

DECEMBER 12, 2002

1729 FREDERICA ST

ZONE CHANGE

From: P-1 Professional/Service		
To: B-4 General Business		
Acreage: 0.0.33 acres		
Applicant: 1735 Rentals, Jeffrey T. Ebelhar, owner (0212.1505)		
Property Zone Existing Use	to North B-4 <i>Dairy Queen, beauty shop</i>	
to West P-1 <i>Owensboro Board of Education offices</i>	Subject P-1 ⇄ B-4 <i>Parking lott</i>	to East R-4DT <i>Single-family residence</i>
	to South B-4 <i>Offices</i>	

**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 Professional/Service Plan Area, where general business uses are appropriate in very-limited locations.

SPECIFIC LAND USE CRITERIA

- (a) Building and lot patterns; outdoor storage yards-** Building and lot patterns should conform to the criteria for “**Non-residential Development**” (D7), and outdoor storage yards, with “**Buffers for Outdoor Storage Yards**” (D1).
- (b) Logical 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 proposal is in compliance with the Comprehensive Plan under the logical zoning expansion of proportional scope.

General Business zoning in this area meets the criteria of the Land Use Map.

Contiguous properties are also zoned B-4 General Business.

There is safe and convenient access on both east and west boundaries of the property.

Planning Staff Review

The subject property is located in the 1701 block of Frederica St. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA

Environment

No important environmental criteria apply to the subject property.

Urban Services

All urban services are available to the site.

Development Patterns

The subject property consists of two lots that are used as a single parking lot with access to Cruse Dr and Frederica St. The property to the north of the subject property is zoned B-4 General Business and is occupied by a Dairy Queen fast food restaurant fronting on Frederica St and a beauty shop fronting on Cruse Dr. The property to the south is zoned B-4 General Business and is in use as an office building. Property to the east across Cruse Dr is zoned R-4DT Inner-City Residential. Property to the west across Frederica St is zoned P-1 Professional/Service and is in use as the Owensboro Board of Education offices.

The subject property was rezoned to P-1 Professional/Service in 1986 from R-4DT Inner-City Residential. At that time, the applicants were proposing to construct a parking lot on the subject property and a conditional use permit was required for the parking lot use. A conditional use permit was approved in July 1986. The applicant proposes to market the property for general business use. The existing parking lot would be a legal permitted use in the B-4 General Business zone. It should be noted that if a new principal general business use occupied the property, a lot consolidation would likely be necessary to accommodate a building and required parking.

Roadway Buffer Standards

This portion of Frederica St requires a 60-foot minimum roadway buffer from the street centerline. No required landscaping or parking may be located within the required roadway buffer if the use on the property changes.

SPECIFIC LAND USE CRITERIA

The applicant's proposal meets the criteria for extension of the B-4 General Business zone. The request is a logical expansion of proportional scope because the subject property is situated between B-4 zoning to the north and the south. The expansion of B-4 General Business zoning to the subject property will not significantly increase the extent of the zone in the vicinity and will not overburden the capacity of 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. This recommendation is made subject to the condition and findings of fact that follow:

Condition:

1. A 60-foot roadway buffer from the centerline of Frederica St shall be required upon a change in the existing use.

Findings of Fact:

1. The subject property is located in a Professional/Service Plan Area, where general business uses are appropriate in very-limited locations;
2. The current use of the subject property is a principally permitted use in a B-4 General Business zone;
3. The subject property adjoins B-4 General Business zones and uses to the north and to the south; and,
4. The applicant's proposal is a logical expansion of the existing contiguous B-4 General Business zone that will not significantly increase the extent of the zone in the vicinity and will not overburden the capacity of roadways and other necessary urban services that are available in the affected area.