

**FEBRUARY 11, 2021**

**1629 WEST 9<sup>TH</sup> STREET**

**ZONE CHANGE**

**From: I-1 Light Industrial**

**To: B-5 Business/Industrial**

**Proposed Use:** Mini Market

**Acres:** 0.100

**Applicant:** Sean McCall (2102.2153)

**Surrounding Zoning Classifications:**

<b>North: I-1</b>	<b>South: B-4</b>
<b>East: I-1</b>	<b>West: I-1</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 21059C0119D.
- 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 0.100 acre tract of land that is located at the northeast intersection of W. 9<sup>th</sup> Street and McGill Street. The structure on the property appears to have been vacant for an extended period of time.

The applicant owns the subject property, the adjoining property to the east, the two nearest properties to the north (along McGill Street), and the adjoining property to the west (directly across McGill Street). All of which are zoned I-1 Light Industrial. The adjoining properties to the south, across W. 9<sup>th</sup> Street, are zoned B-4 General Business.

In this vicinity, W. 9<sup>th</sup> Street is considered to be 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 W. 9<sup>th</sup> Street. The lot is far less than 250-feet in width and, as a result, cannot comply with the 250-foot spacing standard. Consequently, the existing access point along W. 9<sup>th</sup> Street shall be closed and access to the subject property shall be limited to McGill Street; a local street without spacing standards. The existing building on the subject property encroaches into the front yard building setback and possibly into the roadway buffer. Significant redevelopment of the property may require the site to be brought into compliance with such regulations.

The subject property has a small area of land to the rear, along McGill Street, that can be utilized for an access point and required parking spaces. However, the area of land is approximately 35-feet in width between the building and the property line. As a result, it may be difficult to host all of the required parking spaces and a 24-foot wide drive aisle that is required for two-way traffic. Because of that, it is important to re-iterate that the applicant also owns several adjoining properties which can be used to accommodate the required parking spaces, if necessary. Because of the unlike zones, doing so will likely require a Final Development Plan – as a property consolidation and site plan is not possible across unlike zones.

Prior to any changes to the subject property, the applicant must obtain approval of a site plan or 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 conditions and findings of fact that follow:

**Conditions:**

1. Obtain approval of a Site Plan or Final Development Plan;
2. Direct access to the subject property shall be limited to McGill Street. No direct access to W. 9<sup>th</sup> Street shall be permitted; and,
3. The existing access point along W. 9<sup>th</sup> Street shall be closed.

**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 mini-market, conforms to the criteria for non-residential development.