

MARCH 11, 2010

**416, 418, 420 WING AV;
419 MONTGOMERY AV**

ZONE CHANGE

From: B-4 General Business
To: B-5 Business/Industrial
Proposed Use: Small motor sales and repair
Acreage: 0.465
Applicant: Green Valley Development, Inc. (1003.1774)
Surrounding Zoning Classifications:
North: B-4 South: R-4DT
East: P-1, R-4DT West: B-4, I-1

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 21059CO138 D.
- It appears that the subject property is in the vicinity of the Owensboro Wellhead Protection area per the GRADD map dated March 1999.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA 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 located at the fringe of commercial and industrially zoned properties in the vicinity of E 4th Street. The majority of the property to the west, north and east is commercial or industrial in zone and use while the property to the south is residential in both zone and use. With

the exception of 420 Wing Avenue, the tracts are developed with existing buildings on site.

With the change in zone and use, there are various aspects of the zoning ordinance that need to be addressed in order to bring the subject properties into compliance with current standards. The property located at 419 Montgomery Avenue has a building that occupies the majority of the lot with some paved parking in the front of the building. The tracts at 416 and 418 Wing Avenue are also occupied almost entirely by existing structures. There are no structures located on the tract at 420 Wing Avenue although a portion of the tract is fenced with a woven wire fence and appears to be used for outdoor storage. There is also an area between the fence and the right-of-way which is currently graveled. Outdoor storage is not permitted without a principal use on the subject property.

As the tracts redevelop, site or development plans will be required to address site conditions. Parking requirements must be accomplished on-site meeting the requirements of the zoning ordinance based on the use of the property. Backing into the road right-of-way is not permitted and any parking areas that would allow such shall be removed. Gravel is not permitted unless it is for outdoor storage which requires a six foot tall solid wall or fence. Any gravel not contained with an appropriately screened storage yard must be removed and returned to grass or paved and used for parking. Vehicular use area screening is required within a three foot landscaping strip between the property line and the paved parking and shall contain a three foot high landscaping element with one tree every 40 linear feet. Access is limited to a maximum of 40% of the lot width or 40’, whichever is less. The access to 420 Wing Avenue is completely open and must be redesigned to meet the width requirement. Appropriate screening shall be installed along the south property line of both 419 Montgomery Avenue and 420 Wing Avenue since it adjoins residentially zoned property. The screening shall consist of a continuous six foot solid wall or fence with one tree every 40 linear feet within a 10’ landscape easement. Due to the proximity to residential property to the south, all lighting shall be directed away from the residences.

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:

1. Submission and approval of a site or development plan;
2. Eliminate parking spaces that require backing into the public right-of-way;
3. Gravel parking areas shall be removed and returned to grass, paved or appropriately screened as required for outdoor storage area;
4. Vehicular use area screening shall be installed where paved parking areas are adjacent to the road right-of-way;
5. All vehicular use areas are required to be paved;
6. Access shall be limited to a maximum of 40% of the road frontage or 40', whichever is less;
7. A six foot solid wall or fence with one tree every 40 linear feet within a 10' landscape easement shall be installed along the south property line of 419 Montgomery Avenue and 420 Wing Avenue; and,
8. All lighting shall be directed away from the residentially zoned property.

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.