

FEBRUARY 14, 2008

**800, 812, 816 E 2ND ST; 805, 809, 815, 823,
829 E 3RD ST; 225 PEARL ST**

ZONE CHANGE

From:	B-4 General Business I-1 Light Industrial R-4DT Inner-City Residential P-1 Professional/Service	
To:	B-4 General Business	
Proposed Use:	Business Offices	
Acreage:	1.883	
Applicant:	Owensboro Grain Co., LLC (0802.1706)	
Property Zone Existing Use	to North I-2 Soybean Crushing Facility	
to West I-1 Mirror & Plate Glass, Vacant	Subject B-4, I-1, R-4DT, P-1 → B-4 Office, Fitness Center, Vacant	to East B-4, R-4DT Industrial Hardware Sales, Residential, Vacant
	to South R-4DT Vacant, 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 a B-4 General Business zone. The subject property is partially located in a Business/Industrial Plan Area, where general business uses are appropriate in general locations and partially located in a Central Residential Plan Area, where general business 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)**.

(b) Logical zoning expansion of proportional scope - Existing General Business zones may be expanded onto contiguous land that generally abuts the same street(s). The expansion of a General Business zone should not significantly increase the extent of the zone in the vicinity of the expansion and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

Applicant's Findings

The site consists of mixed zoning. The site is used for office space and a fitness center for the applicant’s business. There are no residential structures on the site and no active residences within this city block. The single remaining house structure is vacant. Residential use has been declining in this neighborhood in recent years. Several neighborhood house structures have been demolished/razed due to the tornado of 2007. Dramatic changes have occurred in this section of the city due to the tornadic impact.

The Generalized Land Use Plan recommends in either appropriate or appropriate in limited locations. The Generalized Land Use Plan also shows a mixed use area on the plan for this block.

The site meets all criteria for rezoning to a General Business (B-4) land use.

The 1.883-acre lot pattern (subject to final consolidation) is non-residential in size, shape and use. Residential land use has not occurred on this site for several years.

The rezoning is a logical expansion of the current B-4 use and will exceed the 1.5-acre minimum lot size for logical expansion across intervening streets.

Although a substantial portion of the 1.883-acre site is located within a business/industrial area where B-5 zone is

allowed, an OMPC staff review reported that the entire site is not eligible for the dual-zone designation. Under such circumstances and in light of the recent (storm related) neighborhood changes not anticipated by the Comprehensive Plan, the General Business zone is appropriate.

All urban services are available to the site. The two one-way couplets (i.e. E 2nd Street/E 4th Street and Triplett Street/Breckenridge Street) will provide more than ample transportation routes.

Rezoning to the B-4 land use will implement urban revitalization and will convert an otherwise marginal or unproductive urban site to a productive use. This is a continuing development effort by a good corporate citizen/business in this area of the city. Tax revenues for this site will increase substantially if the rezoning is approved.

Planning Staff Review

The subject property is located in the 800 block of E 2nd Street, 801 block of E 3rd Street, and 201 block of Pearl 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 areas of mixed industrial and residential zoning and land uses. The

current uses on the subject property are parking, offices and a fitness center for Owensboro Grain Co., LLC. The property to the north and east is zoned industrial including Owensboro Grain and Kentucky Mirror and Plate Glass uses. The property to the east is partially zoned B-4 General Business and R-4DT Inner-City Residential and all the property to the south is zoned R-4DT.

Approximately half of the subject property is currently zoned B-4 General Business. The remainder of the property is split zoned and much of it is currently vacant. There are only two lots within the entire city block that are not included in the rezoning and they are both currently zoned R-4DT Inner-City Residential.

In the vicinity of the subject property, E 2nd Street is classified as a principal arterial roadway with an access spacing standard of 500 feet. The building setback along E 2nd Street is 60' from the street centerline or 25' from the property line whichever is greater and the roadway buffer is 40' from the street centerline. There is an existing parking lot along the E 2nd Street road frontage but there is currently no access to E 2nd Street. A minor subdivision plat has been submitted to the OMPC office and one of the required notes on the plat stipulates that no access shall be permitted to E 2nd Street.

All vehicular use areas shall be paved and appropriate vehicular use area screening shall be installed where adjacent to road right-of-way and shall be located outside of the required 40' roadway buffer. Since there are two lots within the block that are not part of the rezoning that are zoned residential, a ten foot landscape easement with a six foot element and one tree every 40 feet shall be installed where the subject property adjoins residential property.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. Approximately half of the subject property is currently zoned B-4 General Business with existing B-4 uses on the subject property. The expansion of the B-4 zoning should not significantly increase the extent of the zone in the vicinity of the expansion and, with no access to E 2nd Street, should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The conditions and findings of fact that support this recommendation include the following:

Conditions:

1. No access shall be permitted to E 2nd Street;
2. All vehicular use areas shall be paved and appropriate vehicular use area screening shall be installed where adjacent to road right-of-way; and,
3. A 10' landscape easement with a six foot element and one tree every 40 linear feet shall be installed where adjoining residentially zoned property.

Findings of Fact:

1. The subject property is partially located in a Business/Industrial Plan Area, where general business uses are appropriate in general locations and partially located in a Central Residential Plan Area, where general business uses are appropriate in limited locations;
2. Approximately one-half of the subject property is currently zoned B-4 General Business;
3. The proposal is a logical expansion of B-4 zoning onto land that generally abuts the same streets; and,
4. With no access to E 2nd Street, the expansion of the B-4 zoning should not significantly increase the extent of the zone in the vicinity of the expansion and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.