

MAY 14, 2009

1031 E 18TH ST

ZONE CHANGE

From: I-1 Light Industrial		
To: B-5 Business/Industrial		
Proposed Use: Vehicles Sales & Pawn Shop		
Acreage: 0.554		
Applicant: Jim Wieder Enterprises, LLC (0905.1752)		
Property Zone Existing Use	to North I-1 Wholesale Refrigeration Parts	
to West R-4DT Single-Family Residential	Subject I-1 ↔ B-4 Vacant	to East B-4 Auto Parts Sales
	to South B-4 Retail Sales, Barber Shop	

**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 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).

Applicant's Findings

The requested rezoning to B-5 is allowed in general locations as shown on the Comprehensive Plan Map. The specific criteria that apply is that building and lot patterns should conform to “non-residential development.”

This site is a well established commercial/industrial site and has been used this way for many years, most recently as Diamond Rentals. The owner is requesting the rezoning to B-5 which will allow the sale of merchandise and car sales.

The property currently has a building, paved parking, landscaping and screening.

All urban services exist at the site

Planning Staff Review

The subject property is located in the 1001 block of E 18th Street. 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 21059CO138 D. 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 outside 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 mixed commercial, industrial and residential zoning. The property to the north is zoned I-1 Light Industrial, the property to the east and south is zoned B-4 General Business, and the property to the west is zoned R-4DT. Land uses in the vicinity include an auto parts store, barber shop, retail sales, wholesale sales of refrigerator parts and single-family residences.

The subject property is the former Diamond Rentals and the applicant proposes to use the property for auto sales and a pawn shop. Based on the proposed uses of the property, a final development plan will likely be required for the site. Adequate parking shall be provided on site to meet the requirements for both the vehicles sales and retail sales associated with the proposed uses. All vehicular use area on the property shall be paved and any outdoor storage shall be appropriately screened in compliance with the requirements of the zoning ordinance. A three foot screening element is required between the vehicular use area and road right-of-way. Along the west boundary where adjoining residential zoning, a six foot screening element is required with a tree every 40 linear feet within a 10 foot landscape easement. Due to the proximity to the residential neighborhood, all lighting on site should be directed away from the residential properties.

There is a single access point to E 18th Street that serves the property. In the vicinity of the subject property E 18th Street is classified as a collector roadway with a 250 foot spacing standard. The building setback and roadway buffer are 60 feet and 30 feet from the street centerline respectively. The existing access does not meet the spacing standard on E 18th Street but there is no alternative access to the site. The existing access can remain but no additional access to E 18th Street shall be permitted.

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 condition and findings of fact that support this recommendation include the following:

Condition:

1. Access to E 18th Street shall be limited to the existing access point only. No additional access to E 18th Street shall be permitted;
2. All vehicular use areas shall be paved with appropriate vehicular use area screening provided;
3. All outdoor storage areas shall be screened with a six foot solid element with one tree every 40 linear feet;
4. A six foot tall element with one tree every 40 linear feet within a 10 foot landscape easements shall be installed along the west boundary where adjoining residential zoning; and,
5. Due to the proximity to residential zoning, all lighting on the site shall be directed away from the residences.

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.