

MAY 14, 2015

**518, 520, 522 CRABTREE AVE & 2015, 2017,
2021, 2023 W. 6TH ST**

ZONE CHANGE

From:	R-4DT Inner City Residential & B-4 General Business
To:	B-5 Business/Industrial
Proposed Use:	Retail Sales of Farm Equipment/Mowers
Acreage:	0.81
Applicant:	Paul D. & Margaret Helen O'Bryan (1505.1921)
Surrounding Zoning Classifications:	
North: R-4DT & B-4	South: R-4DT & B-4
East: B-4	West: R-4DT

Proposed Zone & Land Use Plan

The applicant is seeking a B-5 Business/Industrial zone. The majority of the subject property is located in a Business/Industrial Plan Area, where general business uses and light industrial uses are appropriate in general locations. A small portion of the property is located in the Central Residential Plan Area.

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 21059CO119 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 includes seven parcels totaling 0.81 acres, is located in a Business/Industrial Plan Area and is surrounded by a mix of residential and commercial uses. Properties to the north of the subject properties include the B-4 zoned retail portion of O'Bryan Implement Sales as well as R-4DT zoned residential properties. Properties to the west are zoned R-4DT and are being used residentially. Properties to the south include R-4DT zoned residential properties as well as B-4 zoned properties being used as a beauty salon and for residential use. Properties to the east are zoned B-4 and include commercial and residential uses.

O'Bryan Implement Sales has used this site, currently zoned B-4 and R-4DT, for tractor and implement sales, display and storage for many years. The Owensboro Metropolitan Zoning Ordinance does not allow this type of commercial activity in a residential zoning district. Since these properties are located within a Business/Industrial Plan Area, they are eligible to be rezoned to the B-5 Business/Industrial zoning district. This rezoning request is an attempt by the applicant to bring all land use activities into compliance with the property's zoning classification.

These seven parcels are currently served by a single access on W. 6th Street and through rear alley access. In this location Crabtree Avenue is a minor arterial roadway with a 75' building setback line from the street centerline and a 40' roadway buffer. No access to Crabtree Avenue will be permitted.

Any outdoor storage areas are required to be screened by a minimum six foot tall solid wall or fence. Outdoor storage areas adjacent to residential zoned property, including across streets and alleys, must also provide a 10' landscape easement with one tree per 40 linear feet, in addition to the six foot tall solid wall or fence.

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:

- No access to Crabtree Avenue shall be permitted;
- A six foot tall solid wall or fence shall be installed around the perimeter of the outdoor storage areas; and
- Where the outdoor storage areas are adjacent to residential zoned property, perimeter screening shall be installed consisting of a 10' wide landscape easement with one tree every 40 linear feet, in addition to the six foot tall solid wall or fence.

Findings of Fact:

- Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
- The subject property is located within a Business/Industrial Plan Area, where general business and light industrial uses are appropriate in general locations;
- The subject property lies within an existing area of mixed general business and light industrial uses;
- The Comprehensive Plan provides for the continuance of mixed use areas; and,
- 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.