



**OCTOBER 13, 2005**

**827 CLAY ST**

## ZONE CHANGE

|  |   |                                    |
|--|---|------------------------------------|
| <b>From:</b> B-4 General Business                          |   |                                    |
| <b>To:</b> R-4DT Inner-City Residential                    |   |                                    |
| <b>Acreage:</b> 0.10 acres                                 |   |                                    |
| <b>Applicant:</b> Simpson Investments, Inc.<br>(0510.1607) |   |                                    |
| <b>Property Zone</b><br><i>Existing Use</i>                | <b>to North</b><br>B-4<br>Residence     |                                    |
| <b>to West</b><br>B-4<br>Residence                         | <b>Subject</b><br>B-4 ➔ R-4DT<br>Vacant | <b>to East</b><br>B-4<br>Residence |
|  | <b>to South</b><br>B-4<br>Pawn Shop     |                                    |

## 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 an R-4DT Inner-City Residential zone. The subject property is located in a Central Residential Plan Area where urban low-density residential uses are appropriate in general locations.

## SPECIFIC LAND USE CRITERIA

**(a) Building and lot patterns** should conform to the criteria for "Urban Residential Development."

## Applicant's Findings

Subject property has been used for single-family home since 1891. All properties that adjoin subject on the North, East, and West sides have been used as single-family homes for at least 100 years.

Property at 822 Clay Street was rezoned from B-4 General Business to R-4DT Inner-City residential in April 2003. B-4 zoning was inappropriate for the current use. Several other properties in a one block radius have been rezoned to R-4DT and now have new homes on them.

Home has been demolished at subject site and plans are being made to build a new home under Community Development guidelines.

## Planning Staff Review

The subject property is located in the 801 block of Clay Street. 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 21059CO140 C. 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 established residential neighborhood with residential uses on the east, north and west sides of the property. An existing pawn shop is located south of the subject property. A residential structure was recently razed on the site that was constructed in the late 1800s. While surrounding properties are zoned B-4 General Business, historically, the majority have been used for residential purposes. Several new single-family homes have been constructed on Clay Street over the past several years.

### SPECIFIC LAND USE CRITERIA

The subject property is part of a redeveloping residential area. The use of the subject property and the majority of the surrounding properties has historically been residential. Screening in accordance with the requirements of the Zoning Ordinance should be provided between the residential and commercial properties. Ordinance requirements include a 10 foot easement with a six foot high screening element with one tree every 40 linear feet. Due to the narrow nature of the lot, the landscape easement could either be averaged to meet the minimum regulations or the applicant has the potential to seek a variance.

The subject property is within a Central Residential Plan Area, which supports residential uses. The applicant's request to change the zoning classification on the subject property from B-4 to R-4DT promotes the Comprehensive Plan's housing goals of preserving neighborhoods and housing in inner-city neighborhoods.

### Planning Staff Recommendations

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

**Condition:** Install screening in accordance with the requirements of the Zoning Ordinance between the residential and commercial zoned properties or obtain a variance from the Owensboro Metropolitan Board of Adjustments.

### Findings of Fact:

1. The subject property is located in a Central Residential Plan Area, where urban low-density residential uses are appropriate in general locations;
2. The subject property is adjacent to residential uses to the north, east and west;
3. The historical use of the subject property is residential, and the R-4DT zoning classification is a more appropriate zone for the subject property than the existing B-4 General Business zone; and,
4. The applicant's request promotes the Comprehensive Plan's housing goals to preserve neighborhoods and housing within the inner-city.