



JULY 10, 2008

**2601 OLD HENDERSON RD,  
2740 MCFARLAND AV**

## ZONE CHANGE

<b>From:</b>	I-1 Light Industrial R-4DT Inner-City Residential	
<b>To:</b>	<b>I-1 Light Industrial</b>	
<b>Proposed Use:</b>	Unique Granite & Marble Shop	
<b>Acreage:</b>	1.232	
<b>Applicant:</b>	Unique Granite & Marble Shop, Rick Thomas Custom Builders, Inc. (0807.1722)	
<b>Property Zone Existing Use</b>	<b>to North</b> R-1C, R-4DT Multi-Family Residential	
<b>to West</b> B-4 Undeveloped	<b>Subject</b> I-1, R-4DT → I-1 Granite & Marble Shop	<b>to East</b> R-4DT, I-1 Vacant Shop, Residential
	<b>to South</b> I-1, B-4 Vacant, OMU Water Tank	

## 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 I-1 Light Industrial zone. The subject property is partially located in a Business Plan Area, where light industrial uses are appropriate in limited locations and partially 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 areas -** 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 streets. 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.

## Applicant's Findings

The subject property is partially located in a Business Plan Area where light industrial uses are appropriate in limited locations and partially in an Central Residential Plan Area where light industrial uses are appropriate in very-limited locations. The property located at 2601 Old Henderson Road consists of two lots of record extending north to McFarland Avenue. The south lot (Tract 1) is presently zoned I-1 and is currently in use by the owner, d.b.a. Unique Granite and Marble. The north lot (Tract 2) is zoned R-4DT. The applicant proposes to consolidate the two parcels into a single lot containing 1.232 acres zoned I-1 Light Industrial in order that the exiting business may use the entire property for storage.

Adjoining properties to the south are zoned B-4 and I-1, property to the east are zoned I-1 and R-4DT, properties to the north are zoned R-4DT and R-1C, and to the west B-4. The area is generally a mixed use area with a combination of light industrial, general business and multi-family residential.

Specific criteria which apply to this application are as follows:

Building and lot patterns; outdoor storage areas. The north part of the subject property fronts on McFarland Avenue and is presently used for outdoor storage of materials. The

area is enclosed with a chain link fence. The applicant agrees to comply with all screening requirements as set forth in the ordinance.

The proposed rezoning is a logical expansion of existing light industrial zoning and use.

The applicant will not extend I-1 zoning across an intervening street and will not significantly increase the extent of industrial uses in the vicinity.

## Planning Staff Review

The subject property is located in the 2601 block of Old Henderson Road and the 2700 block of McFarland Avenue. 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 21059CO120 C. Based on the preliminary FIRM maps dated July 7, 2007, the subject property is not located in a special flood hazard area per map 21059CO119 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 of mixed residential, industrial and commercial zoning. Land uses in the vicinity include multi-family residential, industrial, and vacant commercial property.

At present, Unique Granite and Marble occupies the entire subject property; however, the northern portion is currently zoned R-4DT Inner-City Residential. The residentially zoned portion is currently being used for outdoor storage of materials. There is an existing chain link fence surrounding the property which has a black cloth material

in an effort to provide the required 80% opacity screening as required by ordinance. The applicant will be required to maintain the current screening and upgrade where necessary to meet the minimum requirements. The zoning ordinance requires one tree every 40 linear feet around the perimeter of the outdoor storage area where adjoining residentially zoned property.

### SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the requirements of the Comprehensive Plan. The proposed rezoning is a logical expansion of existing I-1 Light Industrial zoning located immediately south and east of the subject property along Old Henderson Road. The subject property is currently being used for outdoor storage and the applicant wishes to continue the use.

## Planning Staff Recommendations

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

**Conditions:** Install and maintain appropriate outdoor storage screening, including a six foot tall element and one tree every 40 linear feet.

#### Findings of Fact:

1. The subject property is partially located in a Business Plan Area, where light industrial uses are appropriate in limited locations and partially located in a Central Residential Plan Area, where light industrial uses are appropriate in very-limited locations;
2. The subject property is currently used for a granite and marble business with outdoor storage which is nonresidential in nature;
3. The proposed rezoning is a logical expansion of existing I-1 Light Industrial zoning located immediately south and east of the subject property; and,
4. The I-1 Light Industrial expansion should not significantly increase the extent of industrial uses that are located in the vicinity and outside of Industrial Parks and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.