

**APRIL 12, 2007**

**1601 J.R. MILLER BLVD, 1620 GUENTHER  
AL**

## **ZONE CHANGE**

<b>From:</b> I-1 Light Industrial		
<b>To:</b> B-5 Business/Industrial		
<b>Proposed Use:</b> Contractors Office		
<b>Acreage:</b> 1.242		
<b>Applicant:</b> Frank Carrico (0704.1680)		
<b>Property Zone Existing Use</b>	<b>to North</b> B-5, I-1 Landscaping Business, Towing Service	
<b>to West</b> I-2 Truck Supply, Residential	<b>Subject</b> I-1 ➔ B-5 Vacant Building	<b>to East</b> I-1 Construction and Truck Storage Yard
	<b>to South</b> I-1 Vacant	

## **GENERAL LAND USE CRITERIA Apply, if marked below:**

*Described in Comprehensive Plan on pages 445-448*

### **Environmental** ☒

- E1** Flood Plains
- E2** Steep Slope
- E3** Historical & Archaeological Sites
- E4** Soils
- E5** Plant & Animal Life

### **Urban Services** ☒

- ☒ **U1** Roadway Capacity
- ☒ **U2** Electricity Supply
- ☒ **U3** Water Supply
- ☒ **U4** Stormwater Disposal
- ☒ **U5** Sanitary Sewage Disposal

### **Development Patterns** ♦

- D1** Land-Use Intensity, Clusters and Buffers
- D2** Land Use versus Street Function
- ♦ **D3** Intersection & Driveway Spacing
- ♦ **D4** Roadway Buffer Standards
- D5** Lot Sizes & Proportions
- D6** Residential Development
- ♦ **D7** Non-Residential Development
- D8** Building Quality

## **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 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).

## **Applicant's Findings**

Subject property is located in a Business/Industrial Plan Area where light industrial uses are appropriate in general locations. The subject property consists of 1.242 acres located at the southeast corner of J.R. Miller Boulevard and E 16<sup>th</sup> Street. Applicant proposes to rezone the property from I-1 Light Industrial to B-5 Business/Industrial in order to construct a contractor's office for a restoration company (Quality Restoration). The proposed zoning classification is consistent with previous B-5 rezoning approvals in the area and is most appropriate for the intended use.

Specific criteria that apply to this application are as follows:

(a) Building and lot patterns; Outdoor storage areas. Building and lot patterns shall conform to the criteria for “Nonresidential Development” (D7) and outdoor storage yards, to “Buffers for Outdoor Storage Yards” (D1).

The subject property is bounded on all sides by a combination of B-5, I-1 and I-2 zoning. The proposed rezoning is a logical expansion of B-5 Business/Industrial zoning to the north on E 16<sup>th</sup> Street. Any outdoor storage areas shall be buffered in accordance with the zoning ordinance.

The proposed rezoning meets all applicable criteria and is in compliance with the Land Use Plan.

## **Planning Staff Review**

The subject property is located in the 1601 block of J.R. Miller Boulevard and the 1600 block of Guenther Alley. Land use criteria applicable to this proposal are reviewed below.

**GENERAL LAND USE CRITERIA****Environment**

According to a study prepared by the US Department of Agriculture Soil Conservation Service dated March 6, 1990, it appears that the subject property is not located in a wetlands area. The subject property is not located in a special flood hazard area per FIRM Map 21059CO140C. The developer is responsible for obtaining permits as may be required by the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

It appears that the subject property is not in the vicinity of the Owensboro Wellhead Protection area according to a map created by the GRADD office dated March 1999.

**Urban Services**

All urban services, including sanitary sewers, are available to the site.

**Development Patterns**

The subject property is located in an area of primarily industrial uses. Land uses in the vicinity include landscaping supply, towing service, truck supply and storage, construction storage and limited residential. The subject property is contiguous to B-5 zoning located at 309 E 16<sup>th</sup> Street. That property was rezoned to B-5 at the September 14, 2006, Planning Commission meeting. Other B-4 and B-5 zoning classifications are also present in the vicinity of the subject property.

A vacant building currently occupies the site. The intended use for the property is a contractor's office for a restoration company which is an appropriate use within a B-5 zoning classification.

In the vicinity of the subject property, J.R. Miller Boulevard is classified as minor arterial roadway with special access control policies and 50 foot roadway buffer. Since the access conditions cannot be met, no access to J.R. Miller Boulevard shall be permitted. Access to E 16<sup>th</sup> Street shall be located a minimum of 50' from the subject property line along J.R. Miller Boulevard and shall conform to access requirement on local streets. All drives, parking and vehicular use areas on the site shall be paved. Any area used for outdoor storage shall be buffered with a six foot high continuous 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**

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The conditions and findings of fact that support this recommendation include the following:

**Condition:** No access shall be permitted to J.R. Miller Boulevard. Access shall be limited to E 16<sup>th</sup> Street and/or the alley only.

**Findings of Fact:**

1. The subject property is located within a Business/Industrial Plan Area, where general business and light industrial uses are appropriate in general locations;
2. The subject property lies within an existing area of mixed industrial and commercial land uses;
3. The Comprehensive Plan provides for the continuance of mixed use areas; and,
4. 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.