

MAY 13, 2010

805 HATHATWAY ST

ZONE CHANGE

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| From: R-4DT Inner-City Residential | |
| To: B-4 General Business | |
| Proposed Use: Future Business Expansion | |
| Acreage: 0.095+/- | |
| Applicant: Jason P. Cowherd (1005.1776) | |
| Surrounding Zoning Classifications: | |
| North: R-4DT | South: B-4 |
| East: B-4 | West: R-4DT |

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 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 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 located on the portion of Hathaway Street that terminated at the railroad tracks at E 9th Street. The blockfront consists of a mix of B-4 General Business zoning and R-4DT Inner-City Residential zoning. The subject property is currently vacant and the applicant owns the property to the south where he operates an automobile detail shop. The proposed expansion of B-4 zoning will allow the business to expand in the future. A minor subdivision plat has been submitted to consolidate the two tracts owned by the applicant.

The subject property does adjoin residentially zoned property to the north which will require a ten foot landscape buffer with a six foot solid element and one tree every 40 feet along the north property line of the subject property. All vehicular use areas are required to be paved and any lighting on the subject property shall be directed away from the residentially zoned property.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The B-4 General Business zoning is a logical expansion of existing B-4 zoning located immediately south of the subject property that the applicant also owns. At 0.095+/- acres in size, the proposed rezoning expansion should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

Planning Staff Recommendations

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

Conditions:

1. Approval of a consolidation plat; and,
2. All lighting shall be directed away from the residentially zoned property.

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 Central Residential Plan Area, where general business uses are appropriate in limited locations;
3. The use as an expansion of an existing car detail show will be nonresidential in nature and use;
4. The proposal is a logical expansion of existing B-4 zoning located south of the subject property; and,
5. At 0.095+/- acres, the proposal is not a significant expansion of B-4 zoning and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.