

MARCH 9, 2006

PORTION OF 831 CLAY ST

ZONE CHANGE

From: B-4 General Business		
To: R-4DT Inner-City Residential		
Proposed Use: Residential		
Acreage: 0.00039 acres		
Applicant: Simpson Investments, Inc. (0603.1632)		
Property Zone Existing Use	to North R-4DT Residence	
to West B-4 Residence	Subject B-4 ➔ R-4DT Pawn Shop	to East B-4, I-1 Residence
	to South I-1 Residence	

**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 R-4DT Inner-City Residential zone. The subject property is located in a Central Residential Plan Area where urban low-density residential uses are appropriate in general locations.

SPECIFIC LAND USE CRITERIA

(a) Building and lot patterns should conform to the criteria for "Urban Residential Development."

Applicant's Findings

The proposed zoning map amendment is in compliance with the Comprehensive Plan. The purpose of this amendment is to sever from a B-4 zoned lot, a small triangular shaped tract of land, and consolidate it to an existing R-4DT zoned lot. The existing R-4DT lot (827 Clay Street) was zoned from B-4 to R-4DT recently.

Planning Staff Review

The subject property is located in the 801 block of Clay 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 a portion of a larger lot occupied by a Pawn Shop located on the northeast corner of the Clay Street and E 9th Street intersection. This is the only

nonresidential use in the vicinity. Although the properties to the east, south and west are all zoned either B-4 or I-1, they are all currently occupied by single-family residences.

The property to the north was rezoned from B-4 to R-4DT at the October 2005, Planning Commission meeting. A single-family residence has been constructed on the adjoining lot located at 827 Clay Street; however, the home was constructed and encroached slightly into the five foot prescribed side yard setback. This rezoning will allow for the division of approximately 17 square feet of ground from the B-4 lot at 831 Clay Street to be consolidated to the R-4DT lot at 827 Clay Street to bring the site into compliance.

As conditioned with the October 2005, rezoning, the property at 827 Clay Street will be required to install appropriate screening adjacent to the B-4 zoned properties. The screening should include a 10 foot easement with a six foot high screening element with one tree every 40 linear feet. Due to the narrow nature of the lot, the landscape easement could either be averaged to meet the minimum regulations or the applicant has the potential to seek a variance.

SPECIFIC LAND USE CRITERIA

The subject property is within a Central Residential Plan Area, which supports urban low-density residential uses. The applicant's request to change the zoning classification on the subject property from B-4 to R-4DT promotes the Comprehensive Plan's housing goals of preserving neighborhoods and housing in inner-city neighborhoods.

Planning Staff Recommendations

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

Condition: Consolidation of the subject property, 17 square feet, to 827 Clay Street.

Findings of Fact:

1. The subject property is located in a Central Residential Plan Area, where urban low-density residential uses are appropriate in general locations;
2. The subject property is adjacent to residential uses to the north, south, east and west;
3. The applicant's request promotes the Comprehensive Plan's housing goals to preserve neighborhoods and housing within the inner-city; and,

4. The applicant's proposal will bring the newly constructed single-family dwelling located at 827 Clay Street into conformance with the Owensboro Metropolitan Zoning Ordinance when consolidated with the subject property.