

**SEPTEMBER 9, 2004**

**409, 411 E 2<sup>ND</sup> ST**

**ZONE CHANGE**

**From:** I-2 – Heavy Industrial

**To:** B-2 – Central Business

**Acreage:** 0.17 acres

**Applicant:** Terry Woodward (0409.1567)

|                                    |  |                                      |
|------------------------------------|--|--------------------------------------|
| <b>Property Zone Existing Use</b>  | <b>to North</b><br>I-2<br>Gravel Yard          |                                      |
| <b>to West</b><br>I-2<br>Warehouse | <b>Subject</b><br>I-2 ↔ B-2<br>Vacant Building | <b>to East</b><br>I-2<br>Parking Lot |
|                                    | <b>to South</b><br>I-1<br>Warehouse            |                                      |


**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 an 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) Business and lot patterns** should conform to the criteria for “Nonresidential Development.”

**Applicant's Findings**

The property is located within the Central Business Plan area as identified in the Comprehensive Plan and the use of the buildings and lot for business purposes is appropriate in general locations.

**Planning Staff Review**

The subject property is located in the 400 Block of E 2<sup>nd</sup> 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 in a wetlands area. The subject property does not appear to be in a special flood hazard area per FIRM Map 21059CO140 C. 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 are available to the site.

**Development Patterns**

The subject property is located in an area of significant commercial and industrial land uses. Although the surrounding property is all zoned industrial, according to the Comprehensive Plan the property is located in a Central Business Plan Area where uses under the B-2

Central Business zoning classification are appropriate in general locations. The subject property is a commercial building that occupies the two lots to be rezoned.

No specific use for the property was given in the rezoning application. However, in the B-2 Central Business zoning classification a variety of commercial uses are permitted. Additionally, multi-family residential is also a permitted use in the B-2 zone provided that residential units are not mixed with non-residential permitted uses on the same floor.

Parking for the site will be on an adjacent parcel which is currently vacant.

E 2<sup>nd</sup> Street is classified as a principal arterial roadway with spacing standards of 500'. No access points currently exist on the subject property as existing buildings are constructed to the sidewalk.

### **SPECIFIC LAND USE CRITERIA**

The subject property is located in a Central Business Plan Area where Central Business uses are appropriate in general locations. The only criterion that must be met according to the Comprehensive Plan is that the building and lot pattern be non-residential.

The existing buildings are consistent in character with existing buildings in the Central Business District, and seem appropriate in design for commercial activities to occur on the ground floor.

### **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:** No direct vehicular access to E. 2<sup>nd</sup> Street shall be permitted.

#### **Findings of Fact:**

1. The subject property is located in a Central Business Plan area where Central Business uses are appropriate in general locations; and
2. The existing building and lot patterns meet the criteria for non-residential development.