

**DECEMBER 8, 2005**

**615 CRABTREE AV**

**ZONE CHANGE**

**From:** B-4 General Business

**To:** B-5 Business/Industrial

**Acreeage:** 0.290 +/- acres

**Applicant:** James Phillip Edge, Sr. (0512.1618)

<b>Property Zone Existing Use</b>	<b>to North</b> I-1 Mini-Warehouse	
<b>to West</b> B-4 Commercial	<b>Subject</b> B-4 ⇌ B-5 Vacant	<b>to East</b> R-4DT, B-4 Residential
	<b>to South</b> B-4 Retail Sales	

**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 general business uses and light 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 proposed rezoning is in compliance with the community's Comprehensive Plan. The site is located in a Business/Industrial Plan area where the Business/Industrial (B-5) zone is recommended in general locations.

Applicant proposes a business use and an industrial use for the site as evidenced by the associated development plan. Both industrial and commercial uses are appropriate in a Business/Industrial Plan Use Area.

The immediate Crabtree Avenue neighborhood situated between W Fourth Street and W Ninth Street is a mixed-use area of residential, general business and industrial. The proposed rezoning will be compatible with the neighborhood and will not compromise the overall character of the area.

The size and configuration of the lot is consistent with the non-residential lot pattern of the area. All urban services are available to the site.

This section of Crabtree Avenue is classified as a major collector roadway. The proposed B-5 zone is compatible with said roadway classification.

**Planning Staff Review**

The subject property is located in the 601 block of Crabtree 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. 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 a Business/Industrial Plan Area and is surrounded by a mix of residential, commercial and industrial uses. There is an existing building on the subject property that is currently vacant and the applicant proposed to add an industrial storage use to the site which is acceptable in a B-5 zone.

A portion of the subject property was rezoned and subsequently consolidated with the adjoining property to the north at the October 13, 2005, Planning Commission meeting. As a condition of the rezoning, the applicant was notified that future changes to the site would require modifications to both access and landscaping on-site in accordance with current regulations.

To satisfy the access conditions from the previous zoning approval, the applicant should close the curb cut that is approximately 56 feet wide and reduce the other to a maximum of 40 feet. Access to the subject property shall be limited to the single 40 foot access and truck traffic utilizing the site shall be prohibited from backing to or from Crabtree Avenue.

To satisfy the landscaping conditions, pavement within the right-of-way shall be removed with the grass area restored and a landscape easement as required by ordinance shall be installed. These changes should adequately reflect the conditions placed on the previous rezoning.

### 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 the subject property shall be limited to a single 40 foot curb cut;
2. Pavement within the right-of-way shall be removed and restored with a grass area and appropriate vehicular use area buffering should be installed; and,
3. Vehicles accessing the site shall not back to or from the site into Crabtree Avenue.

#### 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 general business and light industrial 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.