

**DECEMBER 10, 2020**

**2731 & 2795 W. 2<sup>ND</sup> STREET; 27 CARTER ROAD**

**ZONE CHANGE**

<b>From:</b>	<b>B-4 General Business &amp; A-U Urban Agriculture</b>
<b>To:</b>	<b>B-4 General Business</b>
<b>Proposed Use:</b>	Office, Events Hall, Gardens and Parking
<b>Acreage:</b>	10.416
<b>Applicant:</b>	Western Kentucky Botanical Gardens, Inc. (2012.2145)
<b>Surrounding Zoning Classifications:</b>	
<b>North: A-U</b>	<b>South: A-U, I-1, B-5</b>
<b>East: I-1</b>	<b>West: A-U &amp; B-4</b>

**Proposed Zone & Land Use Plan**

The applicant is seeking a B-4 General Business zone. Along W. 2<sup>nd</sup> Street, 2731 & 2795 W. 2<sup>nd</sup> Street are located in a business plan area where general business uses are appropriate in limited locations. The rear portions of 2731 & 2795 W. 2<sup>nd</sup> Street, as well as the entirety of 27 Carter Road, are located within an urban residential 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 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.

**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.
- It appears that the subject property is not located within the Owensboro Wellhead Protection area per the OMU map dated 2015.
- The subject property is not located in special flood hazard area per FIRM Map 21059C0119D.
- 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 properties.

**Development Patterns**

The subject properties consist of three tracts of land. The first two, 2731 & 2795 W. 2<sup>nd</sup> Street, front along W. 2<sup>nd</sup> Street; meanwhile the third tract, 27 Carter Road, adjoins the first two but fronts along Carter Road near the entrance to the Thompson Berry Sports Complex. The three parcels combine to total 10.416 acres in size.

In the general vicinity, the south side of W. 2<sup>nd</sup> Street is located within a Business/Industrial Plan Area and, as a result, this area has a variety of uses and zones with a combination of B-5 Business/Industrial and I-1 Light Industrial across W. 2<sup>nd</sup> Street. I-1 zoning can also be found in the large field located at the northwest intersection of W. 2<sup>nd</sup> Street and Ewing Road, immediately east of the subject properties. B-4 General Business zoning can be found in the area across Carter Road, also near the entrance to the Thompson Berry Sports Complex.

2731 W. 2<sup>nd</sup> Street is currently zoned A-U Urban Agriculture. The site consists of an existing house which was previously used as the Weatherberry Bed and Breakfast before being converted into a single family residence. The neighboring subject property, 2795 W. 2<sup>nd</sup> Street, is a primarily vacant tract of land that is zoned B-4 General Business. Through various changes in use and property transfers, the two parcels of land have long been connected to one another.

Most recently, portions of each property were rezoned in 2015 to allow the completion of desired property transfers by way of a minor subdivision plat. This rezoning and plat (as well as others beforehand) limited access to W. 2<sup>nd</sup> Street from the two subject properties to the existing single access point.

The third tract of land, 27 Carter Road, is currently the access point for the Western Kentucky Botanical Gardens and serves as available parking for those visiting the site. The Western Kentucky Botanical Gardens can be found on a separate, land-locked tract located to the rear of the subject properties. Although the Western Kentucky Botanical Gardens, Inc. is the applicant for this proposal, the existing Botanical Garden operation is not related to this item except for the continued utilization of the access point at 27 Carter Road.

The applicant intends to consolidate all three subject properties and to utilize the existing structure as a central office and for meeting/activity rooms. In the long-term, the applicant intends to construct a second building on the property in order to further host activities. The applicant intends to utilize the existing parking at 27 Carter Road as available parking spaces in both, the short-term and long-term plans.

W. 2<sup>nd</sup> Street, in this vicinity, is classified as a minor arterial roadway with a 500-foot spacing standard, as well as a 60-foot building setback and a 30-foot road roadway buffer, each measured from the centerline of West 2<sup>th</sup> Street. As a result, access to the subject properties from W. 2<sup>nd</sup> Street shall remain limited to the existing single access point.

Carter Road, in this vicinity, is classified as a local street with a 25-foot building setback. Due the limited width of 27 Carter Road, this building setback will be measured from where the flag-shaped lot fans out and not from the front property line. Doing so prevents the placement of structures within the existing drive aisle leading back to the parking area on the subject property.

Prior to any changes to the subject property, the applicant must obtain approval of a site plan or 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, Electrical 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 community's adopted Comprehensive Plan. The proposal is non-residential in nature and is a logical expansion of the B-4 General Business zoning located at 2795 W. 2<sup>nd</sup> Street; as well as the B-4 zoning located to the west, across Carter Road.

#### **Planning Staff Recommendations**

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

##### **Conditions:**

1. Obtain approval of a Site Plan or Final Development Plan;
2. Direct access to W. 2<sup>nd</sup> Street shall be limited to the existing single access point; and,
3. Obtain approval a minor subdivision plat illustrating an ingress/egress easement on 27 Carter Road to allow continued use by the Western Kentucky Botanical Garden operation located to the rear of the subject properties.

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

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject properties are partially located in a Business Plan Area where general business uses are appropriate in limited locations, and partially located in an Urban Residential Plan Area where general business uses are appropriate in very-limited locations;
3. The proposed use of an office and activity hall conforms to the criteria for nonresidential development;
4. The proposed B-4 General Business zone is a logical expansion of the existing B-4 zoning located on 2795 W. 2<sup>nd</sup> Street; as well as the existing B-4 zoning to the west, across Carter Road; and,
5. The proposal should not significantly increase the extent of the zone in the general vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.