

FEBRUARY 13, 2014

927 E 18TH ST

ZONE CHANGE

From:	B-5 Business/Industrial with Conditions
To:	B-5 Business/Industrial
Proposed Use:	Pawn Shop
Acreage:	1.44
Applicant:	Thekla's Rentals, LLC (1402.1899)
Surrounding Zoning Classifications:	
North: I-1	South: B-4, R-4DT
East: I-1, B-4	West: I-1

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 was recommended for approval to rezone from I-1 Light Industrial to B-5 Business/Industrial at the January 9, 2014, OMPC meeting. The recommendation of the Planning Commission was not appealed and the rezoning took effect on January 31, 2014. The approval was granted based upon two conditions. The first condition required the submission of a site plan and

the second required the roadway buffer along E 18th Street to be restored. This involved the removal of the first parking space on both sides of the building with required vehicular use area landscaping installed and the restoration of a grass strip and sidewalk within the road right-of-way.

After the applicant's engineer conducted a more comprehensive analysis of the site, it was discovered that in order for the roadway buffer to be accomplished on site with the vehicular use area landscaping installed, both parking spaces on each side of the building would need to be removed.

The applicant has submitted a variance request in order to reduce the roadway buffer from 40 feet from the street centerline to 30 feet from the street centerline and to eliminate the required vehicular use area screening. Their goal is to maintain all existing parking spaces forward of the building. The applicant has met with planning staff to discuss alternatives that will meet the intent of the zoning ordinance yet allow more efficient use of the property based on their business. The applicant's engineer has prepared a plan that will allow the parking to remain with a three foot solid fence serving as the three foot element. Due to limited space available in front of the building, they will not be able to meet the three foot landscape buffer width as prescribed in the ordinance but the intent of the ordinance in regard to establishing the screening element can be met.

The applicant has also met with the city engineering staff in regard to restoring the grass strip within the right-of-way. Based on those discussions, the city engineer's office is agreeable to allow the pavement to remain in place without the restoration of a grass strip. They anticipate roadway construction on 18th Street in the near future and the restoration of a grass strip within the right-of-way will ultimately be removed during the construction project. On-street parking will not be allowed and the area will be signed and striped as such. The city engineer's office will be responsible for monitoring and enforcing the no parking area.

All vehicular use areas appear to be currently paved. Any outdoor storage is required to be screened by a minimum six foot tall solid fence around the entire perimeter of the storage lot. Since the proposed use is a change in occupancy, a site plan shall be submitted to document all site development requirements and must be approved by the City Engineer's office prior to receiving approval by the OMPC.

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. Submission of a site plan to be approved by the City Engineer's office and OMPC prior to building occupancy;
2. Install a three foot tall solid element between the vehicle use area and the property line with one tree on each side; and,
3. Stripe and sign the existing on-street parking area as "no parking".

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.