

**FEBRUARY 12, 2009**

**10015 MAIN ST**

**ZONE CHANGE**

**From:** R-1B Single-Family Residential

**To:** P-1 Professional/Service

**Proposed Use:** Medical Office

**Acreage:** 0.356

**Applicant:** Joseph & Diane Birkhead  
(0902.1738)

<b>Property Zone Existing Use</b>	<b>to North</b> R-1B Residence	
<b>to West</b> R-1B Church	<b>Subject</b> R-1B ⇌ P-1 Vacant	<b>to East</b> B-2 Grocery Store
	<b>to South</b> B-2 Gas Station, Bank	

## 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 P-1 Professional/Service zone. The subject property is located in an Urban Residential Plan Area, where professional/service uses are appropriate in limited locations.

## SPECIFIC LAND USE CRITERIA

**(a) Building and lot patterns** - Building and lot patterns should conform to the criteria for “**Nonresidential Development**” (D7).

**(d) New Locations** - New locations of Professional/Service use should be “**major-street-oriented**” (D2). Also, a new location should be at least **one (1) acre** in size unless it would serve as a “**buffer-use**” (D1).

## Applicant's Findings

The proposed zoning map amendment is in compliance with the Comprehensive Plan. The site is major street oriented at the intersection of KY 54 and KY 764 in the City of Whitesville, KY.

## Planning Staff Review

The subject property is located in the 1001 block of KY 54. 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 21059CO340 C. Based on the preliminary FIRM maps dated July 7, 2007, the subject property is not located in a special flood hazard area per map 21059CO340 D. 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 within the City of Whitesville and is surrounded by a mixture of commercial, professional and residential uses. The property to the east and south is zoned B-2 with a grocery store, convenience store and bank. The property to the north and west is zoned R-1B with a residence and church, respectively.

The subject property is located on the corner of the KY 54 and KY 764 intersection. There were two residences on the subject property but both have been razed in preparation of the redevelopment of the site. There is an existing drive to KY 764 and one on KY 54. If the property is zoned non-residential, all access points must be a minimum of 50 feet from the property line of the intersecting street. In the vicinity of the subject property, KY 54 is classified as a minor arterial roadway with a 75 foot building setback and 40 foot roadway buffer. The setback along the KY 764 road frontage is 25 feet.

As a medical office, the proposed use should serve as a buffer between the existing commercial development in the vicinity and the adjoining residential structure to the north. Due to the proximity to the existing residence to the north, all lighting on the site should be directed away from the residentially zoned property.

All vehicular use areas shall be paved. Vehicular use area screening, consisting of a three foot element with one tree every 40 feet, shall be installed where vehicular use area adjoins road right-of-way or residentially zoned property. Sidewalks are present along both street frontages.

**SPECIFIC LAND USE CRITERIA**

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed use of the subject property for a medical office is consistent with uses that could be expected within the core area of a city. The subject property is arterial street oriented with road frontage on KY 54. Commercial zoning existing to the east and south of the subject property. As a proposed medical office, the site will serve as a buffer between the residence to the north and the higher intensity commercial uses such as the convenience store and grocery in the vicinity.

**Planning Staff Recommendations**

Staff recommends approval because the proposal is 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 an Urban Residential Plan Area, where professional/service uses are appropriate in limited locations;
2. The use of the subject property as a medical office will be non-residential in nature;
3. The subject property is arterial street oriented with road frontage on KY 54; and,
4. The use of the property as a medical office will serve as a buffer used between the higher intensity commercial uses in the vicinity and the existing residence to the north.