

DECEMBER 13, 2018**401 BOLIVAR ST****ZONE CHANGE**

From: I-1 Light Industrial
To: B-5 Business/Industrial
Proposed Use: Commercial
Acreage: 0.289
Applicant: Cheryl Lolley (1812.2070)
Surrounding Zoning Classifications:
North: B-2, R-4DT South: R-4DT
East: B-2 West: 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 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 21059CO138D.
- 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 sewers, are available to the site.

Development Patterns

The subject property is the former site of Lanham Electric on the corner of E 4th Street and Bolivar Street. The properties surrounding the subject property are zoned R-4DT Inner City Residential and B-2 Central Business. Saints Joseph and Paul Church and Mudd's Furniture are located across E 4th Street from the subject property while the church parish hall is located across Bolivar Street. The property immediately south appears to be a single family residence and the property to the east is a furniture store. The property is located in a Business/Industrial Plan Area.

The applicant proposes to rezone the subject property from I-1 Light Industrial to B-5 Business/Industrial. The B-5 zone will offer the property owner additional flexibility by allowing both general business uses as well as light industrial uses.

Bolivar Street is classified as a local street, which requires a 25' building setback line. E 4th Street is classified as a minor arterial street with a 60 foot building setback line, 30 foot roadway buffer and 500 foot access spacing standard. With redevelopment of the property, access shall comply with the access management manual.

A 10 foot landscape easement with one tree every 40 linear feet and a six foot tall wall or fence shall be required along the southern property boundary between the subject property and the residentially zoned property. 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.

Since a portion of 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 wellhead protection plan. OMU should be contacted regarding such a plan.

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 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 business/ 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; and
5. The proposed use of commercial conforms to the criteria for non-residential development.