

APRIL 14, 2016

301 E 16TH ST

ZONE CHANGE

From: I-1 Light Industrial	
To: B-5 Business/Industrial	
Proposed Use: Landscape Supplies	
Acreage: 1.050	
Applicant: McHayden Properties, LLC (1604.1956)	
Surrounding Zoning Classifications:	
North: B-5	South: B-5
East: B-5 & I-1	West: I-2

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 OMU map dated 2015
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA, the EPA, the OMPC building/electrical/HVAC division 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 1.050 acre parcel located in a Business/Industrial Plan Area and is surrounded by a mix of residential, professional/service, industrial and commercial uses. The property to the north of the subject properties is a B-5 zoned office building. The property to the west is the Thriftway lumber yard, zoned I-2. Properties to the east are zoned B-5 and are being used as such. The property to the south is zoned B-5 as well.

The subject property is currently being used as a landscaping business; the applicant intends to continue that use. The purpose of the rezoning, according to the applicant is to obtain

the same zoning classification as the property to the north, B-5, for the potential to acquire a portion of that property to the north and consolidate it with the subject property.

The subject property is located at the north east intersection of J R Miller Boulevard and E 16th Street. A minor subdivision plat approved in 1997 creating the subject property limits access to the alley to Gunther Alley, to the east of the subject property and to E 16th Street. The note on the approved plats states no direct access to J R Miller Boulevard shall be permitted.

J R Miller Boulevard is classified as a minor arterial street in this location and the subject property must comply with the special access control policy for J R Miller Boulevard adopted by TAC October 24, 1985. Because of the access control policy, no access to J R Miller Boulevard shall be permitted to the subject property.

Any outdoor storage areas are required to be screened by a minimum 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 J R Miller Boulevard shall be permitted;
- Outdoor storage areas shall be screened by a minimum 6 foot tall solid wall for 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.