

**JANUARY 12, 2023**

<b>615 BRECKENRIDGE STREET</b>	
<b>ZONE CHANGE</b>	
<b>From:</b> B-4 General Business	
<b>To:</b> B-5 Business/Industrial	
<b>Proposed Use:</b> Contractor Shop	
<b>Acreage:</b> 0.273	
<b>Applicant:</b> Cole Chapman; Kelley L. Bard (2301.2243)	
<b>Surrounding Zoning Classifications:</b>	
<b>North: B-4</b>	<b>South: B-4</b>
<b>East: R-4DT</b>	<b>West: I-1</b>

**Proposed Zone & Land Use Plan**

The applicant is seeking a B-5 Business/Industrial zoning classification. 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 map dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Map 21059CO138D.
- The subject property is 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 site.

**Development Patterns**

The subject property is a 0.273 acre vacant piece of land located on Breckenridge Street. The property is surrounded by B-4 General Business zoning to the north and south which are existing residential homes, R-4DT Inner-City Residential zoning to the east, and I-1 Light Industrial zoning to the west across Breckenridge Street.

The subject property is currently zoned B-4 General Business. The applicant intends to construct a contractor shop on the lot and, as a result, has proposed to rezone the property to B-5 Business/Industrial.

Breckenridge Street, in this vicinity, is classified as a minor arterial roadway with a 500-foot spacing standard; as well as a 60-foot building setback and 30-foot roadway buffer, each measured from the centerline of Breckenridge Street. However, the subject property spans 99-feet in width so full compliance with the 500-foot spacing standard is not feasible. Because of this, direct access to Breckenridge Street shall be limited to a single access point in alignment with an existing point located across Breckenridge Street. Nevertheless, a site visit noted that the property sits well above Breckenridge Street and is separated from the roadway by a large retaining wall. Due to these site features, it is most likely that the access will be limited to the rear alley.

Prior to any activity on the property the applicant shall 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 & HVAC department shall be contacted before any construction activity takes place on the property.

Lastly, because the subject property is located within the Owensboro Wellhead Protection area, according to OMU, if the property will have or produce anything that can contaminate the soil then they must have a wellhead protection plan. OMU should be contacted regarding such a plan.

**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**

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

**Condition:**

1. Direct access to Breckenridge Street shall be limited to a single access point in alignment with an existing point located across the street.

**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 proposed use, a contractor shop, conforms to the criteria for Nonresidential Development; and,
4. An approved site plan or final development plan will ensure compliance with the criteria for Buffers for Outdoor Storage Yards.