

**MAY 9, 2024**

<b>629 CRABTREE AVENUE</b>	
<b>ZONE CHANGE</b>	
<b>From:</b>	B-4 General Business & I-2 Heavy Industrial
<b>To:</b>	<b>B-5 Business/Industrial</b>
<b>Proposed Use:</b>	Bow and Arrow Sales
<b>Acreeage:</b>	0.211
<b>Applicant:</b>	J K L M Investments, LLC (2405.2288)
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b>	<b>B-4</b>
<b>South:</b>	<b>I-2</b>
<b>East:</b>	<b>R-4DT &amp; I-2</b>
<b>West:</b>	<b>B-4</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 map dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Map 21059CO119 D.
- It appears that the subject property is not 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 sewers, are available to the subject property.

**Development Patterns**

The subject property is an existing site located along the north side of the Crabtree Avenue/W. 7<sup>th</sup> Street intersection and is split-zoned, B-4 General Business and I-2 Heavy Industrial. All adjoining properties are also zoned B-4 or I-2 with the exception of properties to the east (across the alley) which front along Poindexter Street and are zoned R-4DT Inner-City Residential.

At this time, the applicant wishes to rezone the property to B-5 Business/Industrial in order to operate a bow-and-arrow retail sales establishment. The property is largely covered by existing legally non-conforming structures with limited parking areas available. To address this, the applicant has also proposed to rezone the lots across W. 7<sup>th</sup> Street (707, 709 and 711 Crabtree Avenue) in order to provide parking. The intent is for all four properties (including the subject property) to be illustrated on a shared Final Development Plan.

This portion of Crabtree Avenue is classified as a Major Collector roadway with a 250-foot access spacing standard. As such, as the subject property redevelops, it shall maintain compliance with the Access Management Manual, which could mean one of two things:

1. If on a shared Final Development Plan with other properties (as intended), direct access to the subject property shall be limited to W. 7<sup>th</sup> Street only. No direct access to Crabtree Avenue shall be permitted.
2. If the development on the subject property can independently support the proposed use’s parking requirement and other necessary site features, then a shared Final Development Plan may not be necessary. If this development is on an independent Final Development Plan, direct access to Crabtree Avenue shall be limited to a single access point.

In addition to the spacing standards, redevelopment of the site shall comply with the 60-foot building setback and 30-foot roadway buffer; each measured from the centerline of Crabtree Avenue. Additionally, all existing gravel areas shall be removed, paved, or properly screened; and all required parking spaces shall be on a paved surface such as asphalt or concrete and shall include all required landscaping elements.

Prior to any changes to the 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 & 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 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 Final Development Plan; and,
2. Direct access to Crabtree Avenue shall be in compliance with the Access Management Manual.

**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 within 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, retail sales, conforms to the criteria for non-residential development, and approval of a Final Development Plan shall ensure compliance with the criteria associated with buffers for outdoor storage yards.