

FEBRUARY 11, 2021

1100 & 1200 BURLEW BOULEVARD

ZONE CHANGE

From:	I-1 Light Industrial, A-U Urban Agriculture & B-4 General Business
To:	B-5 Business/Industrial
Proposed Use:	Nursery, Business
Acreage:	7.094
Applicant:	Mark & Charlotte Thompson; Integrity Lawn Care, Inc. (2102.2149)
Surrounding Zoning Classifications:	
North: R-3MF	South: A-U
East: I-1 & B-4	West: B-4

Proposed Zone & Land Use Plan

The applicant is seeking a B-5 Business/Industrial zone. The subject properties are 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 partially located in a special flood hazard area per FIRM Map 21059C0277D.
- 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 properties consist of two tracts of land combining to total 7.094 acres in size located along the south side of Burlew Boulevard, near the New Hartford Road intersection.

The majority of the proposal, 1100 Burlew Blvd., has long been the Integrity Lawn Care nursery operation which has, historically, been a landscaping service with a retail sales establishment operating as an accessory use. Over time, the landscaping activity has lessened and the retail sales portion of the business has grown to encompass the vast majority of the operation. The property is split-zoned I-1 Light Industrial in the front and A-U Urban Agriculture to the rear. Unfortunately, neither zoning classification is deemed appropriate for a retail sales establishment.

Integrity Lawn Care recently proposed the construction of an additional greenhouse on the subject property, at which time the change in primary use of the subject property was revealed and it was determined that the existing zones were no longer appropriate for this operation. Rather, the B-5 Business/Industrial zone is more appropriate than the existing zoning classifications as the B-5 zone allows for all of the on-going activities.

The remaining tract of land, 1200 Burlew Blvd., is also split-zoned; the majority of which is zoned B-4 General Business and the rear zoned A-U Urban Agriculture. The existing business use at 1200 Burlew Blvd., a dog training facility, is appropriate in the B-4 zoning classification, but is also deemed appropriate in the proposed B-5 Business/Industrial zone. For uniformity on both tracts, the applicant has also proposed to rezone this tract of land to B-5 Business/Industrial, providing the opportunity to expand the Integrity operation if desired.

The adjoining properties in the area vary in zone and in use. To the west (at the intersection of Burlew Blvd. and New Hartford Road) is a series of office uses zoned B-4 General Business. Meanwhile, to the north (across Burlew Blvd.) is an apartment complex zoned R-3MF Multi-family Residential. Adjoining properties to the rear are zoned A-U Urban Agricultural and are comprised of land located within the floodway and utilized primarily for the Owensboro Green Belt trail system.

There are two adjoining properties to the east. The largest is zoned I-1 Light Industrial and utilized appropriately. Meanwhile the other tract, 1210 Burlew Blvd., is zoned B-4 General Business and shares a parking lot with 1200 Burlew Blvd. Although the two parking lots are connected and work together, each property currently has its own individual access point which are spaced about 95-feet apart.

In this vicinity, Burlew Blvd. is classified as a Major Collector roadway with a 250-foot spacing standard, as well as a 60-foot building setback and a 30-foot roadway buffer; each measured from the centerline of Burlew Blvd. However, the most recent subdivision plat for 1100 Burlew Blvd. illustrates a building setback of 40-feet from the front property line which shall be honored unless an updated minor subdivision plat showing differently is approved and recorded.

Between the two subject properties, the sites have three existing access points and also utilize a fourth that is located on the adjoining property at 1210 Burlew Blvd. As a result, the spacing does not fully comply with the 250-foot spacing standard. However, the sites are existing and the activity at each property is not currently changing, so the sites are not being redeveloped in a way that warrants such site improvements at this time. However, in the event that the properties are significantly redeveloped, compliance with access management policies shall be required. This may result in the closure of at least one access point and a shared development plan for the two properties.

Additionally, it should be noted that the two subject properties are both split jurisdictionally as the frontage of each property is deemed to be located within the City limits, while the rear of both properties appear to be in unincorporated Daviess County. Significant redevelopment of the site(s) may also require annexation of the rear portions of the properties.

Prior to any changes to the subject properties, the applicant must obtain approval of a site plan or 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 properties.

SPECIFIC LAND USE CRITERIA

The subject properties are appropriate for the B-5 Business/Industrial zoning because they are 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:

1. Obtain approval of a Site Plan or 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 properties are located in a Business/Industrial Plan Area where Business/Industrial uses are appropriate in general locations;
3. The subject properties lie 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 uses, a nursery and a dog training facility, conform to the criteria for non-residential development. Any outdoor storage areas shall conform to criteria associated with buffers for outdoor storage yards.