



NOVEMBER 10, 2016

**911, 1003 & 1009 ALLEN ST;
100 & 116 E. 9TH ST**

ZONE CHANGE

From:	B-4 General Business, I-1 Light Industrial & R-4DT Inner City Residential
To:	B-4 General Business
Proposed Use:	Commercial
Acreage:	1.631
Applicant:	City of Owensboro & Daviess County Fiscal Court (1611.1975)
Surrounding Zoning Classifications:	
North: B-4 & I-1	South: B-4 & I-1
East: B-4 & I-1	West: R-4DT & B-2

Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business zone. A portion of the subject property is located in a Business Plan Area where General Business uses are appropriate in limited locations and a portion of the subject property is located in an Industrial Plan Area where General Business 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 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.

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 dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Map 21059CO138 D.
- 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 site.

Development Patterns

The 1.631 acre area proposed to be rezoned to B-4 General Business is made up of five parcels that are currently zoned I-1 Light Industrial, R-4DT Inner City Residential and B-4 General Business. The applicants, the City of Owensboro and Daviess County Fiscal Court, propose to divide and consolidate the properties into three B-4 zoned parcels. A minor subdivision plat has already been submitted, but may not be approved and recorded until this rezoning action becomes final.

The subject properties are currently vacant, but have had the following uses on them in the past: residential apartments, a dry cleaning business, a childcare center, a florist shop, The Junior League of Owensboro, Owensboro Police Department parking area and impoundment lot and a church.

The subject property is located in the Downtown Transition Character Overlay District. The Downtown Design Administrator is required to review and approve any future development of the site for compliance with the site development requirements as established in Article 21 of the Owensboro Metropolitan Zoning Ordinance.

Properties in this area are zoned commercial, industrial and residential. An office building and a small grocery store, zoned B-4 and I-1 respectively, are located to the north across East 9th Street from the subject property. A salon and property utilized by the Owensboro Police Department, zoned I-1 and B-4, are located to the east of the subject property. To the south is a small vacant I-1 zoned property adjacent to the railroad. To the west across Allen Street is The Center for Business and Research and the Owensboro Innovation Academy, zoned B-2.

W. 9th Street in this location is classified as a major collector roadway with a 30 foot roadway buffer, a 60 foot building setback line and a 250 foot access spacing standard. Allen and Daviess Streets adjacent to this property are classified as local streets. While an existing access easement in the northeast corner of the subject property allows access to E. 9th Street for the adjacent property located at 126/128 E. 9th Street, staff recommends that no additional access points be allowed to East 9th Street from the subject property.

Prior to occupancy of the property the applicant must obtain approval of a site plan or development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage. Approval of the site plan or development plan by the Downtown Design Administrator is required before OMPC staff may approve the site plan or development plan. Jim Mischel with 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 Comprehensive Plan. The proposed use as general business conforms to the criteria for nonresidential development. The proposed B-4 General Business zoning is a logical expansion of B-4 General Business zoning to the north, south and east. At 1.631 acres, the proposal is not a significant increase in general business zoning in the vicinity and 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:

- Access to the property shall be limited to Allen Street and Daviess Street only. The existing access easement on E. 9th Street may remain only to grant access to the adjacent property located at 126/128 E. 9th Street. No additional access to E. 9th Street from the subject property shall be permitted.
- Obtain approval of a site plan or development plan by the Downtown Design Administrator and OMPC.

Findings of Fact:

- Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
- A portion of the subject property is located in a Business Plan Area where General Business uses are appropriate in limited locations and a portion of the subject property is located in an Industrial Plan Area where General Business uses are appropriate in very limited locations;
- The proposed use as general business conforms to the criteria for nonresidential development;
- The proposal is a logical expansion of existing B-4 General Business zoning to the north, south and east; and
- At 1.631 acre, the proposal does not significantly increase the extent of general business zoning in the vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.