

AUGUST 9, 2018

412, 422 E 2ND ST, 212 CLAY ST

ZONE CHANGE

From:	I-1 Light Industrial, R-4DT Inner City Residential
To:	B-2 Central Business
Proposed Use:	Physical Therapy Office
Acreage:	0.61
Applicant:	Terry Woodward (1808.2057)
Surrounding Zoning Classifications:	
North: I-2	South: I-1
East: I-1	West: I-1

Proposed Zone & Land Use Plan

The applicant is seeking a B-2 Central Business zone. The subject property is located in a Central Business Plan Area, where Central Business uses are appropriate in general locations.

SPECIFIC LAND USE CRITERIA

- (a) Building and lot patterns** Building and lot patterns should conform to the criteria for “**Nonresidential Development**” (D7).

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 21059CO138D.
- It appears that the subject property is partially 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 are available to the subject property, including sanitary sewer service.

Development Patterns

The subject properties consist of 3 parcels totaling 0.61 acres. A physical therapy office currently operates out of the building located at 412 E 2nd Street; 422 E 2nd Street and 212 Clay Street are vacant parcels. This area contains a mixture of business and industrial uses. The applicant proposes to consolidate the three parcels and expand the existing physical therapy office.

The subject property is located in the Downtown Core Character overlay district per the Downtown Master Plan adopted by the City of Owensboro in October 2009 and adopted within the land use portion of the Comprehensive Plan. As part of the overall redevelopment of the downtown area, areas within the downtown overlay districts are considered ideal candidates for B-2 Central Business zoning as a means to promote the City's goal of a vibrant downtown.

The rezoning of the property to allow for the consolidation of the parcel and expansion of an existing use could promote the redevelopment of this area. This proposed rezoning is part of an overall City of Owensboro initiative to promote redevelopment of the area and implementation of the Downtown Master Plan.

Since the subject property is located within a downtown overlay district, the downtown design administrator is required to review and approve any use prior to occupancy. All site development requirements are established in Article 21 of the Owensboro Metropolitan Zoning Ordinance. The downtown design administrator, Dennis Wilson, has reviewed the rezoning request; he stated, through email, that the proposal is not in conflict with the guidelines of Article 21.

W 2nd Street is classified as a Type “A” Street per Article 21 of the Zoning Ordinance; driveways shall not be located on a Type “A” Street unless the property has no feasible access to either a Type “B” Street or a vehicular alley. Access to the subject properties shall be limited to Clay Street only.

Since the subject 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 wellhead protection plan. OMU should be contacted regarding such a plan.

Prior to any construction activity on the property the applicant must obtain approval of a site plan or a 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 expansion as a physical therapy office is nonresidential in nature. The proposed B-2 zoning will promote with the redevelopment of the downtown area consistent with the downtown master plan.

Planning Staff Recommendations

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

Condition:

Access shall be limited to Clay Street only, no access shall be permitted to W 2nd Street.

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 Business Plan Area, where central business uses are appropriate in general locations;
3. The subject property is located within the downtown overlay districts as adopted by the City of Owensboro and the request is consistent with the concepts of the plan;
4. The use of the property as a physical therapy office is nonresidential in nature; and,
5. The B-2 zoning will promote the redevelopment of the downtown area consistent with the downtown master plan.