

**JULY 14, 2005**

**2820 BROOKS PKWY**

**ZONE CHANGE**

**From:** I-2 - Heavy Industrial

**To:** R-1C - Single-Family Residential

**Acreage:** 0.669 +/- acres

**Applicant:** Owensboro Master Builder, Inc.  
(0507.1598)

<b>Property Zone</b> <i>Existing Use</i>	<b>to North</b> R-1C Future Residential	
<b>to West</b> I-2 Vacant/Future Soccer Complex	<b>Subject</b> I-2 → R-1C Vacant/Common Area	<b>to East</b> R-1C Single-Family Residential
	<b>to South</b> I-2 Contractor's Office	

**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 R-1C Single-Family Residential zone. The subject property is located in an Industrial Plan Area, where low-density residential uses are generally not recommended.

**Applicant's Findings**

The requested rezoning is not in compliance with the Comprehensive Plan. There have been major changes within the area, which were not anticipated in the Comprehensive Plat at the time of adoption.

This parcel is a portion of the Brooks Subdivision, which was originally planned as common area. The surrounding area is a mixed-use of industrial, commercial and residential zones.

In August 2001, the OMPC approved a rezoning on the eastern portion of this tract from I-2 to R-1C and most recently a 4.9-acre tract was rezoned from I-2 to R-1C directly across Brooks Parkway from this parcel.

This is the remaining portion of I-2 zoned property within the Brooks Subdivision. The original subdivision plan for this area shows this to be common area. Due to the small size it did not allow for future industrial development. The Developer has submitted for OMPC approval a revised preliminary plan for this area proposing two additional single-family lots and the remaining portion would still be used as common area for the subdivision.

The Comprehensive Plan did not anticipate the expansion of a residential zone into an industrial plan area. The previous rezonings and preliminary plan approved for the Brooks Subdivision has substantially altered the character of the area.

The requested rezoning would be a direct expansion of the Brooks Subdivision Development. There will be landscape buffers between the proposed residential zones and the existing industrial zones. All urban services exist at the site including sanitary sewer.

**Planning Staff Review**

The subject property is located in the 2800 block of Brooks Parkway. 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 does not appear to be in a special flood hazard area per FIRM Map 21059CO285 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 urban services, including sanitary sewers, are available to the site.

### Development Patterns

The subject property is in an area that contains mixed uses of industrial, commercial and residential. Property to the north and east is part of the developing Brooks subdivision for which the subject property currently serves as open space. Property to the south and west are both zoned I-2 Heavy Industrial with a contractor's shop and vacant land that is proposed for a future soccer complex, respectively.

The proposal for the subject property includes converting a portion of the existing open space for two additional residential lots within the Brooks subdivision. The remaining land will still serve as open space. Access for the two proposed residential lots will be from Brooks Parkway. No direct access for the subject property will be permitted to Fairview Drive.

A 10 foot landscape easement shall be installed along the south property line to screen the adjacent industrial property. The buffer shall include a six foot high planting, hedge, fence, wall, or earth mound with one tree every 40 linear feet. A revised major subdivision preliminary plat has been submitted in conjunction with the rezoning request.

## SPECIFIC LAND USE CRITERIA

No specific criteria are applicable to this zoning request since urban low-density residential uses are not recommended in Industrial Plan areas.

The Comprehensive Plan anticipated the extension of sanitary sewer into this area but did not anticipate the residential development that has occurred in recent years. Residential uses rarely expand into areas zoned industrial.

However, this request is a logical expansion of the existing urban residential zones and uses located immediately north and east of the subject property. A landscaping buffer shall be installed that will serve as a buffer between the proposed residential development and the existing industrially zoned property to the south of the subject property.

## Planning Staff Recommendations

Staff recommends approval because there have been major changes of a physical, social or economic nature that were not anticipated in the adopted Comprehensive Plan and those changes have substantially altered the basic character of the general vicinity. The conditions findings of fact that support this recommendation include the following:

### Conditions:

1. No direct access from Fairview Drive. Access to the subject property shall be limited to Brooks Parkway; and,
2. A 10 foot landscape easement with a six foot high planting, hedge, fence, wall, or earth mound and one tree every 40 linear feet shall be installed along the adjacent industrially zoned property.

### Findings of Fact:

1. The subject property is located in an Industrial Plan Area where low-density residential uses are not recommended;
2. The availability of sanitary sewers to the immediate vicinity has resulted in the creation of an urban residential growth area immediately adjacent to an Industrial Plan Area; and,
3. The subject property is immediately adjacent to this urban growth area and R-1C Single-Family Residential zoning and uses.