

**NOVEMBER 12, 2015**

**211 HALE AVE**

**ZONE CHANGE**

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| <b>From:</b> I-1 Light Industrial                     |
| <b>To:</b> B-5 Business/Industrial                    |
| <b>Proposed Use:</b> Business/Industrial              |
| <b>Acreage:</b> 0.319+/-                              |
| <b>Applicant:</b> New Era Properties, LLC (1511.1938) |
| <b>Surrounding Zoning Classifications:</b>            |
| <b>North:</b> I-1 <b>South:</b> R-4DT                 |
| <b>East:</b> R-4DT <b>West:</b> R-4DT                 |

## 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 21059CO119 D.
- It appears that the subject property is located 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 a 0.319 +/- acre parcel owned by the applicant. The property was rezoned to I-1 Light Industrial in 1977. The building is currently vacant but has historically been used for business purposes. The subject property is in an area of mixed business, industrial and residential uses.

The applicant has recently purchased the subject property along with the adjoining properties to the north. The applicant intends to use the properties to the north for their electrical contractors business and to lease or rent the subject property at 211 Hale Avenue. In an attempt to make the property more marketable, the applicant is requesting to rezone the subject property to B-5 Business/Industrial which would allow for a much greater array of uses.

If any outdoor storage areas are proposed they will be required to be screened by a minimum 6' 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. All vehicular use area that adjoins a public street right-of-way will be required to have a 3' high landscape element plus one tree every 40' to screen its view.

If any changes are made to the site or structure permits must be issued by the OMPC; a site plan must be submitted by the applicant to be reviewed and approved by OMPC staff. Zoning Ordinance compliance regarding access, landscaping, parking, building setbacks, etc. will be reviewed by OMPC staff during the site plan review process. Due to the proximity to residential zoning, all on-site lighting shall be directed away from residential uses.

### 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 findings of fact that follow:

### 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, light industrial and residential 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.