As part of the development, the alley will need to be widened to 18 feet to meet current zoning regulations. A small parking lot will be constructed for the park with access to Crittenden Street. No other access is proposed to either Crittenden Street or J.R. Miller Boulevard. In the vicinity of the subject property, J.R. Miller Boulevard is classified as a minor arterial roadway with a 500 foot driveway spacing and a 50 foot roadway buffer. Since that spacing requirement cannot be met along J.R. Miller Boulevard, access shall be limited to Crittenden Street and the alley only. Any existing curb cuts along J.R. Miller Boulevard should be closed as part of this development.

SPECIFIC LAND USE CRITERIA

The majority of the subject property is in an Industrial Plan Area, where urban low-density residential uses are not generally recommended. However, as the applicant stated, there have been changes of a physical and economic nature to the area which were not anticipated in the Comprehensive Plan. The Community Development

Department, in conjunction with the City of Owensboro, adopted the Germantown Redevelopment Plan in October, 2002, that outlined the goal of the city to redevelop this inner-city area. The development of this property as a city park with four new residential uses is in compliance with that adopted plan. Based on the Germantown plan for redevelopment, the proposed R-4DT Inner-City Residential zone is more appropriate for the subject property than the current B-4 and I-1 zoning classifications. The proposal also conforms to the goals of the Comprehensive Plan to provide a wide variety of types of housing suitable to a wide range of people and to concentrate urban development inside the Urban Service Area to help reduce urban sprawl.

The portion of the property that is in a Central Residential Plan Area is appropriate in general locations and meets the recommended criteria for that plan area.

Planning Staff Recommendations

Staff recommends approval because although a portion of the property is in compliance with the adopted Comprehensive Plan, the majority of the property is in an Industrial Plan Area where urban low-density residential uses are generally not appropriate. However, there have been changes of an economic and physical nature to the subject property that were not anticipated in the Comprehensive Plan that supports an R-4DT zoning as more appropriate than the current mixed zoning of the subject property. The conditions and findings of fact that support this recommendation include the following:

Conditions:

1. No access shall be permitted to J.R. Miller Boulevard. Access shall be limited to Crittenden Street and the east/west alley on the north side of the four residential lots only; and,
2. Install required screening along the south side of the property to include a ten foot landscape buffer with a six foot high element and one tree every 40 linear feet.

Findings of Fact:

1. The subject property is partially located in an Industrial Plan Area where urban low density residential uses are not recommended and partially located in a Central Residential Plan Area where urban low density residential uses are appropriate in general locations;
2. The portion in a Central Residential Plan Area is in compliance with the requirements of the Comprehensive Plan;
3. The Germantown Redevelopment Plan promoted changes of a social, physical and economic nature to the area that were not anticipated by the Comprehensive Plan;

4. The Germantown Redevelopment Plan encouraged the redevelopment of the subject property; and,
5. The proposal promotes goals of the Comprehensive Plan to provide a wide variety of housing types to a wide range of people and to concentrate urban development in the Urban Service Area to help reduce urban sprawl.