



**JANUARY 12, 2006**

**1300 E 9<sup>TH</sup> ST**

## ZONE CHANGE

<b>From:</b> I-1 Light Industrial		
<b>To:</b> B-5 Business/Industrial		
<b>Proposed Use:</b> Office/Warehouse		
<b>Acreage:</b> 0.68 acres		
<b>Applicant:</b> Bryant Commercial Multiple, LLC (0601.1624)		
<b>Property Zone Existing Use</b>	<b>to North</b> R-4DT Multi-family residential	
<b>to West</b> R-3MF, I-1, R-4DT Office, warehouse, residential	<b>Subject</b> I-1 ➔ B-5 Office/Warehouse	<b>to East</b> I-1 Office, warehouse
	<b>to South</b> P-1 Vacant, storage	

## 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 uses 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

The zoning change is in compliance with the Comprehensive Plan and encouraged by the planning staff. The B-5 Business/Industrial zone is allowable within the Business/Industrial Plan Area. The site is recommended by the Land Use Plan and is located at 1300 E 9<sup>th</sup> Street.

## Planning Staff Review

The subject property is located in the 1300 block of E 9<sup>th</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 located in a wetlands area. The subject property is located 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, including sanitary sewers, are available to the site.

### Development Patterns

The subject property is located in an area of mixed industrial and residential uses. The property to the north is

zoned R-4DT and is occupied by multi-family residential units. East of the subject property is zoned I-1 with office and warehouse development. South of the subject property is zoned P-1 and is occupied by vacant storage uses. West of the subject property is zoned R-3MF, I-1 and R-4DT with office, warehouse, multi-family and single-family residential uses.

Currently the subject property has open access along E 9<sup>th</sup> Street which is classified as a minor arterial roadway with an access spacing standard of 500 feet. The required roadway buffer along E 9<sup>th</sup> Street is 40 feet from the roadway centerline.

As a part of the rezoning process, the site will need to be brought into compliance with current zoning standards. Currently, access along E 9<sup>th</sup> Street is completely open with vehicles backing to/from the street to the site. The access along E 9<sup>th</sup> Street will need to be restored with curb and gutter with the potential for a single access point as far away from the intersection as possible. Backing to/from the site to E 9<sup>th</sup> Street will not be permitted. All applicable landscaping and vehicular use area screening shall be installed as well in accord with current zoning standards. The roadway buffer shall be free of all parking and required landscaping. The applicant can apply for a variance to reduce the roadway buffer if needed.

From the date of approval, the applicant shall have a maximum of 18 months to bring the site into compliance with zoning standards.

### **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:

#### **Conditions:**

1. Access along E 9<sup>th</sup> Street shall be consolidated to a single access as far away from the intersection as possible with curb and gutter installed;
2. No backing to/from the site into the right-of-way of E 9<sup>th</sup> Street or Jackson Street shall be permitted;

3. Required landscaping and vehicular use area buffers shall be installed in accordance with current zoning regulations; and,
4. Within 30 days of January 12, 2006, sufficient surety shall be posted to bring the site to current standards with all work being completed within 18 months of the referenced date.

#### **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 residential, business and light industrial 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.