



**SEPTEMBER 9, 2004**

**116, 118 E 18<sup>TH</sup> ST**

## ZONE CHANGE

<b>From:</b> R-4DT – Inner-city Residential		
<b>To:</b> P-1 Professional/Service		
<b>Acreage:</b> 0.32 acres		
<b>Applicant:</b> Darrell R. Chambers & Marnell E. Chambers (0409.1570)		
<b>Property Zone Existing Use</b>	<b>to North</b> B-4 & R-4DT Shopping Center	
<b>to West</b> R-4DT Residential	<b>Subject</b> R-4DT ➔ P-1 Residential	<b>to East</b> P-1 Office
	<b>to South</b> R-4DT Residential	

## 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 an P-1 Professional/Service zone. The subject property is located in a Central Residential Plan Area, where professional/service uses are appropriate in limited locations.

## SPECIFIC LAND USE CRITERIA

**(a) Building and lot patterns** should conform with the criteria for “Nonresidential Development.”

**(b) Logical expansions** - Existing areas of Professional/Service use may be expanded onto contiguous land that abuts the same street(s). An expansion of this use should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

## Applicant's Findings

The applicant’s proposal is not in compliance with the comprehensive plan; however, the existing zoning classification is inappropriate and the proposed zoning classification is appropriate. Further, there have been major changes of an economic, physical, or social nature within the area involved which are not anticipated in the adopted comprehensive plan and these changes have substantially altered the basic character of the area involved. The proposed use by the applicant is an logical extension of an existing P-1 zone. The property located at 120 E. 18<sup>th</sup> Street is a former city of Owensboro fire station that has now been converted to professional offices, most recently housing the Owensboro Symphony Orchestra. The former fire station was in existence at the time of the adoption of the comprehensive plan and its professional use, as an office building was not contemplated at that time.

18<sup>th</sup> Street is a busy east/west route which makes it less conducive to residential usage. The property immediately to the north of the subject property is occupied by a small shopping center and a zoning change to P-1 for this property will allow a buffer to the other residential property in the area.

Proposed use of the property as an office for a speech and language pathologist will generate little traffic within the area, no additional air or noise pollution and no disturbing external lighting. The applicant’s agree to consolidate the two lots provide off street parking as required and limit access to the east/west alley running between Daviess and Allen Street, thereby eliminating an access point on E. 18<sup>th</sup> Street.

## Planning Staff Review

The subject property is located in the 100 block of E. 18<sup>th</sup> Street. Land use criteria applicable to this proposal are reviewed below.

### GENERAL LAND USE CRITERIA

#### Environment

According to a study prepared by the US Department of Agriculture Soil Conservation Service dated March 6, 1990, it appears that the subject property is not in a wetlands area. The subject property does not appear to be in a special flood hazard area per FIRM Map 21059CO140 C. The developer is responsible for obtaining permits as may be required by the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

It appears that the subject property is outside the Owensboro Wellhead Protection area according to a map created by the GRADD office dated March 1999.

#### Urban Services

All urban services are available to the site.

#### Development Patterns

The subject property is located immediately west of an existing P-1 Professional/Service zone. The proposed use for the converted residence is a Speech Pathologist Office. The applicant shall provide sufficient parking on-site for the proposed use.

At this location, 18<sup>th</sup> Street is classified as a major collector roadway. The minimum setback for the site is 60' from the roadway centerline with a minimum 30' roadway buffer from the street centerline. All parking, landscaping and buffer requirements shall be installed per ordinance.

The minimum driveway spacing requirement for this area of 18<sup>th</sup> Street is 250'. Since it appears that the existing residential drive serving 116 E. 18<sup>th</sup> Street will not meet the minimum spacing requirement, it should be closed and access for the subject property shall be from the existing alley along the rear of the property only.

### SPECIFIC LAND USE CRITERIA

The residential structure is proposed to be converted to a non-residential use which complies with the criteria under

a P-1 Professional/Service zoning. The subject property is located immediately west of an existing P-1 Professional/Service zone on the same street. The conversion of this property to P-1 Professional/Service zoning should not overburden the roadway network and other urban services within the vicinity.

## Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The conditions and findings of fact that support this recommendation include the following:

#### Conditions:

1. Close the existing driveway on E. 18<sup>th</sup> Street and limit access to the subject property from the rear alley only; and,
2. The subject property shall be consolidated into a single tract.

#### Findings of Fact:

1. The subject property is located in a Central Residential Plan Area, where professional/service uses are appropriate in limited locations;
2. The subject property is located immediately west of an existing P-1 Professional/Service zone; and
3. The applicant's request is a logical expansion of an existing P-1 Professional/Service zone abutting the same street and will not overburden the capacity of roadways and other urban services within the area.