

MARCH 13, 2008

1718 CRUSE DR

ZONE CHANGE

From: R-4DT Inner-City Residential

To: B-4 General Business

Proposed Use: Beauty Salon

Acreage: 0.074

Applicant: Randall & Maria Toth (0803.1710)

Property Zone Existing Use	to North R-4DT Residential	
to West B-4 Dairy Queen	Subject R-4DT → B-4 Residence	to East R-4DT Residential
	to South B-4 Beauty Salon	

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 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).

(b) Logical zoning expansion 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 applicant feels they are in compliance with the comprehensive plan. The rezoning to B-4 fits the adjoining B-4 zones and businesses.

Planning Staff Review

The subject property is located in the 1700 block of Cruse Drive. 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. Based on the preliminary FIRM maps dated July 7, 2007, the subject property is not located in a special flood hazard area per map 21059CO138 D. 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 commercial and residential zoning and land uses. There is an existing residence on the subject property that the applicant would like to convert into a beauty salon. The applicant also owns the property to the south which is zoned B-4 and is a beauty salon. The expansion of the B-4 zoning will serve to expand the applicant's business. The property to the west is also zoned B-4 and is a Dairy Queen restaurant. The properties to the north and east are both zoned residential.

The existing structure is just over 700 square feet in size and will require four parking spaces. One of the parking spaces must be handicap accessible. Due to size constraints on the lot, the required parking cannot be constructed on site while still meeting the minimum requirements of the zoning ordinance. In order to meet parking requirements, the applicant has submitted a final development plan that includes a parking lot that is located approximately 65 feet from the subject property that will be sufficient to accommodate the three standard parking spaces. The final development plan shows a single handicap accessible parking space behind the building in order to meet minimum ADA requirements with the adjoining property located at 1724 Cruse Drive granting an ingress/egress easement so that the ADA space can be accessed. All vehicular use areas shall be paved.

Cruse Drive is a narrow street with a platted right-of-way of only 20'. As activity has taken place on other tracts along the street, additional right-of-way has been granted to the city. The applicant has agreed to dedicate an additional five feet of right-of-way on all their tracts to match the previous right-of-way dedications at the request of the city engineering and planning office.

Since the adjoining lot to the north will be zoned R-4DT Inner-City Residential, the applicant will be required to provide a ten foot landscape easement with a six foot high element and one tree every 40 linear feet. Also, vehicular use area screening shall be installed where any vehicular use area adjoins road right-of-way.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. There is existing B-4 zoning located immediately south and east of the subject property. The limited expansion of B-4 zoning should not overburden the

capacity of roadways and other urban services that are 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. An additional five feet of right-of-way shall be dedicated along Cruse Drive on all lots owned by the applicants;
2. All vehicular use areas shall be paved and appropriate vehicular use area screening shall be installed where adjacent to road right-of-way,
3. A final development plan shall be approved by the OMPC to tie the off-site parking to the subject property;
4. A 10' average width landscape easement with a six foot element and one tree every 40 linear feet shall be installed where adjoining residentially zoned property to the north; and,
5. Submittal of a minor subdivision plat to dedicate the right-of-way and ingress/egress easement.

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. The use of the property as a beauty salon will be non-residential in nature;
3. The proposal is a logical expansion of existing B-4 zoning located immediately south of the subject property; and,
4. With the additional dedication of right-of-way, the 0.074 acre expansion of the B-4 zoning 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.