

JULY 12, 2012

122 E 18TH ST

ZONE CHANGE

From: P-1 Professional/Service
To: B-4 General Business
Proposed Use: Retail Sales
Acreage: 0.305
Applicant: Carl T. Y Brenda J. Millay (1207.1846)
Surrounding Zoning Classifications:
North: B-4 South: R-4DT
East: B-4 West: P-1

Proposed Zone & Land Use Plan

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

SPECIFIC LAND USE CRITERIA

(a) Building and lot patterns; outdoor storage yards – Building and lot patterns should 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 zoned 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.

(c) Expansions across intervening streets – In Professional/Service plan areas, the expansion of an existing General Business zone across an intervening street should be at least one-and-one-half (1.5) acres in size, but should not occur if this would significantly increase the extent of the zone in the vicinity.

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 21059CO138 D.
- It appears that the subject property is not within the Owensboro Wellhead Protection area per the GRADD map dated March 1999.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers,

FEMA or other state and federal agencies as may be applicable.

Urban Services

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

Development Patterns

The subject property has an existing structure that has served as city fire department and was home to the Owensboro Symphony. Since the symphony vacated the site, a consistent use has not been established in the building. The property on the other three corners of the E 18th Street and Daviess Street is currently zoned B-4 General Business. A hair salon is located to the west. The property to the south is residential but there is an existing public alley that separates the two tracts.

Based on the fact that a use has not been established over the years within the existing P-1 Professional/Service zoning, it appears that the proposed zoning is more appropriate than the current zoning. The applicant proposes to use the property for retail sales and a site plan was submitted in conjunction with the rezoning request shows that there is existing parking on site that meets zoning ordinance requires in both number and access design. The parking requirement for retail sales was decreased in 2010. In 2005, a similar rezoning request was submitted and denied by the planning commission. At that time the site did not meet the requirements of the Comprehensive Plan for a logical expansion of the existing B-4 in the vicinity and could not meet the minimum parking requires for retail sales.

The site currently has a driveway to E 18th Street and access to Daviess Street. In the vicinity of the subject property, E 18th Street is classified as a minor arterial roadway with a 500' drive spacing standard. Daviess Street is classified as a local street. In the applicant's finding, they state that the existing access to E 18th Street will be closed as part of the redevelopment of the site. The drive shall be physically removed and replaced with curb/gutter, grass strip and sidewalk as is typical along E 18th Street.

Along Daviess Street, the area of access is currently open. As part of the redevelopment of the site, the existing pavement that is within public-right-of-way and not part of the actual ingress/egress drive shall be removed and replaced with grass strip and sidewalk. Vehicular use area landscaping is also required. The sidewalk should also be extended north to connect with the sidewalk along E 18th Street.

SPECIFIC LAND USE CRITERIA

The proposed zoning is more appropriate than the current zoning. The site has not developed under the existing P-1

Professional/Service zoning to its highest and best use. The applicant proposes to use the site for retail sales and based on changes to the zoning ordinance parking requirements in 2010, the existing parking on site meets the minimum established in the ordinance. With the three other corners of the intersection of E 18th Street and Daviess Street, currently zoned B-4 General Business the proposal will be in keeping with the zoning in the vicinity.

Planning Staff Recommendations

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

Conditions:

1. No access shall be permitted to E 18th Street. The existing access on E 18th Street shall be physically closed and replaced with curb/gutter, grass strip and sidewalk as typical along E 18th Street ; and
2. The existing pavement within public-right-of-way and not part of the actual ingress/egress drive on Daviess Street shall be removed and replaced with grass strip and sidewalk and vehicular use area landscaping shall be installed.

Findings of Fact:

1. Staff recommends approval because the proposal is more appropriate than the current zoning designation;
2. The subject property is located in a Professional/Service Plan Area, where general business uses are appropriate in very-limited locations;
3. The site has not developed under the current P-1 Professional/Service zoning classification;
4. Changes to the parking requirements in 2010 enable the existing parking lot to the rear of the structure to meet the minimum parking requirement for retail sales; and,
5. With the other three corners of the intersection currently zoned B-4 General Business and the closure of the access point to E 18th Street, the proposed commercial zoning for the subject property is in keeping with the area and should not overburden the capacity of roadways and other necessary urban services in the vicinity..