

**MARCH 10, 2011**

**350, 354 WASHINGTON AVE**

**ZONE CHANGE**

<b>From:</b> R-1B Single-Family Residential	
<b>To:</b> B-4 General Business	
<b>Proposed Use:</b> Parking/BBQ Pit Room	
<b>Acreage:</b> 0.32	
<b>Applicant:</b> Harl T. Foreman (1103.1801)	
<b>Surrounding Zoning Classifications:</b>	
<b>North: B-4</b>	<b>South: B-4</b>
<b>East: B-4</b>	<b>West: R-1B, B-4</b>

**Proposed Zone & Land Use Plan**

The applicant is seeking a B-4 General Business zone. The subject property is located in a Business 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 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 zones may be expanded onto contiguous land that generally abuts the same street(s). The expansions 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.

**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 is currently paved parking and pit room serving the Old Hickory restaurant. The majority of uses in the vicinity are commercial with the exception of residences along Booth Avenue to the northwest across Frost Avenue.

As stated in the applicant’s findings, the paved parking has been in place approximately 10 years; however, paved parking is not a permitted use within a single-family residential zone. The applicant proposes to consolidate the subject property with the existing tract where the restaurant is located.

Vehicular use area screening is required between the parking area and the road right-of-way. Landscaping is currently in place but it may be deficient in some areas. Sidewalks are installed along both Washington Avenue and Frost Avenue.

**SPECIFIC LAND USE CRITERIA**

The applicant’s proposal is in compliance with the Comprehensive Plan. The use of the property for parking and related uses to a restaurant meet the Comprehensive Plan requirements for nonresidential use. The proposal is a logical expansion of existing B-4 zoning located to the north, east and south. The limited expansion of B-4 zoning should not overburden the capacity of roadway and other necessary urban services that are available in the vicinity.

**Planning Staff Recommendations**

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

**Findings of Fact:**

1. Staff recommends approval because the proposal is in compliance with the community’s adopted Comprehensive Plan;
2. The subject property is located in a Business Plan Area, where general business uses are appropriate in limited locations;
3. The use as parking and related accessory uses for a restaurant is consistent with the Comprehensive Plan requirements for nonresidential development;
4. The proposal is a logical expansion of existing B-4 General Business zoning to the north, east and south; and,
5. At 0.32 acres, the expansion of B-4 zoning should not overburden the capacity of roadways or other necessary urban services that are available in the affected area.