

NOVEMBER 9, 2006

**1912 JAMES DAVID CT, 1911 W PARRISH
AV**

ZONE CHANGE

From: R-4DT Inner-City Residential		
To: B-4 General Business		
Proposed Use: Retail Center/Restaurant		
Acreage: 0.215		
Applicant: Adam Hansen, Edwin L. and Marilyn C. Ramsay (0611.1661)		
Property Zone Existing Use	to North B-4, R-4DT Sign Company, Residential	
to West B-4 Vacant Lot, Business Rental	Subject R-4DT ⇌ B-4 Residential	to East R-4DT Residential
	to South R-4DT, B-4, R-1A Business Rental, Residential	

GENERAL LAND USE CRITERIA

Apply, if marked below:

Described in Comprehensive Plan on pages 445-448

Environmental ☒

- E1** Flood Plains
- E2** Steep Slope
- E3** Historical & Archaeological Sites
- E4** Soils
- E5** Plant & Animal Life

Urban Services ☒

- ☒ **U1** Roadway Capacity
- ☒ **U2** Electricity Supply
- ☒ **U3** Water Supply
- ☒ **U4** Stormwater Disposal
- ☒ **U5** Sanitary Sewage Disposal

Development Patterns ❖

- D1** Land-Use Intensity, Clusters and Buffers
- D2** Land Use versus Street Function
- ❖ **D3** Intersection & Driveway Spacing
- ❖ **D4** Roadway Buffer Standards
- D5** Lot Sizes & Proportions
- D6** Residential Development
- ❖ **D7** Non-Residential Development
- D8** Building Quality

Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business zone. The subject property is located in a Central Residential Plan Area, where general business uses are appropriate in limited locations.

SPECIFIC LAND USE CRITERIA

- (a) Building and lot patterns; outdoor storage yards -**
Building and lot patterns shall conform to the criteria for “Nonresidential Development”(D7) and outdoor storage yards, with “Buffers for Outdoor Storage Yards”(D1).
- (b) Logical zoning expansions of proportional scope -**
Existing General Business zones may be expanded onto contiguous land that generally abuts the same street(s). The expansion of a General Business zone should not significantly increase the extent of the zone in the vicinity of the expansion and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

Applicant's Findings

The subject property is two lots located in a Central Residential Plan Area where General Business land use is appropriate in limited locations.

The site is situated within a mixed land use area near the intersections of Bosley Road with W. Parrish Avenue and James David Court. The subject property also fronts W. Parrish Avenue. General Business uses already exist immediately adjacent to the properties to the west and across James David Court. The proposed land use for the property once rezoned is a retail center with a restaurant.

Specific Land Use criteria applicable to this application are as follows:

- a) Building and lot patterns should conform to criteria for “Nonresidential Development.” Outdoor storage yards to “Buffers for Outdoor Storage Yards.”

The proposed development for this property is a “Neighborhood Business Center” as outlined in the criteria for “Nonresidential Development. There will be no outdoor storage yard.

- b) Logical zoning expansions of proportional scope.

The rezoning will be a logical expansion of the existing General Business zone and will not significantly increase the extent of the zone due to the modest size of the lots.

c) Expansion across intervening streets.

The adjacent property and the property across James David Court are currently zoned B-4.

d) New locations in Central Residential plan areas.

Property lying west of the subject property to the intersection of James David Court with Bosley Road is currently General Business land uses. The property rezoning is not a new location of General Business but is a logical expansion of the existing General Business land use.

Planning Staff Review

The subject property is located in the 1901 block of W. Parrish Avenue and the 1900 block of James David Court. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA

Environment

According to a study prepared by the US Department of Agriculture Soil Conservation Service dated March 6, 1990, it appears that the subject property is not located in a wetlands area. The subject property is not located in a special flood hazard area per FIRM Map 21059CO120C. The developer is responsible for obtaining permits as may be required by the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

It appears that the subject property is outside the Owensboro Wellhead Protection area according to a map created by the GRADD office dated March 1999.

Urban Services

All urban services, including sanitary sewers, are available to the site.

Development Patterns

The subject property is located in an area of mixed residential and commercial uses. The property to the west and one lot to the north are zoned B-4. Commercial uses in the vicinity include the Briteway Sign Company, a retail pharmacy and a vacant commercial structure. The property to the east, south and one lot to the north are zoned R-4DT and are occupied by single-family residences.

In the vicinity of the proposed rezoning, W. Parrish Avenue is classified as a minor arterial roadway with a 500

foot driveway spacing standard. James David Court is classified as a local Roadway. Due to the classification of the roadway, access to W. Parrish Avenue is a concern that will need to be addressed as the site redevelops. Based on conversations with the applicant, the subject property will be part of an overall development including the lots fronting W. Parrish Avenue and James David Court to the west. As part of the overall development, all four lots should be consolidated into a single lot under a B-4 zoning. A development plan will be required for the development once the lots are consolidated and plans for the development are prepared. As the site redevelops, access to W. Parrish Avenue shall be limited to a single access point as far east along the road frontage as possible.

Also, since W. Parrish Avenue is classified as a minor arterial roadway; a roadway buffer of 50 feet from the street centerline is required. The roadway buffer shall remain free of any parking, required landscaping, signs, or any other obstruction. Since the subject property adjoins residential zoning to the east, a ten foot landscape easement with a six foot element and one tree every 40 linear feet shall be installed along the east property line.

SPECIFIC LAND USE CRITERIA

Limited expansions of non-residential uses and areas should be accommodated where they reasonably satisfy a set lot logical criteria. Existing general business zones may be extended onto contiguous land that generally abuts the same streets and the property located immediately west of the subject property is currently zoned B-4 General Business. Expansion of the B-4 zone to the subject property should not overburden existing roadways or other urban services that are available in the affected area.

Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The conditions and findings of fact that support this recommendation include the following:

Conditions:

1. Approval of a final development plan by the OMPC.
2. Approval of a consolidation plat to consolidate 1911, 1915 W. Parrish Avenue and 1912, 1916 James David Court into a single parcel.
3. Access for the consolidated lots to W. Parrish Avenue shall be limited to a single access point as far east along the property frontage as possible.
4. Install a ten foot landscape easement with a six foot high element and one tree every 40 linear feet along

the east property line where the subject property abuts residential zoning.

Findings of Fact:

1. The subject property is located in a Central Residential Plan Area, where general business uses are appropriate in limited locations;
2. Property to the immediate west of the subject property is zoned B-4 General Business; and,
3. The applicant's proposal is a logical expansion of the B-4 General Business zoning to the west, and it will not significantly increase the extent of general business uses that are located in the vicinity or overburden the capacity of the roadways or other necessary urban services in the affected area.