

OCTOBER 14, 2004

3201 ALVEY PARK DRIVE W

ZONE CHANGE

From: I-1 – Light Industrial

To: B-4 – General Business

Acreage: 0.984 acres

Applicant: Daniel Caslin (0410.1573)

Property Zone Existing Use	to North I-1 Rental Space	
to West I-1 Rental and Storage Bays	Subject I-1 → B-4 Vacant	to East I-1 Water Filtration Company
	to South I-1 Trucking and rigging company & Office Building	

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 located in a Business Plan Area, where general business uses are appropriate in 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” and outdoor storage yards, with “Buffers for Outdoor Storage Yards.”

(b) Logical zoning expansions 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

Subject property is located in a Business Plan Area where general business uses are appropriate in limited locations. Applicant proposes to construct a mixed purpose building fronting on Alvey Park Drive West. The building will house law offices, school for martial arts and a private space for the lot owner. A site plan showing the play layout, access, vehicle-use area and drainage improvements is being prepared. (See attached preliminary site plan).

Specific Criteria that apply are as follows:

(a) Building Lot Pattern.

Subject property is located in a mixed use and mixed zoning area. Existing land uses in the immediate area include and empty undeveloped lot, Garage-Type Storage Units, two metal building uses/owned/rented by various Commercial businesses, a concrete building of offices for a trucking and rigging business, and a strip building with multiple uses. Existing land use in the area includes similar uses to the applicants: psychologist office, chiropractic offices, and dental offices. The area uses also include a physical fitness gym and a gymnastics school. Zoning for plan area consists of a combination of B-3, B-4 and I-1 zoning classifications.

(b) Logical zoning expansion.

The proposed zoning change is a logical expansion of existing B-4 zoning to the north and west of the subject property.

(c) New locations in business plan area. Proposed rezoning is a logical expansion of B-4 zoning and use and does not constitute a new location.

The proposed rezoning is in compliance with the comprehensive land use plan.

Planning Staff Review

The subject property is located in the 3200 block of Alvey Park Drive West. 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 in a wetlands area. The subject property does not appear to be in a special flood hazard area per FIRM Map 21059CO140 C. 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 necessary urban services are available to the site, including sanitary sewers.

Development Patterns

Alvey Park Drive has developed over the years as a mixed commercial and industrial area. Uses along the street range from hair salons and banks to mini storage facilities and trucking companies. Although the majority of land within the subdivision was initially of industrial zoning, there have been at least 6 different rezonings changing from I-1 light industrial to either B-3 Highway Business or B-4 General Business. At least two of those rezonings required the developer to install curb and gutter along the property frontage. Generally, as lots along Alvey Park Drive develop under a B-4 zoning classification, curb and gutter should be installed to be compatible with current public improvement specifications.

History has shown that the corridor has developed with mixed uses and that a B-4 General Business zoning classification in this area is not out of character with the

surrounding property as numerous properties have been zoned to B-4. The conversion of the subject property to a B-4 General Business zone to allow a lawyer's office, martial arts studio and a residential dwelling for the owner will not adversely impact the existing urban services in the area or overburden the transportation network.

Under current zoning ordinances, a law office is a permitted use in a B-4 zone. Residential occupancy is considered an accessory use and permitted on the main floor behind the principal use or on the second floor. A martial arts studio is permitted only with a conditional use permit.

SPECIFIC LAND USE CRITERIA

The proposed rezoning is consistent with the current character of Alvey Park Drive. According to the Comprehensive Plan, the subject is located in a Business Plan Area where B-4 General Business uses are appropriate in limited locations provided that they constitute a logical expansion of existing commercial zoning. The applicant's request is in keeping with the character of the vicinity.

Planning Staff Recommendations

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

Condition: Install curb and gutter along property frontage or post surety prior to issuance of a building permit.

Findings of Fact:

1. The subject property is located in a Business Plan Area, where general business uses are appropriate in limited locations;
2. A number of properties have been rezoned to B-4 in the affected area along the same street; and,
3. The applicant's request is a logical expansion of existing B-4 commercial zoning along Alvey Park Drive that will not significantly increase the extent of the zone in the vicinity and will not overburden the capacity of roadways and other necessary urban services available in the affected area.