

JUNE 9, 2011

3623 US HIGHWAY 60 E

ZONE CHANGE

From: R-1C Single-Family Residential	
To: B-4 General Business	
Proposed Use: General Business	
Acreage:	0.371
Applicant:	On a Budget Rentals, LLC (1106.1809)
Surrounding Zoning Classifications:	
North: R-1C	South: B-1
East: R-1A	West: B-4

Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business zone. The subject property is located in an Urban Residential 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 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.

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 21059CO137 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 a vacant residence and is located in an area of varied zoning and use with a manufactured home sales establishment, single-family residential, a church and vacant commercial property. The applicant does not have a proposed use at this time for the subject property if rezoned.

The subject property was part of a larger tract proposed for rezoning from R-1A Single-Family Residential to B-4 General Business in 1987. Discussion between the applicant and the planning staff prior to the meeting resulted in an agreement that a 100 foot strip would remain along Cinderella Drive to allow residential development and provide a buffer to the adjoining B-4 General Business property. The rezoning of the larger tract was approved with a condition that the 100 foot strip along the west side of Cinderella Drive remain in the R-1A zoning classification. Since that time, the 24 acre tract has developed as a manufactured home sales business and the county detention center. The 100 foot strip along Cinderella Drive was rezoned to R-1C which allows higher density than the R-1A zone and has developed as residential tracts as anticipated and the road was widened as part of the residential development.

The subject property is on the northwest corner of the US Highway 60 E and Cinderella Drive intersection. In the vicinity of the subject property US Highway 60 E is classified as a principal arterial roadway with a 500 foot drive spacing standard, a 75 foot building setback and a 60 foot roadway buffer. Since the access spacing cannot be met along US Highway 60 E, if the property is rezoned, no access to US Highway 60 E shall be permitted. Cinderella Drive is a local road that dead ends at the river. At the intersection with US Highway 60 E Cinderella Drive is only 20 to 21 feet wide. The minimum width for a commercial street in the Public Improvement Specifications is 34 feet. Beyond the subject property, Cinderella Drive was widened to a typical 31 foot street width when residential development took place. The addition of commercial traffic to Cinderella Drive could overburden the capacity of roadways and other necessary urban services that are available in the affected area. Sidewalks were installed along the roadway but terminate at the boundary of the subject property. Sidewalks are installed along US Highway 60 E. If the rezoning is approved, Cinderella Drive should be widened to meet the minimum specifications for a commercial street with sidewalks installed.

The existing residence does face US Highway 60 E; however, the structure is well off the road and has more frontage along Cinderella Drive. There is existing B-4 General Business zoning located west of the property along US Highway 60 E and a church is located to the east

across Cinderella Drive but the proposed rezoning would be the first commercial property on Cinderella Drive. The Comprehensive Plan has specific language regarding the expansion of existing nonresidential uses into areas that were originally development for residential purposes. Potential conflicts with neighboring areas can best be avoided by respecting the pattern of lots along existing block-fronts. While the proposal might meet the criteria of the Comprehensive Plan, the existing development in the established residential neighborhood should be respected and due consideration should be given to the existing residents within the neighborhood.

Due to the size of the lot, it is uncertain if parking, landscaping, and buffers can be adequately address on site. A ten foot landscape buffer with a six foot solid element and one tree every 40 linear feet would be required along the north boundary where adjoining residential zoning. All parking is required to be paved and access on Cinderella Drive would be limited to a maximum of 40% of the road frontage and no access would be permitted closer than 50 feet to the property long along US Highway 60 E. The conversion of the structure to a commercial use will also require compliance with building and electrical codes for commercial use and ADA compliance.

SPECIFIC LAND USE CRITERIA

While the applicant's proposal may meet the minimum recommendations based on the Comprehensive Plan, the rezoning of the corner lot will encroach into the established residential neighborhood. The proposal would be the first commercial zoning with frontage on Cinderella Drive and would allow for potential commercial zonings along Cinderella Drive if the logical expansion criterion is met. A 100 foot strip of land was reserved for residential purposes when a much larger tract was considered for rezoning in April 1987. The street has developed in a residential fashion and Cinderella Drive was widened to meet the minimum specifications for a residential street as part of the development. Access will be limited to Cinderella Drive only and it is uncertain if all site development requirements can be met on site.

Planning Staff Recommendations

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

Findings of Fact:

1. Staff recommends denial because the proposal is not in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located in an Urban Residential Plan Area, where general business uses are appropriate in very-limited locations;

3. The subject property was part of a larger tract that was proposed for rezoning in April 1987 that was ultimately excluded from the rezoning to remain as R-1A zoning
4. The proposal may encroach into an established residential neighborhood and would be the first commercial zoning with frontage on Cinderella Drive; and,
5. It is uncertain if site development requirements can be addressed on site and the addition of commercial traffic on Cinderella Drive could overburden the capacity of roadways and other necessary urban services that are available in the affected area.