

MAY 9, 2024

**1913, 1915, 1919, 1921 MCFARLAND AVE &
1209, 1210, 1221, 1222 GIRVIN CT**

ZONE CHANGE

From:	I-2 Heavy Industrial & R-4DT Inner-City Residential
To:	I-1 Light Industrial
Proposed Use:	Light Industrial Uses
Acreage:	2.009
Applicant:	Raange Investments, LLC c/o Doug McFadden (2405.2291)
Surrounding Zoning Classifications:	
North: I-1	South: R-4DT
East: I-1	West: R-4DT

Proposed Zone & Land Use Plan

The applicant is seeking an I-1 Light Industrial zone. The subject properties are 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 yards** – 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 contiguous land that generally abuts the same street. Such an expansion should not significantly increase the extent of industrial use 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.

Planning Staff Review

GENERAL LAND USE CRITERIA

Environment

- It appears that the subject properties are not located in a wetlands area per the US Department of Agriculture Soil Conservation Service map dated March 6, 1990.
- The subject properties are not located in a special flood hazard area per FIRM Map 21059CO119 D.
- The subject properties are 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 or other state and federal agencies as may be applicable.

Urban Services

All urban services, including sanitary sewers, are available to the subject properties.

Development Patterns

In November 2023, the applicant rezoned 4.518-acres of land to I-1 Light Industrial. This primarily rezoned the rear of several residential lots along McFarland Avenue and included 100-feet of road frontage providing access to the I-1 zoned property behind the residential homes.

At this time, the applicant has submitted two additional zoning change requests to expand the I-1 Light Industrial zoning onto adjoining properties. These proposals include:

1. This proposal consists of residential lots located along or near Girvin Court (2.009-acres) and located immediately east of the aforementioned and existing I-1 zoning.
2. The second proposal, described in a separate application, consists of six residential lots (0.821-acres) located along McFarland Avenue that are located immediately south of the aforementioned and existing I-1 zoning.

In total, the applicant intends to close Girvin Court and rezone all 15 lots (2.83 total acres) to I-1 Light Industrial in order to be consolidated with the adjoining property. If all approved, the existing I-1 zoned property will increase from 4.518-acres in size to 7.348-acres.

Referencing only this application, the subject properties consist of a residential cul-de-sac (Girvin Court), and four adjoining residential lots along McFarland Avenue. All eight of these lots are zoned R-4DT Inner-City Residential. The ninth subject property is a 275 x 25 strip of land that is addressed as a portion of 1210 Girvin Court and is zoned I-2 Heavy Industrial.

The subject properties are sandwiched between I-1 Light Industrial zoning to the west, I-2 Heavy Industrial zoning to the north and east, and additional I-2 zoning and B-4 General Business zoning to the south (across McFarland Avenue).

As the subject properties redevelop, they shall comply with current regulations including access management. McFarland Avenue is classified as a Major Collector Roadway with a 250-foot access spacing standard, as well as a 60-foot building setback and a 30-foot roadway buffer; each measured from the centerline of McFarland Avenue. Because of the spacing standard, direct access to McFarland Avenue shall be limited to what-is-currently the Girvin Court intersection. If the subsequent rezoning is approved, the overall development may have additional access to McFarland Avenue if in compliance with the Access Management Manual.

Prior to any construction activity on the properties the applicant shall obtain approval of a final development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage. The OMPC Building, Electrical & HVAC department shall be contacted before any construction activity takes place on the properties.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the community's adopted Comprehensive Plan. The proposed use is non-residential in nature and shall comply with the criteria for buffers for outdoor storage yards. Additionally, the proposal is a logical expansion of existing industrial zoning to the north, south, east and west and, as such, will not significantly increase the extent of industrial uses in the vicinity. Compliance with the access management manual ensures that the proposal should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

Planning Staff Recommendations

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

Conditions:

1. Obtain approval of Final Development Plan(s);
2. Direct access to McFarland Avenue shall be in compliance with the Access Management Manual; and,
3. If Girvin Court is closed, the owner shall obtain approval of a Minor Subdivision Plat illustrating the change and ensuring compliance with the requirements of the subdivision regulations and zoning ordinance requirements.

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 Central Residential Plan Area where light industrial uses are appropriate in very-limited locations;
3. The proposed Light Industrial uses comply with the criteria associated with nonresidential development;
4. At 2.009-acres, the subject properties are large enough to ensure compliance with the criteria associated with buffers for outdoor storage yards;
5. The I-1 Light Industrial zoning is a logical expansion of existing industrial zoning to the north, south, east and west;
6. Because the subject properties adjoin existing industrial zoning on all four sides, the 2.009-acre proposal will not significantly increase the extent of industrial uses in the vicinity; and,
7. Compliance with the Access Management Manual ensures that the proposal should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.