

**JUNE 9, 2005**

**1844 WILLIS AV,  
1919, 1925 JAMES DAVID CT  
ZONE CHANGE**

|   |   |                                     |
|---|---|-------------------------------------|
| <b>From:</b> R-4DT Inner-City Residential           |   |                                     |
| <b>To:</b> B-4 General Business                     |   |                                     |
| <b>Acreage:</b> 0.319 acres                         |   |                                     |
| <b>Applicant:</b> David & Joyce Simpson (0505.1595) |   |                                     |
| <b>Property Zone Existing Use</b>                   | <b>to North</b><br>R-4DT Residential                      |                                     |
| <b>to West</b><br>B-4 Vacant & Residential          | <b>Subject</b><br>R-4DT → B-4 Vacant                      | <b>to East</b><br>R-4DT Residential |
|   | <b>to South</b><br>B-4 & R-4DT Drug Store and Tax Service |                                     |

**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 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**” and outdoor storage yards, to “**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. The expansion of a General Business 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 amendment is in compliance with the Comprehensive Plan. This amendment is an extension of an existing B-4 zone to the west and south of the properties. Properties in this area are changing from residential to business uses.

**Planning Staff Review**

The subject property is located in the 1800 block of Willis Avenue and the 1900 block of James David Court. 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 21059CO120 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, including sanitary sewers, are available to the site.

### Development Patterns

The subject property is located in an area of mixed residential and commercial uses. On James David Court, west is vacant ground and a pool and spa business, south is a Rite Aid store and single-family residential and to the east is single-family residential. On Willis Avenue, west is a single-family residence, north is a residence and a vacant lot, and east is a residence.

In order to screen the residential property adjacent to the proposed B-4 zoning, a 10 foot landscape easement is required along all adjoining residentially zoned property with one tree every 40 linear feet and a continuous 6 foot high planting, hedge, fence, wall or earth mound. Screening along the adjoining commercially zoned property is not required.

The applicant is proposing to use the property to construct an office for a sign company. The applicant's property currently consists of 4 separate lots and must be consolidated for one use to occur on the property. A site plan must also be submitted for review prior to issuance of a building permit. The proposed development should include the construction of curb and gutter and sidewalk along the entire frontage of the applicant's property. This is an extension of the curb and gutter and sidewalks that were required when the adjacent commercially zoned CPA office and pool and spa business developed.

### SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the adopted Comprehensive Plan. Property to the west is currently zoned B-4 and this expansion of a B-4 zone will not significantly increase the extent of the zone in the vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

### 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. Install a 10 foot landscape easement along adjoining residentially zoned properties with one tree every 40 linear feet and a continuous 6 foot high planting, hedge, fence, wall or earth mound.
2. Install curb and gutter and sidewalks along the entire frontage of the subject property.
3. A consolidation plat and site plan must be approved prior to the issuance of any building permits.

### Findings of Fact:

1. The subject property is located in a Central Residential Plan Area, where general business uses are appropriate in limited locations;
2. The proposal is a logical expansion of existing B-4 General Business zone and use immediately west of the subject property; and,
3. Expansion of the contiguous B-4 General Business zone should not significantly increase the extent of the B-4 General Business zone within the area and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.