

**JANUARY 11, 2018**

**1701 J R MILLER BLVD, 301 E 18<sup>TH</sup> ST**

## ZONE CHANGE

<b>From:</b>	I-1 Light Industrial & B-4 General Business
<b>To:</b>	<b>B-5 Business/Industrial</b>
<b>Proposed Use:</b>	Pawn Shop
<b>Acreage:</b>	1.44
<b>Applicant:</b>	Roberts Realty, LLC (1801.2029)
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> I-1	<b>South:</b> R-4DT
<b>East:</b> I-1 & B-4	<b>West:</b> I-1 & B-4

## 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 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 sewers, are available to the site.

#### Development Patterns

The subject property is a 1.44 acre parcel located at the intersection of E 18<sup>th</sup> Street and J R Miller Boulevard in a Business/Industrial Plan Area and is surrounded by a mix of residential, industrial and commercial uses. A pawn shop is currently located on the subject property and according to the applicant, will remain.

The applicant proposes to rezone the subject parcel from I-1 and B-4 to B-5. The application indicates the applicant intends to divide and consolidate the subject property with the property to the north should the City of Owensboro close the alley

running between the two properties. The property to the north is also being considered for rezoning to B-5.

J R Miller Boulevard in this location is classified as a minor arterial roadway with a 75 foot building setback line and 50 foot roadway buffer. Additionally, the subject property must comply with the special access control policy for J R Miller Boulevard adopted by the Green River Area Development District (GRADD) Transportation Advisory Committee (TAC) October 24, 1985. This policy states:

- DRIVEWAY ACCESS:** No lot of record or newly created lot will be permitted direct access to the boulevard where there was no street improvement in existence in January, 1985; or where marginal access may be provided by a frontage street along the boulevard.
- STREET INTERSECTIONS:** A public side street may intersect with the boulevard if the following specifications are met: a. The new street leg must complete an existing three-leg street intersection to create a four-leg intersection; or be at least 500 feet from an existing or planned street intersection. Street intersection spacing is measured from centerline to centerline. b. The new street leg must connect with the public street system serving the adjoining neighborhood.

Currently the subject property has two access points along E 18<sup>th</sup> Street and access to Gunther Alley, a public alley, running along the east boundary of the property. Access to the subject property shall be limited to Gunther Alley and E 18<sup>th</sup> Street, in compliance with the access manage manual. Because of the access control policy, no access shall be permitted to J R Miller Boulevard unless the GRADD TAC grants an exception to the access control policy.

Prior to any redevelopment of the property, the applicant must obtain approval of a site plan or final development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage.

### 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:

- Approval of a site plan or final development plan.
- Access shall be limited to Gunther Alley and E 18<sup>th</sup> Street, in compliance with the access management manual. No access shall be permitted to J R Miller Boulevard unless the GRADD TAC grants an exception to the access control policy.

**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.
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.