

**MARCH 8, 2007**

**1907 W PARRISH AVE**

**ZONE CHANGE**

<b>From:</b> R-4DT Inner-City Residential		
<b>To:</b> B-4 General Business		
<b>Proposed Use:</b> Commercial Building		
<b>Acreage:</b> 0.206		
<b>Applicant:</b> Mike Martin, Thomas Shively (0703.1679)		
<b>Property Zone Existing Use</b>	<b>to North</b> R-4DT Single-Family Residence	
<b>to West</b> B-4 Vacant Residence	<b>Subject</b> R-4DT → B-4 Commercial Building	<b>to East</b> R-4DT Single-Family Residence
	<b>to South</b> R-1A Single-Family Residence	

**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 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 West Parrish Avenue and James David Court. General Business use already exist immediately adjacent to the subject property. The proposed land use of 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 the criteria for “Nonresidential Development.” Outdoor storage yards with “Buffers for Outdoor Storage Yards.”
- b) Logical expansion 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 lot.

- c) Expansion across intervening streets.

The adjacent property is currently zoned General Business.

- d) New locations in Central Residential plan areas.

Properties lying west of the subject property to the intersection of James David Court with Bosley Road are currently zoned General Business. The proposed rezoning is not a "New Location" of General Business but is a logical expansion of existing General Business zoning in the area.

The properties located at 1912 James David Court and 1911 W Parrish Avenue were rezoned to B-4 General Business in November, 2006, in order to develop a Neighborhood Business Center. The subject property will be consolidated with those parcels in order to expand the lot size and construct the improvements as shown on the proposed conceptual plan submitted herewith. The OMPC staff report recommendations and conditions from the November 9, 2006, zoning hearing are incorporated herein by reference.

## Planning Staff Review

The subject property is located in the 1901 block of W Parrish Avenue. 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 not in the vicinity of 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

As stated by the applicant, the property located immediately west of the subject property is currently zoned B-4 General Business. A zoning change for that property was heard at the November, 2006, Planning Commission meeting. The properties to the north, east and south are all zoned residential 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 and a 50 foot roadway buffer from the street centerline. The roadway buffer shall remain free of any parking, required landscaping, signs, or any other obstruction.

The applicant states in their findings that the subject property will be consolidated with the property located immediately west that was rezoned in November 2006, to provide additional acreage for the retail center with restaurant development.

At the time of the November 2006, rezoning, several conditions were placed upon the approval. One condition required a ten foot landscape easement along the eastern property line to include a six foot element and one tree every 40 linear feet. Access was also addressed. According to the initial rezoning, access to W Parrish Avenue was limited to a single access point as far east along the road frontage as possible. With the consolidation of the subject property to the adjacent property previously zoned B-4, the landscape easement will be relocated to the eastern property boundary of the newly created lot and the access point will move east as well. The conceptual site plan submitted with the rezoning shows an access point in the correct location along the road frontage. Without consolidation to the previously zoned property, this application would not be recommended for approval as access spacing would be inadequate. An access easement that could serve adjoining property to the east must be provided to eliminate the possibility of access points in conflict with the standards of the Access Management Manual if the B-4 zoning continues to expand.

The conceptual site plan submitted seems to address many of the conditions and requirements for the site. However, a final development plan will ultimately be required prior to the issuance of any building permits since the building will contain multiple uses.

### 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 1907, 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. An access easement shall be provided to the adjoining property to the east, located at 1903 W Parrish Avenue; and,
5. 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.