

JUNE 9, 2016

612 E 5<sup>TH</sup> ST**ZONE CHANGE**

<b>From:</b> R-4DT Inner City Residential	
<b>To:</b> B-4 General Business	
<b>Proposed Use:</b> Auto Sales	
<b>Acreage:</b> 0.063	
<b>Applicant:</b> America's Car Mart, Inc.; Michael A. Harl (1606.1960)	
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> B-2	<b>South:</b> B-4
<b>East:</b> B-4	<b>West:</b> R-4DT

**Proposed Zone & Land Use Plan**

The applicant is seeking a B-4 General Business zone. The subject property is located in a Business Plan Area where General Business uses are appropriate in limited 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).

(b) **Logical zoning expansions of proportional scope** – Existing General Business zones may be expanded onto contiguous land that generally abuts the same street(s). The expansion of a General Business zone should not significantly increase the extent of the zone in the vicinity of the expansion and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

**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 located 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 sewer, are available to the site.

**Development Patterns**

The subject property is a 0.063 acre tract. Currently there is a single family residence located on the property. The applicant proposes to rezone the property to B-4 General Business and consolidate the subject property with the existing auto sales property to the east and south at 512 Triplett Street.

Properties in this area are zoned commercial and residential. America's Car Mart borders the subject property to the south and east. An alley borders the subject property to the west and across

the alley is an R-4DT residential structure. B-2 Central business zoning is located across E 5<sup>th</sup> Street.

If the rezoning is approved, the applicant will be required to provide landscape buffer screening in compliance with Article 17 of the zoning ordinance along the northern property boundary where adjacent to residential property. Although the properties to the west are also zoned residentially there is an alley that separates the subject properties from the adjoining properties to the west so the landscaping buffer screening would not be required in this area.

E 5<sup>th</sup> Street in this location is classified as a minor arterial roadway with a 30 foot roadway buffer, a 60 foot building setback line and a 500 foot access spacing standard. Currently the subject property is accessed by the alley to the west of the property with no additional access to E 5<sup>th</sup> Street. As the subject property redevelops and is consolidated with the property at 512 Triplett Street access shall be limited to the existing access on Triplett Street and the alley only, no access shall be permitted to E 5<sup>th</sup> Street.

Since the subject property is located within the Owensboro Wellhead Protection Area, according to OMU, if the property will have or produce anything that can contaminate the soil then they must have a groundwater protection plan. OMU, the Kentucky Division of Water and the EPA have been made aware of this rezoning request.

Prior to any non-residential occupancy of the property the applicant must obtain approval of a site plan or development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage. Jim Mischel with the OMPC Building, Electrical & HVAC department shall be contacted before any construction activity takes place on the properties.

**SPECIFIC LAND USE CRITERIA**

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed use as auto sales conforms to the criteria for nonresidential development. The proposed B-4 General Business zoning is a logical expansion of B-4 General Business zoning to the south and east. At 0.063 acre, the proposal is not a significant increase in general business zoning in the vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

**Planning Staff Recommendations**

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

**Condition:**

1. Access to the property shall be limited to the alley only. No access to E 5<sup>th</sup> Street shall be permitted.

**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 in a Business Plan Area where general business uses are appropriate in limited locations;
3. The proposed use as auto sales conforms to the criteria for nonresidential development;
4. The proposal is a logical expansion of existing B-4 General Business zoning to the south and east; and,
5. At 0.063 acre, the proposal does not significantly increase the extent of general business zoning in the vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.