

JULY 11, 2013

**1000, 1024 W 4<sup>TH</sup> ST; 408 SYCAMORE ST****ZONE CHANGE**

<b>From:</b>	I-1 Light Industrial B-4 General Business
<b>To:</b>	<b>B-5 Business/Industrial</b>
<b>Proposed Use:</b>	Auto Repair
<b>Acreage:</b>	0.466
<b>Applicant:</b>	Larry D. Penrod, Jr. (1307.1879)
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> I-1	<b>South:</b> B-4
<b>East:</b> I-1, B-4	<b>West:</b> B-4

**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).

**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 21059CO138 D.
- It appears that the subject property is not within the Owensboro Wellhead Protection area per the GRADD map dated March 1999.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

**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 commercial, industrial and residential uses. There are buildings on two of the subject lots and the third is currently vacant. The use proposed by the applicant is automotive repair which is permitted in a B-5 Business/Industrial zone and the

applicant intends to consolidate the three parcels based on their findings.

There are three existing access points to W 4<sup>th</sup> Street. In the vicinity of the subject property, W 4<sup>th</sup> Street is classified as a principal arterial roadway with a 500 foot driveway spacing standard, 60 foot building setback and 40 foot roadway buffer. The corner parcel at 1000 W 4<sup>th</sup> Street has pavement to the property line, two access points that do not meet the spacing standards, parking that requires backing to/from the right-of-way and no vehicular use area landscaping. The parcel at 1024 W 4<sup>th</sup> Street has a single access point and green space but no vehicular use area landscaping installed. The parcel at 408 Sycamore Street is currently vacant and does not have a defined access point.

As part of the rezoning process, access should be brought as close into compliance as possible based on the existing lot pattern and access configuration. The existing access to 1024 W 4<sup>th</sup> Street should remain with vehicular use area screening installed per the ordinance consisting of a three foot element and one tree every 40 linear feet. The two access points on 1000 W 4<sup>th</sup> Street shall be closed and vehicular use area screening installed on private property. This will eliminate two access points that do not meet the standards and eliminate vehicles backing to/from the road right-of-way. On Sycamore Street, vehicular use area screening shall be installed to define access points.

Changes or alterations to the structures or uses on site may require building, electrical, or HVAC permits. The OMPC building and electrical division should be contacted prior to any construction activity or changes.

**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**

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

**Conditions:**

1. Access to W 4<sup>th</sup> Street shall be limited to the existing access point serving 1024 W 4<sup>th</sup> Street with the other two access points closed and vehicular use area screening installed on private property in accordance with the zoning ordinance requirements; and,
2. Vehicular use area screening shall be installed on private property on Sycamore Street per zoning ordinance requirements to define access points.

**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 within a Business/Industrial Plan Area, where general business and light industrial uses are appropriate in general locations;
3. The subject property lies within an existing area of mixed general business and light industrial uses;
4. The Comprehensive Plan provides for the continuance of mixed use areas; and,
5. 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.