

**MAY 14, 2009**

**1805 FEDERICA ST**

## ZONE CHANGE

<b>From:</b> R-4DT Inner-City Residential		
<b>To:</b> P-1 Professional/Service		
<b>Proposed Use:</b> Insurance Office		
<b>Acreage:</b> 0.22		
<b>Applicant:</b> JMN Ventures, LLC (0905.1748)		
<b>Property Zone Existing Use</b>	<b>to North</b> P-1 Residential	
<b>to West</b> P-1 High School	<b>Subject</b> R-4DT → P-1 Residential	<b>to East</b> R-4DT Residential
	<b>to South</b> 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 P-1 Professional/Service zone. The subject property is located in a Central 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).

**(b) Logical zoning expansions of proportional scope** - Existing areas of Professional/Service use may be expanded onto contiguous land that abuts the same street(s). If the contiguous land is located across an intervening street, the expansion should be at least one (1) acre in size, unless it would serve as a “**buffer-use**” (D1). An expansion of this use should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

## Applicant's Findings

The Comprehensive Plan recommends professional/service use for this site. Subject tract will serve as a buffer between the existing General Business zone situated on the north side of W 18<sup>th</sup> Street and the existing residential lots southward of the site.

The site exists in a mixed-use neighborhood of residential, commercial and professional/service zones extending from Griffith Avenue to W 20<sup>th</sup> Street. A current P-1 zone (Owensboro High School site) exists immediately adjacent to and west of the subject property. This rezoning is a logical expansion of the current P-1 zone at the OHS property and at 1801 Frederica Street. Recently, the office complex site located along the east side of Frederica Street between W 19<sup>th</sup> Street and W 20<sup>th</sup> Street was rezoned to a Professional/Service classification. Rezoning the subject lot will result in a “limited” expansion within the residential neighborhood.

The site is “major-street oriented,” being near the southeast corner of the Frederica Street/W 18<sup>th</sup> Street intersection. All urban services exist at the site.

Expansion of the Professional/Service zone in this area should not overburden the capacity of roadways and other necessary urban services that are available.

## Planning Staff Review

The subject property is located in the 1801 block of Frederica 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 21059CO138 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 in an area of professional/service and residential uses. The properties to the north and west are zoned P-1 Professional/Service and the properties to the east and south are zoned R-4DT Inner-City Residential. Owensboro High School is located to the west and the other surrounding properties are currently residential in use.

The proposal is a logical expansion of existing P-1 Professional/Service zoning located immediately north of the subject property which the applicant also owns. The applicant proposes an insurance office on the site.

There is an existing drive to Frederica Street that serves the property. In the vicinity of the subject property, Frederica Street is classified as a principal arterial roadway with a 500 foot access spacing standard. Since the spacing standard cannot be met along Frederica Street, no access shall be permitted. The site has indirect access to W 18<sup>th</sup> Street via a rear alley which shall be used as access for the site. The existing curb cut to Frederica Street shall be physically closed with the grass strip restored, sidewalk installed and curb and gutter replaced.

All vehicular use areas shall be paved and parking requirements shall be in compliance with Article 13 of the zoning ordinance based on the proposed use of the property. A three foot vehicular use area screening element shall be installed adjacent to the residential property to the south. The building setback and roadway

buffer are 75 feet and 60 feet as measured from the street centerline.

## SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. There is existing P-1 Professional/Service zoning located immediately north of the subject property. With no direct access to Frederica Street and indirect access to W 18<sup>th</sup> Street via an existing alley, the proposed development should not overburden roadways 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 condition and findings of fact that support this recommendation include the following:

**Condition:** No access shall be permitted to Frederica Street. The existing curb cut to Frederica Street shall be physically closed with the grass strip restored, sidewalk installed and curb and gutter replaced.

### Findings of Fact:

1. The subject property is located in a Central Residential Plan Area, where professional/service uses are appropriate in limited locations;
2. The proposed use as an office meets the requirements for nonresidential development;
3. The proposed zoning change is a logical expansion of existing P-1 zoning located to the north; and,
4. With no access to Frederica Street and indirect access to W 18<sup>th</sup> Street via an existing alley, the expansion of P-1 zoning should not overburden the capacity of roadway and other necessary urban services that are available in the affected area.