

FEBRUARY 12, 2004

316 W 5TH STREET

ZONE CHANGE

From: B-4 General Business

To: **B-2 Central Business**

Acreage: 0.316 acres

Applicant: Fifth Third Bank, Indiana (Southern),
Audubon Loans, Inc., Terry Dukes,
President (1402.1547)

Property Zone Existing Use	to North B-2 <i>Auto dealership, parking</i>	
	to West B-2 <i>Funeral home</i>	to East B-2 <i>Vacant building</i>
	Subject B-4 ➔ B-2 <i>Vacant, paved</i>	
	to South B-2 <i>Vacant, paved</i>	

**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-2 Central Business zone. The subject property is located in a Central Business Plan Area, where central business uses are appropriate in general locations.

SPECIFIC LAND USE CRITERIA

(a) **Building and lot patterns** should conform to the criteria for “**Nonresidential Development**” (D7).

Applicant's Findings

The proposed zoning change from B-4 to B-2 is in compliance with the Comprehensive Plan. The subject property is in the Central Business Plan Area of downtown Owensboro and meets all criteria under the comprehensive Plan for central business uses. The subject property is located at the southeast intersection of W 5th St and Ewing Ct. The subject property is currently vacant. Its most recent use, and for many years, has been as part of an automotive dealership in conjunction with properties immediately to the east and south. The adjoining properties to the east and south (500,506,512 and 518 Frederica St) are zoned B-2, and will be consolidated with the subject property and developed by the applicant for a new banking facility. The adjoining properties to the north across W 5th St and to the west across Ewing Ct are zoned B-2 as well.

The proposal is in compliance with both the “Specific Land Criteria: (Item 8) and the “General Land Use Criteria (Item D7) of the Comprehensive Plan. Central Business uses under the Comprehensive Plan include a wide range of commercial activities including banking facilities. The proposed use by the applicant will continue the improvement of the downtown Owensboro Central Business area and conforms with the criteria for non-residential development (Item D7) under the Comprehensive Plan.

Planning Staff Review

The subject property is located at the southeast corner at the intersection of W 5th St and Ewing Ct. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA**Environment**

The subject property has historically served as parking for an automobile dealership. The subject property is proposed to be consolidated with adjoining property that included car service and repair and may have environmental issues that could require mitigation prior to construction. No other important environmental criteria apply to the subject property.

Urban Services

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

Development Patterns

The subject property was zoned to B-4 General Business from B-2 Central Business in 1994, in order to develop the lot as an automobile display area as an extension of the adjacent automobile dealership use. The existing automobile dealership on property to the east of the subject property was non-conforming in a B-2 Central Business zone. In order for the use to be permitted adjacent to the existing dealership, it was necessary for the subject property to be zoned to B-4, as the B-2 zoning classification does not include automobile display areas as a permitted use.

The property to the east and south proposed to be consolidated with the subject property is zoned B-2 Central Business. Property to the west across Ewing Ct and to the north across W 5th St is also zoned B-2 Central Business.

The applicant proposes to join the subject property with properties at 500, 506, 512 and 518 Frederica St and develop the resulting lot as a banking facility, which is a permitted use in a B-2 Central Business zone.

Intersection & Driveway Spacing

W 5th St is a minor arterial roadway with one-way traffic. An access spacing standard of 500 feet between access points The subject property is proposed to be consolidated with property to the east that fronts on Frederica St, a principal arterial with a spacing standard of 500 feet. The frontage on each street would be insufficient to maintain a 500-foot spacing standard along either street. Access on the consolidated parcel should be limited to one direct access to W 5th St and one direct access point on Frederica St to be designated on a consolidation plat.

SPECIFIC LAND USE CRITERIA

The subject property is located in a Central Business Plan Area, where central business land uses are appropriate in general locations. The B-2 Central Business zone is a more appropriate zone in this location than the B-4 zoning designation, as the property is located in a Central Business Plan Area and surrounding properties are also zoned B-2 Central Business. The applicant proposes to consolidate the subject property with other adjacent properties that are currently zoned B-2.

Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. This recommendation is made subject to the condition and findings of fact that follow:

Condition:

1. Access to W 5th St shall be limited as per the standards of the Access Management Manual.

Findings of Fact:

1. The subject property is located in a Central Business Plan Area, where central business uses are appropriate in general locations;
2. The subject property adjoins B-2 zoning to the east, west, north and south; and,
3. The proposed zoning of B-2 Central Business is a more appropriate zone for the subject property than the B-4 General Business zone as the property is located in a Central Business Plan area.