

**NOVEMBER 12, 2020**

**930 W. THIRD STREET**

**ZONE CHANGE**

<b>From: B-4 General Business</b>	
<b>To: B-5 Business/Industrial</b>	
<b>Proposed Use:</b>	Storage Building
<b>Acreage:</b>	1.076
<b>Applicant:</b>	John M. Kurtz (2011.2139)
<b>Surrounding Zoning Classifications:</b>	
<b>North: R-4DT</b>	<b>South: I-1 &amp; B-5 &amp; B-4</b>
<b>East: P-1</b>	<b>West: I-1 &amp; R-4DT</b>

**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 areas** – Building and lot patterns should conform to the criteria for “**Nonresidential Development**” (D7), and outdoor storage yards, with “**Buffers for Outdoor Storage Yards**” (D1).

**Planning Staff Review**

**GENERAL LAND USE CRITERIA**

**Environment**

- It appears that the subject property is not located in a wetlands area per the US Department of Agriculture Soil Conservation Service dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Map 21059C0138D.
- It appears that the subject property is not located within the Owensboro Wellhead Protection area per the OMU map dated 2015.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA, the EPA, the OMPC building/electrical/HVAC division or other state and federal agencies as may be applicable.

**Urban Services**

All urban services, including sanitary sewer, are available to the subject property.

**Development Patterns**

The subject property is 1.076 acre parcel of vacant land with road frontage along W. 3<sup>rd</sup> Street and along W. 4<sup>th</sup> Street. The frontage along W. 4<sup>th</sup> Street is accomplished through a 32-foot wide stem leading to the majority of the subject property.

The property is surrounded by a variety of uses with light industrial zoning adjoining the property along W. 4<sup>th</sup> Street and primarily residential zoning adjoining the property along both sides of W. 3<sup>rd</sup> Street. Along the south of W. 4<sup>th</sup> Street is a variety of commercial and industrial activity that is zoned B-4 General Business, B-5 Business/Industrial, and I-1 Light Industrial.

In this vicinity, W. 3<sup>rd</sup> Street is considered to be a local road without specific access management policies or roadway buffers to regulate. Development along W. 3<sup>rd</sup> Street shall comply with a building setback of no less than 25-feet from the property line.

Also in this vicinity, W. 4<sup>th</sup> Street is classified as a minor arterial roadway requiring a 500-foot spacing standard for new developments, as well as a 60-foot building setback and a 30-foot roadway buffer, each measured from the centerline of W. 4<sup>th</sup> Street. Due to the property’s 32-foot wide stem of road frontage along W. 4<sup>th</sup> Street coupled with the existing access points of neighboring properties, compliance with the access management policies is not possible and so the site’s access to W. 4<sup>th</sup> Street shall be limited to a single access point.

The subject property also contains a 20-foot wide sanitary sewer easement running through the center of the property. Any development on this property shall be required to stay outside of this easement unless prior approval from RWRA is obtained. In the event that the sanitary sewer easement is relocated, it should be reflected on an approved minor subdivision plat. Due to the location and size of this easement, any development on this property shall be required to obtain approval of a final development plan.

Prior to any changes to the subject property, the applicant must obtain approval of a final development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage. The OMPC Building, Electrical and HVAC Department shall be contacted before any construction activity takes place on the property.

**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 general 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**

The planning staff recommends approval subject to the condition and findings of fact that follow:

**Condition:**

Obtain approval of a Final Development Plan.

**Findings of Fact:**

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located in a Business/Industrial Plan Area where Business/Industrial uses are appropriate in general locations;
3. The subject property lies within an existing area of mixed general business and light industrial uses;
4. The Comprehensive Plan provides for the continuance of mixed use areas; and
5. The proposed use, a storage building, conforms to the criteria for non-residential development.