

MARCH 13, 2003

327 W 9TH ST

ZONE CHANGE

From: R-4DT Inner-City Residential		
To: B-2 Central Business		
Acreage: 0.137 acres		
Applicant: David M. Taylor, Ronald E. Long (00303.1510)		
Property Zone Existing Use	to North B-2 Vacant lot	
to West R-4DT Residential	Subject R-4DT → B-2 Two story residence	to East B-2 Goodyear Tire-Commercial
	to South B-2 Residential, convenience store	

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-2 Central Business zone. The subject property is partially located in a Central Business Plan Area, where central business uses are appropriate in general locations. The subject property is partially located in a Central Residential Plan Area, where central business uses are appropriate in very limited locations.

SPECIFIC LAND USE CRITERIA

- (a) **Building and lot patterns** should conform with the criteria for “Non-Residential Development” (D7)
- (b) **Only necessary, logical expansions** The Central Business district of Owensboro is generally a fixed area, and expansion of its boundary should be based upon significant findings that a community need exists for this district to be expanded.
- (c) **To serve the needs of existing establishments** In Central Residential plan areas such an expansion should be contiguous to an existing boundary of the Central Business District and should serve the needs of establishments that are already located within the district.

Applicant's Findings

A portion of the subject property is located within in the Central Business Plan area. According to the Central Business Plan, this property could have been zoned B-2, as central business uses are appropriate in general locations. The applicants seek to change the zoning on the subject property from R-4DT to B-2 to conform with the zoning of the adjacent property being purchased by the applicant, which is located to the east and north and is zoned B-2.

With the exception of the property directly west of the subject property, which is zoned R-4DT, all of the properties to the east, north and south are zoned B-2. The adjacent property to the east, which is on the corner of W 9th St and Frederica St is currently being used as a tire store, and the property to the Southeast is currently being used as a convenient store, both central businesses.

The proposed use as a law office would be a good buffer to the neighborhood between the high traffic businesses to the East and the residential property to the West.

The applicant seeks to relocate his current law practice form 520 Locust Street, which serves the general area of W 9th St, to the subject property. Applicant's current location demonstrates that a law firm is a necessary service for the area.

Due to the design of the existing structure, future businesses that would be suitable at this site would also be of the type to incur low traffic counts such as a florist, formal wear shop or professional services.

Planning Staff Review

The subject property is located in the 301 block of W 9th St. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA

Environment

No important environmental criteria apply to the subject property.

Urban Services

All urban services are available to the site.

Development Patterns

The subject property contains a large two story residential structure that has been used as a residence. The applicant proposes to convert this building to offices for an attorney's practice. The subject property is bordered on the east and north by a B-2 Central Business lot that is not developed. The applicant also plans to purchase this adjacent lot and continue use of the access point that is currently located on the adjacent lot.

Property to the west is residential and a single-family residence is located there. Property to the south across W 9th St is zoned B-2 Central Business, and includes residential uses and a Convenience Store.

The subject property is largely occupied by a big residential structure, which restricts the ability to provide off-street parking on the lot, which measures 60 feet by 100 feet. The B-2 Central Business zoning classification would allow for accessory residential uses within the principal structure as long as the business and residential uses are not mixed on the same floor. The applicant's proposal to establish an attorney's office in this structure provides reuse of an existing building and would work well as a buffer from the more intense commercial development toward Frederica St. A 6-foot high continuous element with one tree for every 40 linear feet must be provided adjacent to the residentially zoned property to the west.

Intersection & Driveway Spacing

W 9th St is classified as minor arterial street, with a 500-foot spacing standard for new development. The subject property has insufficient frontage to meet this requirement, but the adjacent lot, which the applicant is also purchasing, has an existing access point that can be used to access the subject property and provide needed parking for the business. No access point should be permitted to the subject property. A plat should be prepared consolidating the two lots into one lot to provide adequate access to the property from W 9th St and adequate room on the lot for maneuvering and parking. While off-street parking is not a requirement in a B-2 zone, it should be provided for on this lot as a condition of changing the zoning classification due to the safety of the public in attempting to access the business that will be conducted on the subject property.

SPECIFIC LAND USE CRITERIA

The boundaries of the central business district are well defined and should not be altered unless substantial findings demonstrate the need to alter these boundaries. In this particular case, a portion of the subject property falls within the Central Business Plan area, where central business uses are appropriate in general locations. The applicant is not proposing to extend this boundary beyond the confines of the property line. The expansion of the Central Business boundary would be adjusted only to include the entire lot instead of a part of the lot and is a reasonable expansion of the Central Business district to align with a property boundary. The adjoining property to the east and north that the applicant is also purchasing is currently zoned B-2 and extends west of the Central Business Plan Area boundary and west of the subject property.

Planning Staff Recommendations

Staff recommends approval because the request is substantially in compliance with the adopted Comprehensive Plan. This recommendation is made subject to the conditions and findings of fact that follow:

Conditions:

1. No additional access point to the subject property shall be permitted onto W 9th St. Access to the subject property shall be via the existing access point on the adjoining property to the east;
2. Submission and approval of a plat consolidating the subject property with the adjoining property, which is also being purchased by the applicant, to provide safe access to the business proposed on the subject property and to allow for parking; and,

3. A six-foot high continuous element shall be installed and maintained between the subject property and the residential property to the west.

Findings of Fact:

1. The subject property is partially located in a Central Residential Plan Area, where central business uses are appropriate in very limited locations;
2. The subject property is partially located in a Central Business Plan Area, where central business uses are appropriate in general locations;
3. The subject property adjoins central business zoning to the north, east and south; and,
4. The proposed expansion of the Central Business district is reasonable and will include the portion of the property located in the Central Residential Plan area. This will not be a significant expansion of the district Central Business district or zone.