

JULY 9, 2020

**PORTION OF 2830 FREDERICA ST
ZONE CHANGE**

From:	P-1 Professional/Service
To:	B-4 General Business
Proposed Use:	Commercial Strip Parking Expansion
Acreage:	0.445
Applicant:	2820 Frederica LLC, Faith Lutheran Church (2007.2125)
Surrounding Zoning Classifications:	
North: B-4	South: B-4, R-3MF
East: R-1A	West: R-3MF

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 “Nonresidential Development” (D7), and outdoor storage yards, with “Buffers for Outdoor Storage Yards” (D1).

(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 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 21059C0276 D.
- It appears that the subject property is not within the Owensboro Wellhead Protection area per the OMU map dated 2015
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA, the EPA, the OMPC building/electrical/HVAC division or other state and federal agencies as may be applicable.

Urban Services

All urban services, including sanitary sewer, are available to the subject property.

Development Patterns

The subject property is a 0.445 acre portion of 2830 Frederica Street that is zoned P-1, and is the location of Faith Lutheran Church. The adjoining property to the

north and south of the subject property are existing commercial uses that are zoned B-4. The property to the west is zoned multi-family residential, and to the east across Frederica Street, single family residential uses with R-1A zoning are present.

The applicant is the owner of the adjacent commercial strip that is present to the north of the subject property at 2820 Frederica Street. It is the applicant's intent to acquire the 0.445 acre portion of the subject property being rezoned in this request and utilize it to expand the parking area of the existing commercial strip. This portion of the subject property must be rezoned prior to Minor Subdivision Plat approval consolidating it with 2820 Frederica Street

Frederica Street in this vicinity is classified as a major arterial roadway with a 500 foot access spacing standard, a 60 foot roadway buffer, and 75 foot building setback. 2830 Frederica Street does not have an access point to Frederica Street, however 2820 Frederica Street has an existing ingress only access point to Frederica Street. With redevelopment of the property at 2820 Frederica Street, access to Frederica Street shall be limited to the existing ingress only access point. No new access to Frederica Street shall be permitted.

Any future expansion to the parking area at 2820 Frederica Street will require Vehicular Use Area (VUA) screening consisting of 1 tree per 40 feet of VUA boundary, plus a continuous 3 foot high planting, hedge, fence, or wall; or 3 foot high continuous earth mound in minimum 3 foot wide easement between the VUA and the road right of way along Frederica Street and Yale Place. All vehicular use areas shall be paved.

Prior to any activity on the property the applicant must obtain approval of an amended final development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage. The OMPC Building, Electric, and HVAC Department shall be contacted before any construction activity takes place on the property.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed general business use conforms to the criteria for non-residential development and is a logical expansion of existing B-4 zoning to the north. At 0.445 acres, the expansion of the B-4 General Business zoning will not significantly increase the extent of the B-4 zoning in the general vicinity. With access to Frederica Street limited to the existing ingress only access point, the expansion of the

B-4 zoning should not overburden the capacity of roadways and other necessary urban services 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. Access to Frederica Street shall be limited to the existing ingress only access point at 2820 Frederica Street. No additional access to Frederica Street shall be permitted;
2. Approval of a minor subdivision plat consolidating this portion of 2830 Frederica Street with 2820 Frederica Street; and,
3. Approval of an amended Final Development Plan documenting any site improvements or changes.

Findings of Fact:

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located in a Professional/Service Plan Area where general business uses are appropriate in very limited locations;
3. The proposed commercial strip parking use conforms to the criteria for non-residential development;
4. The proposal is a logical expansion of existing B-4 zoning to the north;
5. At 0.445 acres, the proposal is not a significant increase in B-4 zoning in the immediate vicinity; and,
6. With access to Frederica Street limited to the existing ingress only access point, the expansion of the B-4 zoning should not overburden the capacity of roadways and other necessary urban services available in the affected area.