



MARCH 12, 2009

PORTION OF 327 E 14TH ST, 1200 MOSELEY ST

ZONE CHANGE

From: I-2 Heavy Industrial		
To: B-5 Business/Industrial		
Proposed Use: Convenience Store/Commercial		
Acreage: 2.400		
Applicant: Martin & Bayley, Inc.; Thom John Properties, LLC (0903.1741)		
Property Zone Existing Use	to North I-2 Vehicle Safety Equipment Sales	
to West I-2, P-1, I-1 OFD Training Center, Rental Company	Subject I-2 ➔ B-5 Vacant	to East I-1, B-4 Office, Vacant, Outreach Ministry
	to South I-1, B-5 Roofers Warehouse, Office	

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-5 Business/Industrial zone. The subject property is located in a Business/Industrial Plan Area, where business/industrial uses are appropriate in general 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).

Applicant's Findings

The owner currently owns two tracts that are impacted by the rezoning application. Said property is bounded to the north by East Parrish Avenue, to the east by Moseley Street, to the south by E 14th Street and to the west by JR Miller Boulevard. Via a consolidation/division plat currently on file with the OMPC, the applicant proposes to consolidate the two existing tracts and redivide the property into three tracts. Existing tracts are currently zoned I-2 Heavy Industrial. The applicant proposes to rezone two of the three resulting tracts, Tract 1 and Tract 2, from I-2 to B-5 Business/Industrial. Tract 3 will maintain its current zoning classification of I-2. As illustrated on the submitted preliminary development plan, Tract 1 is conceptually intended to develop as a strip mall for commercial uses. Tract 3 is conceptually intended to develop as a convenient store and Tract 2 will remain an electrical supply store.

The subject property is located in a Business/Industrial plan area where business/industrial uses are appropriate in general locations.

Specific land use criteria applicable to the B-5 rezoning are as follows:

- (a) Building and lot patterns; outdoor storage areas should conform to the criteria for “Nonresidential Development” and outdoor storage yards, with “Buffers for Outdoor Storage Yards.” The subject property adjoins industrial and business zoning classifications on all sides. In the general area one can find I-1 Light Industrial, I-2 Heavy Industrial, B-5 Business/Industrial, and B-4 General Business zones. There are no residential uses adjoining the subject property. The applicant is aware of the zoning ordinance requirements for the screening of outdoor storage areas. At this time the applicant does not propose any outdoor storage area uses on the subject property.

The applicant has provided a preliminary development plan along with the rezoning application. In addition the applicant has filed a division/consolidation plat for the subject property with the OMPC. Following approval of the rezoning application, the applicant will submit a final development plan for the subject property prior to applying for building permits.

In addition, the applicant proposes to request a reduction in the roadway buffer along JR Miller Boulevard from 50' to 40' in order to make the subject property more developable. The applicant anticipates filing a variance application to be considered at the April 9, 2009, Board of Adjustment meeting.

Planning Staff Review

The subject property is located in the 301 block of E 14th Street and the 1200 block of Moseley 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 21059CO140 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 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 adjoins I-1 and B-4 zoning to the east across Moseley Street. The City of Owensboro owns the I-2 Heavy Industrial zoned property across East Parrish Ave. To the west across JR Miller Boulevard is I-1 Light Industrial, I-2 Heavy Industrial and P-1 Professional Service zoning with uses of an equipment rental facility and the City of Owensboro Fire Training facility.

East Parrish Avenue is a major arterial and JR Miller is a minor arterial, both with intersection spacing standards. No access currently exists on JR Miller. An existing access point is present on East Parrish Avenue that is located about mid-block between JR Miller Blvd and Moseley Street. This access is proposed to be used for the requested development. A preliminary development plan has been submitted showing this existing access on East Parrish Avenue and access to East 14th Street and to Moseley Street, with access easements connecting the proposed lots for internal traffic. No access point to JR Miller Boulevard is proposed. Access should be limited to the access points identified on the preliminary development plan.

Existing sidewalks run along East Parrish Avenue and East 14th Street. Moseley Street has sidewalks from the boundary of the subject property to East 14th Street, but the subject property does not have sidewalks along its Moseley Street frontage. The existing sidewalks on East Parrish Ave turn onto JR Miller Blvd and run along the JR Miller frontage for approximately 75 feet. The sidewalk should be constructed from where it currently ends south to E 14th Street and connecting with the E 14th Street sidewalk to complete the pedestrian walkways in this block.

The applicant is proposing to submit a variance request to the OMBA to reduce the roadway buffer from 50 feet to 40 feet. Although this variance has not yet been heard by the OMBA, the planning staff is unable to support the requested roadway buffer reduction. Based on discussions with the City Engineer, any roadway buffer less than the prescribed 50 foot roadway buffer is believed to be insufficient to accommodate future improvements that may be warranted. The planning staff and the city engineering staff would recommend the retention of the full 50 foot roadway buffer in order to accommodate these future improvements.

A traffic study is being undertaken in conjunction with the downtown planning effort to evaluate recommended changes in the downtown traffic patterns. These changes that are being considered may impact traffic on JR Miller Boulevard and this major intersection. A reduction in the roadway buffer would only be supported if the applicant can demonstrate through a preliminary design that right turn tapers, lanes, sidewalks, utility strips, etc could be accommodated within the requested roadway buffer width.

SPECIFIC LAND USE CRITERIA

The subject property is appropriate for the B-5 Business/Industrial zoning because it is within an area identified as appropriate for mixed business and light

industrial uses and lies within the Business/Industrial Plan Area as identified by the Land Use element of the Comprehensive Plan.

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 East Parrish Avenue shall be limited to the existing access point as shown on the preliminary development plan;
2. No access shall be permitted to JR Miller Boulevard;
3. A minor subdivision creating the proposed lots shall be submitted to the OMPC;
4. Sidewalks shall be installed along all street right of way; and
5. A final development plan shall be submitted prior to the issuance of building permits.

Findings of Fact:

1. The subject property is located within a Business/Industrial Plan Area, where general business and light industrial uses are appropriate in general locations;
2. The subject property lies within an existing area of mixed industrial and commercial land uses;
3. The Comprehensive Plan provides for the continuance of mixed use areas; and,
4. The proposed land use for the subject property is in compliance with the criteria for a Business/Industrial Plan Area and a B-5 Business/Industrial zoning classification.