

OCTOBER 4, 2018

2105 OLD HENDERSON ROAD

**ZONE CHANGE**

<b>From:</b> B-4 General Business	
<b>To:</b> B-5 Business/Industrial	
<b>Proposed Use:</b> Business/Storage	
<b>Acreage:</b> 0.412	
<b>Applicant:</b> SJL Properties, LLC (1810.2061)	
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> R-4DT	<b>South:</b> I-1 & 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 properties are located in a Business/Industrial Plan Area where business/ 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 21059CO119D.
- 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 properties are two contiguous pieces of land, both addressed at 2105 Old Henderson Road, that are zoned B-4 General Business and combine to total 0.412 acres in size. The properties are located in a Business/Industrial Plan Area and are directly surrounded by primarily residentially zoned properties, excluding a light industrial zone and use across Old Henderson Road. Also within this block of Old Henderson Road is a property that was rezoned to B-5 Business/ Industrial in 2013 in order to operate an automobile body shop. Further east on Old Henderson Road, is a grouping of properties that are zoned either I-1 Light Industrial or I-2 Heavy Industrial and appear to be industrial in nature.

The applicant proposes to rezone the subject parcels from B-4 to B-5. The B-5 zone will offer the property owner additional flexibility by allowing both general business uses as well as light industrial uses.

Old Henderson Road is classified as a local street, which requires a 25' building setback line, and access from the subject properties must comply with the requirements of the zoning ordinance.

Perimeter screening shall be required along all boundaries adjoining residentially zoned property in accordance with Article 17 of the zoning ordinance, consisting of a 10 foot wide landscaping easement with 1 tree every 40 linear feet plus a continuous 6 foot high wall or fence. The screening elements will need to be installed along the east and west boundaries of the area being rezoned. Additionally, all vehicular use areas shall be paved and screened with a 3 foot tall continuous element whenever adjoining public rights-of-way (excluding alleys) or residentially zoned properties.

Prior to any development 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 properties are appropriate for the B-5 Business/Industrial zoning because they are 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:**

- Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
- The subject properties are located within a Business/Industrial Plan Area, where business/ industrial uses are appropriate in general locations;
- The subject properties lie 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 use of business/ storage conforms to the criteria for non-residential development.