



JUNE 8, 2006

1916 JAMES DAVID CT

ZONE CHANGE

From: R-4DT Inner-City Residential		
To: B-4 General Business		
Proposed Use: Commercial/Office Related		
Acreage: 0.12 +/-		
Applicant: L.H. Latham (0606.1644)		
Property Zone Existing Use	to North B-4, R-4DT Sign Company, Residential	
to West B-4 Drug Store	Subject R-4DT → B-4 Vacant	to East R-4DT Residential
	to South B-4 Vacant Office	

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 Business 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(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.

Applicant's Findings

The rezoning is consistent with the Community’s Comprehensive Plan which recommends General Business in limited locations within a business land use plan area.

The site is situated within a mixed use area near the intersections of Bosley Road with West Parrish Avenue, and James David Court. General Business uses exist immediately adjacent to and along the same street as the subject property. The rezoning will be a logical expansion of the existing General Business zone in the neighborhood and will not significantly increase the extent of the zone in the vicinity due to the modest lot size.

The lot is vacant and appears to be commercial in character. The rezoning will not change the mixed use neighborhood composition nor compromise the character of the neighborhood.

All urban services are available to the site.

Planning Staff Review

The subject property is located in 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 is not located in a special flood hazard area per FIRM Map 21059CO120C. 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. The property to the north is zoned B-4 and R-4DT and is occupied by a sign company and a residence. The property to the east is zoned R-4DT with a residence. The applicant owns the property to the south which is currently occupied by a vacant office building. The property to the west is a drug store.

The applicant proposes to use the property for commercial or office uses. When developed, screening will be required along the east boundary where the lot abuts residentially zoned property. The required screening should include a ten foot landscape easement with a six foot high screening element with one tree every 40 linear feet. All vehicular use areas must be paved and screened. All parking spaces, drive aisles and access points should conform with current requirements of the zoning regulations.

SPECIFIC LAND USE CRITERIA

The subject property is a logical zoning expansion of existing B-4 zoning to the north, west and south. At 0.12 +/- acres, the proposed expansion of the B-4 zone is not a significant increase in the extent of the zone in the vicinity. The expansion of the B-4 zone should not overburden roadway capacity or 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 condition and findings of fact that support this recommendation include the following:

Condition: Install a 10 foot landscape buffer with a six foot high element and one tree every 40 linear feet along the east property boundary where the lot abuts residentially zoned property.

Findings of Fact:

1. The subject property is located in a Business Plan Area where general business uses are appropriate in limited locations;
2. The proposed rezoning is a logical expansion of existing B-4 General Business zone to the north, west and south and is proportional in scope; and,
3. The zoning change should not overburden roadway capacity and other necessary urban services that are available in the affected area.