



MAY 14, 2009

PORTION OF 104 W 9TH ST

ZONE CHANGE

From:	I-1 Light Industrial B-4 General Business	
To:	B-2 Central Business	
Proposed Use:	Laboratories/Office	
Acreage:	1.29	
Applicant:	City of Owensboro; Bryant Commercial Multiple, LLC (0905.1751)	
Property Zone Existing Use	to North B-2, B-4 Book Store, Auto Repair, Frame Shop	
to West I-1, P-1 Parking, Office & Garage/Storage	Subject I-1, B-4 → B-2 Vacant	to East I-1, B-4 Vacant
	to South P-1 Adult Day Care	

**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-2 Central Business zone. The subject property is partially located in a Business Plan Area, where central business uses are appropriate in very-limited locations and partially located in an Industrial Plan Area, where central business uses are appropriate in very-limited locations.

SPECIFIC LAND USE CRITERIA

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

(b) Only necessary, logical expansions - The Central Business districts of Owensboro and Whitesville are generally fixed areas, and expansion of their boundaries should be based upon significantly findings that a community need exists for these districts to be expanded.

(c) To serve the needs of existing establishments - In Business plan areas, such an expansion should be contiguous to an existing boundary of Central Business district, and should serve the needs of establishments that are already located within the district.

Applicant's Findings

The requested rezoning is in compliance with the Comprehensive Plan and allowed in very limited locations based on the land use criteria. The specific criteria that apply are as follows:

- Building and lot patterns should conform to nonresidential development. This site has a historic use of commercial and industrial uses with existing building that will be utilized as such. The lot size supports the commercial and industrial uses at the site.
- Only necessary, logical expansions. This property is south of existing B-2 zones and allowing the expansion of this zone the owner/applicant will be able to utilize and preserve the existing structures at the site.
- To serve the needs of the existing establishments. The portion of this property which is being requested to be zoned B-2 Central Business is the future site of the Centre for Business and Research Development. It will utilize the existing warehouse structure with updating and redevelopment of the interior to accommodate new start-up businesses which will create new jobs near the downtown business area and can promote additional business for the established business within the area.

This redevelopment also works in conjunction with the future redevelopment of the block directly east of Allen

Street in which the City of Owensboro plan a mixed-use development for possible apartments, training center, and restaurants.

4. To redevelop the Ohio Riverfront east of downtown. This criteria would not apply to this site due to the location of the property being south of downtown but being equally important for future downtown redevelopment.

Planning Staff Review

The subject property is located in the 100 block of W 9th Street. 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 is not located in a special flood hazard area per FIRM Map 21059CO138 D. 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 located in an area where all surrounding properties are zoned commercial, professional or industrial. Land uses in the vicinity include a book store, auto repair, adult day care, parking, and storage.

At present, the subject property included a vitamin distributor and a vacant warehouse. The vitamin distributor will remain zoned I-1 Light Industrial while the balance of the property is proposed for B-2 Central Business zoning. The subject property is immediately adjacent to B-2 Central Business zoning to the north across W 9th Street.

As stated in the applicant's findings, the proposed rezoning is part of a City of Owensboro initiative to provide space for start-up business development in the near-downtown

area of the city. The site is included in the Downtown Owensboro Place Making Initiative Master Illustrative Plan for the downtown area and the building is identified as an existing significant structure. The Downtown Master Plan includes the vision of a business incubator at this site with future adjacent live/work units and other services in the area. The master plan was adopted by the OMPC at the March 12, 2009, Planning Commission meeting as a guide for downtown development. The B-2 Central Business zoning will provide flexibility on the site for multiple, varying businesses to locate in the same structure. The redevelopment of this site will also work in conjunction with City of Owensboro plans for future redevelopment in the vicinity. Plans are being developed for a mixed-use development for possible apartments, a training center, and restaurants in the block east of Allen Street. This proposed rezoning is a portion of an overall City of Owensboro initiative to promote redevelopment of the area and one of the projects proposed to enhance implementation of the Downtown Master Plan.

A final development plan has been submitted to the OMPC office for the site. The development plan reflects the existing industrial use on the property and the proposed commercial use within the B-2 Central Business zone. All vehicular use areas shall be paved and appropriate vehicular use area screening shall be installed when adjoining the road right-of-way. All parking and required landscaping shall be installed on private property.

In the vicinity of the subject property W 9th Street is classified as a minor arterial roadway with a 500 foot spacing standard. There is a single existing access to W 9th Street that was approved as part of a previous development plan approved in 2001. Access to W 9th Street shall be limited to the existing access point with no new access permitted.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed B-2 Central Business zone and use will be nonresidential in nature. The subject property is immediately adjacent to B-2 Central Business zoning to the north located across W 9th Street. The logical expansion of the B-2 zoning is necessary to promote a City of Owensboro initiative for redevelopment of the area which includes potential redevelopment of the block east of Allen Street. Both of these sites are included in the Downtown Owensboro Place Making Initiative Master Illustrative Plan and this request is in accordance with the design concept for this area. The B-2 zoning will allow a mix of commercial uses on the property that will serve start-up businesses that will serve the community. The new development will serve to establish new business opportunities and jobs in the near-downtown area.

Planning Staff Recommendations

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

Conditions:

1. Access to W 9th Street shall be limited to the existing access point. No additional access to W 9th Street shall be permitted;
2. Approval of a final development plan for the subject property; and,
3. All vehicular use areas shall be paved with appropriate vehicular use area screening installed on private property between the parking and the road right-of-way;

Findings of Fact:

1. The subject property is partially located in a Business Plan Area, where central business uses are appropriate in very-limited locations and partially located in an Industrial Plan Area, where central business uses are appropriate in very-limited locations;
2. The subject property is a component of the Downtown Owensboro Place Making Initiative Master Illustrative Plan adopted by the OMPC in March 2009 and the request is consistent with the concepts of the plan;
3. The use of the property for laboratories and office space will be nonresidential in nature;
4. The proposed zoning change is a logical expansion of existing B-2 zoning located north of the subject property across W 9th Street;
5. The B-2 zoning classification will promote the redevelopment of an existing building on the site to provide office and laboratory space for start-up businesses in the near-downtown area; and,
6. The proposed rezoning is an integral part of a City of Owensboro initiative to provide new business opportunities and job that will serve the area.