



MAY 14, 2009

1000, 1006 E 5TH ST; 517 HATHAWAY ST

ZONE CHANGE

From: B-4 General Business		
To: I-1 Light Industrial		
Proposed Use: Temporary Parking, Residential		
Acreage: 0.379		
Applicant: James Gregory Wimsatt (0905.1750)		
Property Zone Existing Use	to North B-4 Single-Family Residential	
to West R-4DT Single-Family Residential	Subject B-4 ➔ I-1 Residential, Vacant	to East I-1 Auto Body Shop
	to South I-1 Vacant	

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 contiguous land that generally abuts the same street(s). Such an expansion should not significantly increase the extent of 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.

Applicant's Findings

The requested rezoning is in compliance with the Comprehensive Plan and allowed in limited locations. The specific criteria that apply are as follows:

1. Building and lot patterns should conform to non-residential development. Three lots were purchased by the applicant to expand his existing business in the future. He owns the property to the east and south where his business is located. The logical use of this property will be for non-residential development.
2. Logical expansion. The request rezoning will be an expansion of existing I-1 zone at the east and south side of these properties.

The applicant would like to construct a temporary parking area on the vacant lot which will be enclosed by a privacy fence. Access will be on Hathaway Street.

Planning Staff Review

The subject property is located in the 1000 block of E 5th Street and the 501 block of Hathaway 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 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 mixed industrial, commercial and residential zonings. The property to the east and south is zoned I-1 Light Industrial. The property to the west is zoned R-4DT Inner-City Residential. The property to the north is zoned B-4 General Business. Land uses in the vicinity are primarily residential and an auto body shop.

The applicant owns the existing body shop to the east which is zoned I-1 Light Industrial and proposes to expand his existing business to allow use of the property as an outdoor storage lot for parked vehicles associated with the body shop business. While a parking lot is permitted in the current B-4 zoning classification, the applicant is proposing a gravel rather than paved surface, which would constitute outdoor storage and would require I-1 zoning and screening of the storage lot. Parked vehicles should be those awaiting work and the use of the property would be considered outdoor storage, a use permitted in an I-1 Light Industrial zone. Any long term storage of wrecked or dismantled vehicles would require an I-2 Heavy Industrial zoning, Conditional Use Permit, and buffer requirements from adjoining residential and businesses zonings. Any outdoor storage areas are required to be screened with a six foot high solid element and one tree every 40 linear feet.

In the vicinity of the subject property, E 5th Street is classified as a principal arterial roadway with an access spacing standard of 500 feet. The building setback is 60 feet from the street centerline and the roadway buffer is 40 feet from the street centerline. The applicant has stated in their findings that no access is proposed to E 5th Street and

that access will be from Hathaway Street. Access to Hathaway Street shall be a minimum of 50 feet from the property line adjacent to E 5th Street.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The applicant proposes to use the property as a parking/storage area for an existing auto body shop. There is existing I-1 Light Industrial zoning immediately east and south of the subject property. The rezoning of approximately 0.379 acres will not significantly increase the extent of light industrial zoning in the area and outside of industrial parks. With no access to E 5th Street the rezoning 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 condition and findings of fact that support this recommendation include the following:

Condition:

1. No access shall be permitted to E 5th Street. Access shall be limited to Hathaway Street only.
2. Access to Hathaway Street shall be a minimum of 50 feet from the property line.
3. All outdoor storage areas shall be screened with a six foot solid element with one tree every 40 linear feet.

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 proposed use as a parking/storage area meets the requirements for nonresidential development;
3. The proposed zoning change is a logical expansion of existing I-1 zoning located to the east and south;
4. At 0.379 acres, the proposed rezoning will not significantly increase the extent of industrial zoning in the area and outside of industrial parks; and,
5. With no access to E 5th Street the expansion of I-1 zoning should not overburden the capacity of roadway and other necessary urban services that are available in the affected area.