

MARCH 8, 2007

585 FULTON DR

ZONE CHANGE

From: B-4 General Business

To: B-5 Business/Industrial

Proposed Use: Body Shop

Acreage: 3.079

Applicant: Penn Properties, LLC (0703.1678)

Property Zone Existing Use	to North B-4, I-1 Correction Facility, Loan Company, Dentist office	to East B-4, I-1 Bowling Alley, Lowe's
	to West B-4 Package Food Distributor	
	to South B-4 US Bank Home Mortgage	

**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 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)**.

Applicant's Findings

The proposal seems to be in compliance with the Comprehensive Plan. The proposed usage of the property fits with existing land uses allowed by the surrounding zones of B-4 and I-1

Planning Staff Review

The subject property is located in the 501 block of Fulton Drive. 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 21059CO280C. 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 not in the vicinity of 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 commercial and industrial uses. Industrial zoning is present to the north and east while commercial zonings are

present along all boundaries of the subject property. Uses include a Women's Correctional Facility, Lowe's, US Bank Home Mortgage, dentist office and a package food distributor.

A BellSouth storage yard was the most recent use on the subject property. There is an existing building on site with several overhead doors and an additional concrete block building. The proposed use of the property is for an automotive body shop. The proposed use is permitted within a B-5 Business/Industrial Zone. The site has access to Fulton Drive which is classified as a local roadway.

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 findings of fact that support this recommendation include the following:

Findings of Fact:

1. The subject property is located in a Business/Industrial Plan Area, where business/industrial uses are appropriate in general locations;
2. The subject property lies within an existing area of mixed commercial and 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.