



MAY 13, 2004

PORTION 2412 OLD HENDERSON RD

ZONE CHANGE

From: R-4DT Inner City Residential		
To: B-4 General Business		
Acreage: 0.746 acres		
Applicant: Harold R. & Colleen McClary (0405.1556)		
Property Zone Existing Use	to North R-4DT Single-Family Residences	
to West B-4 Vacant	Subject R-4DT → B-4 Vacant	to East R-4DT, P-1 Single-Family Residence, church parking
	to South P-1 Church	

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 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 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 proposed zoning map amendment is in compliance with the Comprehensive Plan. There is an existing B-4 General Business zone adjoining the subject property to the west. The Comprehensive Plan allows expansion onto contiguous land that abuts the same street.

Planning Staff Review

The subject property is located in the 2400 block of Old Henderson Road. Land use criteria applicable to this request 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, including sanitary sewer.

Development Patterns

Prior to May 2003, the subject property was part of a larger tract that was zoned B-4 General Business with a small portion of the property zoned R-4DT. The tract was divided into 6 tracts in May of 2003 and the lot created at

2412 Old Henderson Rd contained split zoning; a small portion was B-4 General Business and the remaining portion (the subject property) was zoned R-4DT Inner-City Residential. The applicant is requesting a zoning change to B-4 so that the zoning on the tract will be consistent and the property could be marketed for a general business use.

Property to the north of the subject property across Old Henderson Rd is zoned R-4DT and contains single-family residences. Property to the east of the subject property is zoned R-4DT and P-1 and contains a single-family residence and a church parking lot. Property to the south is zoned P-1 and contains church facilities. Property to the west of the subject property is zoned B-4 General Business and is undeveloped.

Land-Use Intensity, Clusters and Buffers

The subject property adjoins R-4DT zoning to the east. Appropriate screening in conformance with the Owensboro Metropolitan Zoning Ordinance would be required between the subject property if zoned to B-4 General Business and the adjoining residential property. Any outdoor storage occurring on the subject property would also require screening in accordance with the Owensboro Metropolitan Zoning Ordinance.

SPECIFIC LAND USE CRITERIA

The proposal meets the specific criteria of the Comprehensive Plan. The request is a logical expansion of existing B-4 General Business zoning in the immediate vicinity. Limited expansions of existing non residential areas should be accommodated where they reasonably satisfy a set of logical criteria. In this case, a portion of 2412 Old Henderson Rd is already zoned B-4 and the subject property is adjacent to a larger area of B-4 zoning within a Business Plan Area.

Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's Comprehensive Plan. This recommendation is made subject to the findings of fact that follow:

Findings of Fact:

1. The subject property is located in a Business Plan Area, where general business uses are appropriate in limited locations;
2. The subject property is a portion of 2412 Old Henderson Rd, which also contains existing B-4 General Business zoning;

3. The subject property is located adjacent to an area of existing B-4 General Business zoning;
4. The applicant's proposal is a logical expansion of proportional scope that will 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.