

**APRIL 14, 2005**

**404 E 24<sup>TH</sup> ST**

**ZONE CHANGE**

<b>From:</b> R-1C Single-Family Residential		
<b>To:</b> B-4 General Business		
<b>Acreage:</b> 0.372 acres		
<b>Applicant:</b> Alan Jarboe, Cathy W. Roper (0504.1589)		
<b>Property Zone Existing Use</b>	<b>to North</b> R-4DT Residential	
<b>to West</b> I-1 Colonial Bakery	<b>Subject</b> R-1C ↻ B-4 Residential	<b>to East</b> R-1C Single-Family Residential
	<b>to South</b> R-1C & B-4 Earthgrains Co.	

**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 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,**” and outdoor storage yards, with “**Buffers for Outdoor Storage Yards.**”

**(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 roadway and other necessary urban services that are available in the affected area.

**(c) Expansions across intervening streets –** In Central Residential, Urban Residential, Future Urban, and Professional/Service Plan Areas, the expansion of an existing General Business zone across an intervening street should be at least one-and-one-half (1.5) acres in size, but should not occur if this would significantly increase the extent of the zone in the vicinity.

**Applicant's Findings**

For 2 years, my wife Cindy has had a dream of starting a new business. We’ve been searching for an appropriate location and are very interested in the house at 404 E 24<sup>th</sup> Street (next to the Earthgrains property ) to start the business. Our tentative plans and their effect on the neighborhood:

- The business will be a ladies’ tearoom. The name of the business will be Miss Daisy’s Tearoom and Gift Shop.
- The business will be open to the public during the day from 10:00 am to 2:00 pm. The gift shop will be located in the tearoom and will be open from 10:00 am to 5:00 pm.
- Although food will be served, this is not a typical restaurant. The food selection will be limited to a light fare. This will be a place where ladies can congregate at lunch to enjoy tea, fellowship, and a bite to eat.
- Special events, such as a Valentine’s Day Dinner and Tea, Mother’s Day Tea, bridal shower, or a children’s tea party would occasionally be planned. These events could occur during the evening hours or on a Sunday. These events would likely require a reservation.
- We have plans for minimal changes to the front of the property facing the street. We will have one sign in the

yard for the tearoom, which may be lighted with a spotlight at night if a special event is scheduled for that evening. We may enlarge the front porch entry. However, the main entrance to the tearoom will be a side door (facing the Earthgrains property to the west). We may change the color scheme. No other major changes are foreseen. Be assured that all modifications will be tastefully done.

-Currently, parking is allowed on the street. We do plan to add a large gravel or concrete parking area in the back of the house. This parking area can and will be screened from view from the street and adjoining neighbors with shrubbery, fencing, landscaping, et., as necessary.

The property at 404 E 4<sup>th</sup> Street is currently zoned R-1C Single-Family Residential. In order for us to start the tearoom, the property would have to be rezoned to B-4 General Business to allow us to serve food. The Earthgrains property to the east is zoned I-1 Light Industrial. The Earthgrains property to the south is zoned B-4. The adjoining property to the east at 416 E 24<sup>th</sup> Street formerly housed The Hobby Horse, a daycare center.

The existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate. The existence of the Evansville Colonial Bakers Corporation at 300 E 24<sup>th</sup> Street and to the south of the subject property has economically and socially changed the area. Very few individuals looking for single-family housing want to be next door to a commercial bread making operation. Additionally, the adjoining property at 416 E 24<sup>th</sup> Street has been recently used as a daycare center instead of a single-family residence. The quasi commercial use of this property as a small tearoom will serve as an effective buffer to single-family residential use north of E 24<sup>th</sup> Street.

We appreciate the opportunity to answer any question and address any concerns that may arise.

## Planning Staff Review

The subject property is located in the 800 block of W 11<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 located in a

wetlands area. The subject property does not appear to be in a special flood hazard area per FIRM Map 21059CO140 C. It appears that the subject property is not designated as prime agricultural land according to the "Important Farmlands" map created by the US Department of Agriculture Soil Conservation Service dated March 1980. 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, including sanitary sewer.

#### Development Patterns

The subject property is located in an established residential neighborhood with a neighboring industrial use that predates zoning regulations.

Property located to the north and east of the subject property are zoned residential and have existing single-family residences. The property to the south is split zoned with a R-1C single-family residential portion abutting the subject property and a B-4 General Business zoning which fronts E 25<sup>th</sup> Street. The property to the west is zoned industrial and is occupied by the Colonial Bakery.

The proposed rezoning would allow any B-4 General Business use to locate on the subject property which is in an established residential neighborhood. Parking for a commercial use is a significant concern. For a tearoom, the parking requirement would be one parking space for every 200 square feet which would have to be on-site. On-street parking does not count toward required parking spaces. All parking areas and drives would be required to be paved and meet the minimum requirements of the zoning ordinance. Parking spaces are required to be a minimum of 9' in width and 18' in length and drive aisles require a minimum width of 24' for two-way traffic.

### SPECIFIC LAND USE CRITERIA

According to the Comprehensive Plan, General Business uses are appropriate in very-limited locations within an Urban Residential Plan Area.

The subject property adjoins residential zones to the north, east and south and light industrial zone to the west. No

general business uses are present within this blockfront. A nonresidential general business use does not meet the criteria for expansion as it does not expand any general business use fronting 24<sup>th</sup> Street in this area. There have been no major changes in the area that were not anticipated in the Comprehensive Plan. The existing zoning classification of R-1C in the Urban Residential Plan Area is an appropriate zoning for the property. The Comprehensive Plan does not support new locations of B-4 in Urban Residential Plan areas, and no B-4 zoning exists abutting the same street to meet criteria for logical expansion.

### **Planning Staff Recommendations**

Staff recommends denial because the proposal is not in compliance with the community's adopted Comprehensive Plan. The findings of fact that support this recommendation include the following:

#### **Findings of Fact:**

1. The subject property is located in an Urban Residential Plan Area, where General Business uses are appropriate in very-limited locations;
2. The subject property is located in an established residential neighborhood where no other contiguous General Business uses or zones abut the same street;
3. The subject property does not meet the specific criteria in the Comprehensive Plan to qualify as a logical expansion of an existing General Business zone within an Urban Residential Plan Area;
4. The current R-1C Single-Family Residential zone is appropriate in the Urban Residential Plan Area; and,
5. There have been no major changes in the vicinity that have changed the character of the neighborhood that were not anticipated in the Comprehensive Plan.