

FEBRUARY 9, 2006

304 E 25TH ST

ZONE CHANGE

From: B-4 General Business		
To: B-5 Business/Industrial		
Proposed Use: Auto Sales/Truck Storage		
Acreage: 0.95 +/- acres		
Applicant: Adams Motor Sales, Lindy L. Mercer & Abbie C. Mercer Revocable Trust (0602.1626)		
Property Zone Existing Use	to North I-1 Bakery	
to West B-4 Residential	Subject B-4 → B-5 Auto Sales/Truck Storage	to East I-1 Propane Gas Sales
	to South I-1 Propane Gas Tank 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 requested rezoning is in compliance with the Comprehensive Plan and allowed in general locations. The land use criterion that supports the rezoning is that building and lot patterns should conform to the criteria for non-residential development. This area is a mixed use of commercial and industrial uses which have been established for many years.

The applicant is seeking a B-5 zone at his existing car sales lot. The majority of the site will be used for car sales with the rear portion of the lot being used for enclosed trailer parking and storage. The proposed parking and storage area will be adjacent to the existing industrial use area to the south.

The site has existing paved parking areas with landscape buffers along E 25th Street and J.R. Miller Boulevard.

Planning Staff Review

The subject property is located in the 300 block of E 25th 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 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 commercial zones. The property to the north, east and south is all zoned industrial with uses including a bakery and propane gas tank sales and storage. The property to the west is zoned B-4 but occupied by residences.

In the vicinity of the subject property, J.R. Miller Boulevard is classified as a minor arterial roadway with a special access control policy adopted by the Transportation Policy Committee in 1985. No access will be permitted to J.R. Miller Boulevard where there was no street improvement in existence in January 1985. E 25th Street is classified as a minor arterial roadway with a 30 foot roadway buffer. Currently the site has no access along J.R. Miller Boulevard and no new access will be permitted. The site does have existing access along E 25th Street but no changes are proposed to the existing access points. No additional access points on E 25th Street shall be permitted.

The subject property is currently used for auto sales and limited truck storage for the adjoining bakery facility which is not permitted in a B-4 zone. The proposed rezoning will bring the site into compliance with zoning regulations. In their findings, the applicant stated that the storage is for enclosed trucks storage only. If outdoor storage is added in the future, a six foot high solid wall or fence shall be constructed to provide required screening.

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:

Condition:

1. If outdoor storage occurs, a six foot high solid wall or fence shall be constructed to provide required screening; and,
2. No access to J.R. Miller Boulevard shall be permitted.

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 business and light industrial zones;
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.