

FEBRUARY 9, 2006

1433 ½ W 4TH ST

ZONE CHANGE

From: R-4DT Inner-City Residential		
To: B-4 General Business		
Proposed Use: Expansion of existing car lot		
Acreage: 0.184 acres		
Applicant: Rose Hayden (0602.1625)		
Property Zone Existing Use	to North R-4DT Single-Family Residential	
to West R-4DT Single-Family Residential	Subject R-4DT ⇌ B-4 Vacant	to East B-4 Automobile Sales
	to South B-4 Vacant Lots	


**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**” (D7), and outdoor storage yards, with “**Buffers for Outdoor Storage Yards**” (D1).
- (b) Logical zoning expansion 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 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 subject property is located in a Central Residential Plan Area where general business land use is appropriate in limited locations.

The applicant, Rose Hayden, proposes to expand the sales lot of her existing car lot located at 1411 W 4th Street to allow for additional sales area. The applicant’s primary sales lot is located at the northwest quadrant of the 4th Street and Frayser Street intersection. In addition, the applicant has an auxiliary car lot on the south side of 4th Street at the southwest quadrant of the 4th Street and Frayser Street intersection. The applicant is currently proposing to expand the primary car lot to the west by rezoning and consolidating 1433 ½ W 4th Street into her primary lot. The applicant’s primary lot is zoned B-4 and the subject property is zoned R-4DT. The subject property is 0.184 acres in size and was previously the site of a modular home. The redevelopment of the subject property will include 15 parking spaces to be used for additional sales area. In compliance with the zoning ordinance, the applicant is proposing to construct a 10-foot wide landscape buffer with a six foot high continuous element and a tree every 4- feet where the subject property adjoins residential zoning classifications to the west and north. In addition, the applicant is proposing to construct a three foot wide landscape buffer with a three foot high continuous element and a tree every 40 feet where the subject property adjoins the public right-of-way along W 4th Street. The applicant will be making access improvement by widening her existing access point to 40

feet where the subject property adjoins her existing car lot entrance. The subject property will be consolidated with the applicant's primary lot by a recordable plat upon successful rezoning of the property.

Specific Land Use criteria that are applicable:

(a) Building and Lot Patterns should conform to the criteria for "Nonresidential Development."

The proposed rezoning is a limited expansion of existing nonresidential use and zoning and meets logical expansion criteria. The proposed rezoning is a logical expansion of a parcel presently zoned B-4 and owned by the applicant.

(b) Logical zoning expansion of proportional scope.

The subject property is 0.184 acres in size and will have no significant impact on the extent of the General Business zone in the area and will not overburden roadways and urban services.

Planning Staff Review

The subject property is located in the 1401 block of W 4th 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 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 commercial and residential uses. Properties located east and south of the subject property are zoned B-4 General

Business with a car sales lot to the east and vacant commercial lots to the south. Property to the west and north are zoned R-4DT and are occupied by existing dwellings.

In the vicinity of the subject property, W 4th Street is classified as principal arterial roadway with a 500 foot spacing standard and a 40 foot roadway buffer. There is an existing curb cut on the east side of the subject property that is shared with the adjoining auto sales lot. The applicant has stated their intent to increase the access point to a 40 foot curb cut. No new access points along W 4th Street shall be permitted. The Kentucky Transportation Cabinet Madisonville Office should be contacted about any proposed modification to existing access points prior to construction activities. The roadway buffer shall be free of all site improvements including vehicular use area and required landscaping.

Landscape screening shall be installed along the west and north boundaries of the subject property where it adjoins residential zoning. The landscaping shall include a 10 foot landscape buffer with a six foot high continuous element with one tree every 40 linear feet. Vehicular use area screening for the auto sales use shall consist of one low shrub every ten feet within the landscape easement.

All lighting associated with the car sales lot shall be directed on-site and not towards the adjacent residentially zoned properties.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is a logical expansion of an existing general business zone and use immediately east of the subject property. The applicant proposes to expand their existing auto sales lot located east of the subject property and the two properties will be consolidated. The expansion of the B-4 zone should not overburden roadway capacity 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. No new access along W 4th Street shall be permitted. The expansion of the existing drive on W 4th Street shall be to the west;

2. A ten foot landscape easement with a six foot high continuous element with a tree every 40 linear feet shall be installed the west and north property lines where the subject property adjoins residentially zoned property; and,
3. Submission and approval of a consolidation plat to join the subject property and the existing auto sales lot to the east.

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 subject property is located immediately west of an existing B-4 General Business zone and use; and,
3. The logical expansion of the B-4 zone and use will not significantly increase the extent of the zoning within the area and will not overburden roadway capacity and other necessary urban services that are available in the affected area.