

DECEMBER 9, 2021

1301 & 1323 DAVIESS STREET

ZONE CHANGE

From:	P-1 Professional/Service, I-1 Light Industrial, I-2 Heavy Industrial, and R-4DT Inner-City Residential
To:	B-5 Business/Industrial
Proposed Use:	Training Facility
Acres:	2.197
Applicant:	City of Owensboro (2112.2192)
Surrounding Zoning Classifications:	
North: R-4DT & B-4	South: B-4 & I-2
East: I-2 & B-5	West: R-4DT

Proposed Zone & Land Use Plan

The applicant is seeking a B-5 Business/Industrial zone. The subject properties are located in a Business/Industrial Plan Area, where business/industrial uses are appropriate in general 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).

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 21059C0138D.
- 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 subject properties.

Development Patterns

The subject properties are two existing lots that encompass the entire 1300 Block of Daviess Street, between E. Parrish Avenue and E. 14th Street, with road frontage along JR Miller Blvd.

The first of which, 1301 Daviess Street, located at the corner of Daviess Street and E. Parrish Avenue, is a 0.729 acre lot that is zoned I-1 Light Industrial and has historically been utilized as an equipment rental facility. Ingress/Egress to this site has been limited to a single access point along Daviess Street, approximately 100-feet from the right-of-way line along E. Parrish Avenue.

The second subject property, 1323 Daviess Street, is a 1.468 acre parcel of land that is utilized by the City of Owensboro as a fire fighting training facility. This property has two existing access points; one along Daviess Street and another near the intersection of E. 14th Street and JR Miller Blvd. This lot is split-zoned P-1 Professional/Service, I-2 Heavy Industrial, and R-4DT Inner-City Residential.

The adjoining properties are very mixed-zoned with a variety of uses, which include: Residential homes zoned R-4DT Inner City Residential, a Commercial Strip Center zoned B-4 General Business, an additional Commercial Strip Center and an Office Complex that are both zoned B-5 Business/Industrial, a Convenient Store/Gas Station also zoned B-5, and a construction materials yard zoned I-2 Heavy Industrial.

The applicant, who has long-owned 1323 Daviess Street, has recently purchased 1301 Daviess Street and plans to expand the existing training facility. In doing so, the applicant has requested a B-5 Business/Industrial zoning which allows for flexible utilization of the site and will clean up the existing split-zoning.

In this vicinity, E. Parrish Avenue is classified as a principal arterial roadway with a 500-foot spacing standard, as well as a 75-foot building setback and a 60-foot roadway buffer; each measured from the centerline of E. Parrish Avenue. Due to the lot's lack of road frontage along E. Parrish Avenue, no direct access to the principal arterial roadway shall be permitted.

JR Miller Blvd, at this location, is classified as a minor arterial roadway with a 75-foot building setback line and 50-foot roadway buffer; each measured from the centerline of JR Miller Blvd. In regards to access, the subject properties shall comply with the special access control policy for JR Miller Blvd adopted by the Green River Area Development District (GRADD) Transportation Advisory Committee (TAC) on October 24, 1985, which includes the provision that no lot of record will be permitted direct access to the boulevard where marginal access may be provided by a frontage street along the boulevard. As such, no direct access to JR Miller Blvd shall be permitted.

Meanwhile, E. 14th Street and Daviess Street are both local roadways without access spacing standards and with 25-foot building setbacks, measured from the front property lines. While local roads do not have spacing standards, access points shall be at least 50-feet from the right-of-way line at a road intersection when adjoining major roadways such as E. Parrish Avenue and JR Miller Blvd. The existing access points along Daviess Street appear to be in compliance with such regulations. However, the existing access point along E. 14th Street appears to be within 50-feet of the right-of-way line where 1323 Daviess Street adjoins JR Miller Blvd. As a result, significant redevelopment of the site (including a significant change of use) shall require this access point to be in compliance with current regulations, which may require the closure or relocation of this access point.

Both properties currently have existing structures and materials which do not appear to comply with the aforementioned building setbacks and roadway buffers. Such properties appear to pre-date the current zoning regulations and so they are considered to be legal non-conforming structures and uses. Nevertheless, any future structures or additions to the existing structures should be encouraged to comply

with current regulations, and any redevelopment of the sites shall be encouraged to comply with the required roadway buffers.

Prior to any changes to the subject properties, the applicant must obtain approval of a public facility review, a site plan, or a final development plan to demonstrate the site's proposed layout including, but not limited to, parking, landscaping, building setbacks, access management and signage. The OMPC Building, Electrical and HVAC Department shall be contacted before any construction activity takes place on the properties.

SPECIFIC LAND USE CRITERIA

The subject properties are appropriate for the B-5 Business/Industrial zoning because they are located within an area identified as appropriate for mixed general business and light industrial uses and lies within the Business/Industrial Plan Area as identified by the Land Use element of the Comprehensive Plan.

Planning Staff Recommendations

The planning staff recommends approval subject to the condition and findings of fact that follow:

Condition:

1. Access to the subject properties shall be in compliance with the Access Management Manual and shall be limited to Daviess Street and E. 14th Street. No direct access to E. Parrish Avenue or JR Miller Blvd shall be permitted.

Findings of Fact:

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject properties are located in a Business/Industrial Plan Area where Business/Industrial uses are appropriate in general locations;
3. The subject properties lie within an area that has been identified as appropriate for mixed general business and light industrial uses;
4. The Comprehensive Plan provides for the continuance of mixed use areas; and,
5. The proposed use, Training Facility, conforms to the criteria for non-residential development.