



NOVEMBER 10, 2005

122 E 18TH ST

ZONE CHANGE

From: P-1 Professional/Service		
To: B-4 General Business		
Acreage: 0.305 acres		
Applicant: Cary Reynolds (0511.1615)		
Property Zone Existing Use	to North B-4 Retail Sales & Offices	
to West P-1 Hair Salon/Residential	Subject A-R ↔ R-1A Single-Family Residential	to East B-4 Car Sales
	to South 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 a B-4 General Business zone. The subject property is located in a Professional/Service 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” (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.
- (c) **Expansions across intervening streets** - In 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

This site has been used for non-residential purposes since 1944 when the City of Owensboro constructed a fire station at this location. Most recently the Owensboro Symphony Orchestra office was located here. There is also located on this site a paved parking area with access to Daviess Street.

The Comprehensive plan allows for expansion of an existing General Business zone across intervening streets into a Professional/Service area. The Comprehensive Plan suggests a 1.5 acre minimum size for expansion. To accommodate this suggestion the entire block from between Allen and Daviess Streets would have to be rezoned, which would be a significant portion of the area. The requested rezoning is 0.3 acres in size, which would not significantly increase the extent of the zone in the vicinity. All three adjacent corners at the intersection are zoned B-4 and the adjoining property to the west is zoned P-1. There is a public alley to the rear of this site, which separates it from the residential area. This site is located at the intersection of 18th and Daviess Streets. The property has one access point to 18th Street, which is a major

collector. It also has one access point to Daviess Street, which has a local street classification.

Planning Staff Review

The subject property is located in the 100 block of E 18th 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 is not located 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, including sanitary sewers, are available to the site.

Development Patterns

The subject property is located in an area with existing commercial, professional and residential uses. The property to the west was rezoned from R-4DT to P-1 in December 2004, to be utilized as a beauty salon and residence. The property to the south is currently zoned R-4DT and is occupied by single-family residences. To the east across Daviess Street is Roberts Motors and various commercial shops and offices are north of the subject property across 18th Street.

A B-4 General Business zone would allow most office and retail uses on the site. Based on the number of parking spaces available on site, sufficient parking does not exist for retail or general business uses. It does appear that parking requirements for office uses, which are permitted in the current P-1 zone, could be met.

Intersection and Driveway Spacing

In the vicinity of the subject property, E 18th Street is classified as a major collector roadway with a 250 foot

spacing standard. If approved, since the spacing requirement cannot be met on the subject property, the existing access point on E 18th Street shall be closed. No direct access shall be permitted to E 18th Street. Access shall be limited to Daviess Street or the alley only.

SPECIFIC LAND USE CRITERIA

According to the Comprehensive Plan, General Business uses are appropriate in very-limited locations within a Professional/Service Plan Area.

The existing building is proposed to be used for office rentals which is consistent with non-residential uses required within a B-4 zoning classification. However, the proposed rezoning does not meet the other criteria set forth in the Comprehensive Plan. The proposed B-4 zoning classification does not constitute a logical expansion of a contiguous B-4 zoning that abuts the same street. To qualify under the criteria for expansion across an intervening street, the 0.305 acre tract would need to be at least 1.5 acres in size. Based on these criteria, the site does not meet the requirements of the Comprehensive Plan. With the exception of this tract and the adjacent property located at 116 E 18th Street, the remaining block front of this block is residential. The two existing non-residential uses are zoned P-1 Professional/Service which can be used to buffer commercial property from residential property.

A rezoning to B-4 would permit any commercial use to locate on the subject property. It would also open the majority of the existing residential blockfront up for potential commercial rezonings and development. There have not been significant changes in the vicinity of the subject property that have significantly changed the character of the neighborhood that were not anticipated in the Comprehensive Plan and the existing P-1 zoning classification is appropriate based on the historical use of the subject property. The Comprehensive Plan does not support new locations of B-4 in Professional/Service Plan areas that are not expansions of adjacent B-4 zoning classification or expansions across an intervening street that is at least 1.5 acres in size.

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 a Professional/Service 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 a Professional/Service Plan Area;
4. The current P-1 Professional/Service zoning classification is appropriate in the Professional/Service 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.