



**DECEMBER 13, 2007**

**1117 ALLEN ST**

**ZONE CHANGE**

**From:** R-4DT Inner-City Residential

**To:** I-1 Light Industrial

**Proposed Use:** Auto Restoration

**Acreage:** 0.160

**Applicant:** Steven Mayton (0712.1700)

<b>Property Zone</b> <i>Existing Use</i>	<b>to North</b> I-1 Vacant, Railroad	
<b>to West</b> I-1, P-1 Storage, Commercial	<b>Subject</b> B-4, P-1, R-4DT ↻ P-1 Wendell Foster Campus	<b>to East</b> I-1 Auto Restoration
	<b>to South</b> R-4DT Residential	

## 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-1 Light Industrial zone. The subject property is located in a Central Residential Plan Area, where light industrial uses are appropriate in very-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).
- (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 continuous land that generally abuts the same street(s). Such an expansion should not significantly increase the extent of the industrial uses that are located 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.
- (c) **Expansions across streets in residential areas -** In Central Residential plan areas, the expansion of Light Industrial uses that are located outside of Industrial Parks and across an intervening street should be at least **one-and-one-half (1.5) acres** in size, but should not occur if this would significantly increase the extent of industrial uses that are located in the vicinity and outside of Industrial Parks.

## Applicant's Findings

The proposed zoning amendment is in compliance with the Comprehensive Plan. The Plan allows the expansion of an existing Light Industrial Zone. This proposed zoning amendment will serve as a buffer between the L&N Railroad to the north and the residential property to the south.

## Planning Staff Review

The subject property is located in the 1101 block of Allen 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 21059CO140 C. Based on the preliminary FIRM maps dated July 7, 2007, the subject property is not located in a special flood hazard area per map 21059CO138 D. 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, including sanitary sewers, are available to the site.

### Development Patterns

The subject property is located in an area of combined industrial and residential use. The property to the north, east and west is zoned I-1 Light Industrial and the property to the south is zoned R-4DT Inner-City Residential. Land uses in the vicinity include residential, warehouse, auto restoration and other industrial related uses.

The first rezoning activity on the subject property was in February 2000, when it was rezoned from I-1 Light Industrial to R-4DT Inner-City Residential. At that time the subject property and the adjoining property to the west were consolidated into a single tract. In March of the following year, the portion of property that fronts on Daviess Street was rezoned from R-4DT Inner-City Residential to I-1 Light Industrial. In June of the same year, a minor subdivision plat was approved that divided the larger tract along the approved zoning boundary.

When the property fronting on Daviess Street was rezoned, Planning Commission staff prepared a staff report recommending approval of the rezoning since it abutted existing I-1 Light Industrial zoning along Daviess Street. The applicant initially included the entire tract, which includes the subject property of this rezoning; however, Planning Commission staff recommended denial of the proposal since the portion of property along Allen Street was not a logical expansion of existing industrial zoning, a fact that has not changed since the property at 1116 Daviess Street was rezoned in 2001. The OMPC determined it is not a logical expansion because within the Allen Street blockfront between E 11<sup>th</sup> Street and E 12<sup>th</sup> Street, all property is zoned R-4DT Inner-City Residential. Additionally, the property does not meet the criteria for expansion across an intervening street. The property across Allen Street and E 11<sup>th</sup> Street is zoned I-1 Light Industrial but the Comprehensive Plan dictates that in order to qualify as a logical expansion of light industrial zoning across an intervening street, the subject property

should be at least 1.5 acres in size. At 0.169 acres, it is well short of minimum. With the entire blockfront along Allen Street zoned residential, the current zoning of R-4DT for the subject property is appropriate.

### Planning Staff Recommendations

Staff recommends denial because the proposal is not in compliance with the community's adopted Comprehensive Plan. This recommendation is made subject to the following findings of fact:

#### Findings of Fact:

1. The subject property is located in a Central Residential Plan Area, where light industrial uses are appropriate in very-limited locations;
2. The current zoning classification of R-4DT Inner-City Residential is appropriate for the subject property;
3. The expansion of I-1 Light Industrial zoning is not a logical expansion into the Allen Street blockfront because it would create the only industrial zoning within the 1101 block of Allen Street;
4. The criteria for expansion into a residential area across an intervening street have not been met; and,
5. The subject property adjoins R-4DT Inner-City Residential zoning to the south which is consistent within the entire blockfront.