

APRIL 13, 2017

529 HATHAWAY STREET

ZONE CHANGE

From: R-4DT Inner City Residential	
To: I-1 Light Industrial	
Proposed Use: Automotive Repair	
Acreage: 0.065 +/-	
Applicant: Wimsatt Rentals of Kentucky, LLC (1704.1992)	
Surrounding Zoning Classifications:	
North: B-4	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 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 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(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.

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 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 subject property is a single vacant 0.065 acre parcel known as 529 Hathaway Street. The applicant, Wimsatt Rentals of Kentucky, LLC, proposes to rezone the parcel from R-4DT Inner City Residential to I-1 Light Industrial and consolidate it with his adjacent business, Greg's Collision Center & Auto Sales. A manufactured home has recently been removed from the property.

The applicant owns all of the properties in this block, which is bounded by E. 5th Street, E. 6th Street, Breckenridge Street and Hathaway Street. The property to the north of the subject property is zoned B-4, but is used residentially. The property to the south is zoned R-4DT and is used residentially. Greg's Collision Center is located to the east and is zoned I-1 and B-4. Properties across Hathaway Street are residentially used and zoned R-4DT.

Hathaway Street is classified as a local street and the subject property is required to have a 25' front building setback line. Access to the site must be compliant with applicable sections of the zoning ordinance. The Access Management Manual does not apply to this site since the Hathaway Street is classified as a local street.

A 10 foot landscape easement with one tree every 40 linear feet and a continuous 6' high planting, hedge, fence, wall or earth mound shall be required along the south boundary where the subject property adjoins residential zoning. Vehicular use area shall be on a paved surface and shall be screened, consisting of a 3' foot tall continuous element and one tree every 40 linear feet of the vehicular use boundary, where the vehicular use area adjoins the road right-of-way and residentially zoned property. Any proposed lighting shall be directed away from the residentially zoned properties.

Since the property is located within the Owensboro Wellhead Protection Area, according to OMU, if the property will have or produce anything that can contaminate the soil then they must have a groundwater protection plan. OMU, the Kentucky Division of Water and the EPA have been made aware of this rezoning request.

Prior to any construction activity on 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. The OMPC Building, Electrical & HVAC department shall be contacted before any construction activity takes place on the property.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed light industrial use conforms to the criteria for nonresidential development. The proposed I-1 Light Industrial zoning is a logical expansion of I-1 Light Industrial zoning to the east. At 0.065 acres, the proposal should not overburden the capacity of roadways and other necessary urban services in the area.

Planning Staff Recommendations

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

Findings of Fact:

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located in a Central Residential Plan Area where light industrial uses are appropriate in very limited locations;
3. The proposed light industrial use conforms to the criteria for nonresidential development;
4. The proposal is an expansion of existing I-1 Light Industrial zoning to the east; and
5. At 0.065 acres, the proposal should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.