

**AUGUST 12, 2010**

**1601, 1605, 1609 FREDERICA ST**

**ZONE CHANGE**

<b>From:</b> R-4DT Inner-City Residential	
<b>To:</b> P-1 Professional/Service	
<b>Proposed Use:</b> Professional Office	
<b>Acreage:</b> 0.666	
<b>Applicant:</b> Marcus Bosley; Bill T. Timbrook (1008.1783)	
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> P-1	<b>South:</b> R-4DT
<b>East:</b> R-4DT	<b>West:</b> P-1

**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 expansions** - 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.

**Planning Staff Review**

**GENERAL LAND USE CRITERIA**

**Environment**

- It appears that the subject property is not located in a wetlands area per the US Department of Agriculture Soil Conservation Service dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Map 21059CO138 D.
- It appears that the subject property is not within the Owensboro Wellhead Protection area per the GRADD map dated March 1999.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

**Urban Services**

All urban services, including sanitary sewers, are available to the site.

**Development Patterns**

The subject property is comprised of three separate tracts with an existing residential structure on each tract. The three residential structures were included in a National Register of Historic Places neighborhood nomination from 1985 called the Phillips Court District. All three structures were listed as “contributing” to the application but none of the structures are listed individually on the National Register. The properties are not part of a local historic district and do not require oversight by the local Historic Preservation Board. The general vicinity along Frederica Street is in the process of redevelopment. Zoning on the west side of Frederica Street is P-1 Professional/Service and the P-1 zoning extends to approximately Hill Avenue where commercial zoning begins. On the east side of Frederica Street, the block to the north of the subject property is zoned P-1 Professional/Service and the block south of W 17<sup>th</sup> Street is zoned P-1 Professional/Service and B-4 General Business. The blockfront between Phillips Court and W 17<sup>th</sup> Street is the only residentially zoned block in the vicinity.

The applicant has submitted two separate rezoning applications and variance applications since the property under consideration for rezoning is split by a public alley. The public alley serves as the only access for the subject property to Frederica Street. Frederica Street is classified as a principal arterial roadway with a 500’ driveway spacing standard, a 75’ building setback and 60’ roadway buffer. Due to the roadway classification, no additional access to Frederica Street will be permitted except the alley which may be widened to provide sufficient width for two-way traffic. Access to Phillips Court is required to be a minimum of 50’ from the property line.

All vehicular use area is required to be paved and appropriate vehicular use area landscaping installed where parking areas adjoin road right-of-way. Due to the proximity to residential structures, all lighting for the subject property shall be directed away from the residential structures to reduce the impact of the commercial light and glare onto the residential property.

The variance the applicant submitted in conjunction with the zoning change requests the roadway buffer along Frederica Street be reduced from 60’ to 40’ from the centerline. The variance is needed to efficiently develop the property due to the limited size of the subject property.

**SPECIFIC LAND USE CRITERIA**

The applicant has submitted two separate rezoning applications that are contiguous along Frederica Street containing a total of 1.151 acres. Two separate applications are required since the property is bisected by a public alley. Even though this stand-alone application does not meet the Comprehensive Plan’s requirement of one acre for a logical expansion across an intervening street, the intent and

functionality of the zoning change in combination with the adjoining property across the alley, does meet the intent of the Comprehensive Plan. The proposed P-1 Professional/Service zoning is a logical expansion of P-1 zoning located across Phillips Court to the north and across Frederica Street to the west. At a total of 1.151 acres of proposed P-1 zoning, the expansion should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

### **Planning Staff Recommendations**

The planning staff recommends approval subject to the conditions and findings of fact that follow:

#### **Conditions:**

1. Approval of a consolidation plat to consolidate the three tracts into a single tract;
2. Due to the proximity to existing residential zones, all lighting for the subject property shall be directed away from the residential property to reduce the glare and impact of the lighting on the residential uses; and,
3. Access to Frederica Street shall be limited to the existing public alley only. The alley may be widened to provide sufficient width for two-way traffic.

#### **Findings of Fact:**

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan when considering the entire acreage proposed for rezoning that is bisected by the public alley;
2. The subject property is located in a Central Residential Plan Area, where professional/service uses are appropriate in limited locations;
3. The use as a professional office will be nonresidential in nature and use;
4. The proposal is a logical expansion of existing P-1 zoning located across Phillips Court to the north and across Frederica Street to the west; and,
5. At a total of 1.151 acres of proposed P-1 zoning, the expansion should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.