

APRIL 1, 2021

3805 FAIRVIEW DRIVE	
ZONE CHANGE	
From: A-U Urban Agriculture	
To: B-4 General Business	
Proposed Use: Medical and Professional Offices	
Acreage: 2.966	
Applicant: Professional Properties, LLC; City of Owensboro Kentucky (2104.2159)	
Surrounding Zoning Classifications:	
North: A-U & R-3MF	South: R-1C
East: A-U & R-1A	West: A-U & R-3MF

Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business zone. The subject property is located in 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 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 urban services that are available in the affected area.

(c) Expansions across intervening streets – In Central Residential, Urban Residential, Future Urban and Professional/Service plan areas, the expansion of an existing General Business zone across an intervening street should be at least one-and-one-half (1.5) acres in size, but should not occur if this would significantly increase the extent of the zone in the vicinity.

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 21059CO143D.
- 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 site.

Development Patterns

The subject property is a vacant 2.966 acre tract of land that is zoned A-U Urban Agriculture. Until recently, this land has been part of a much larger farm tract located along Pleasant Valley Road. This tract of land was created with the recently established Fairview Drive extension that is currently being constructed and is located between the new Daviess County Middle School property and The Downs residential subdivision.

The Fairview Drive extension is classified as a Minor Arterial roadway with a 1000-foot spacing standard; as well as a 75-foot building setback and a 40-foot roadway buffer, measured from the centerline of Fairview Drive.

The Downs subdivision, located to the south of the subject property is zoned R-1C Single Family Residential. Meanwhile the school property, located to the north and west of the subject property, is zoned A-U Urban Agriculture and R-3MF Multi-Family Residential. The adjoining property to the east, located across the Fairview Drive extension, is zoned A-U Urban Agriculture and R-1A Single Family Residential; however, the adjoining property is also pending review of a requested B-4 General Business zone submitted by the same applicant. The two requests have been tied together through a single Traffic Impact Study which has been reviewed and approved by the City Engineer, the County Engineer, and the Kentucky Transportation Cabinet (KYTC). The study states that expected development on the subject property includes 30,000 square feet of medical and dental office buildings.

Because this proposal is not a logical expansion of any B-4 General Business zoning in the vicinity, the proposal does not meet the criteria for a General Business zone as set forth within the Comprehensive Plan. However, the Comprehensive Plan was most recently adopted in December 2018; predating the establishment of the Fairview Drive extension, including the plans for the Daviess County Middle School site and the connection of Fairview Drive into the northern entrance of Gateway Commons. As a result, this area has seen changes that were not expected during the most recent adoption of the Comprehensive Plan, and now the proposed B-4 zoning is more appropriate than the existing A-U Urban Agriculture zoning.

Due to the recently established extension of Fairview Drive, this site is major-street oriented where the traffic flow and large spacing standards create a situation where general business uses are more appropriate for the area than large-lot agricultural uses. The Traffic Impact Study reflects a single access point, located along Fairview Drive, which provides both ingress and egress to this site. Direct access to the subject property shall be limited to the single access point shown within the approved Traffic Impact Study unless an amended Traffic Impact Study illustrating any desired modifications is reviewed and approved by the OMPC, the City Engineer, the County Engineer, and KYTC.

Although the B-4 General Business zone is appropriate at the subject property, it should be acknowledged that this site is located within an Urban Residential Plan Area and adjoins existing single family residential uses. In order to protect the existing residential properties within the area, the development shall be screened appropriately. Such screening elements shall include, but may not be limited to, a 10-foot wide landscaping easement consisting of a 6-foot tall solid and continuous element plus 1-tree every 40-linear-feet. Additionally, all structures and lighting on this property shall be oriented and directed away from the existing residential properties.

Other elements may be taken into consideration as the Comprehensive Plan states that whenever nonresidential uses are allowed to be "located or expanded in a built-up neighborhood, due consideration should be given to the concerns of the neighboring residents with respect to the established lot patterns in their neighborhoods." While this proposed general business zoning is not located within The Downs, the planned Fairview Drive extension connecting Highway 54 to Hayden Road will impact all properties in the vicinity.

Prior to any activity on the property the applicant must obtain approval of a 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 & HVAC department shall be contacted before any construction activity takes place on the property.

SPECIFIC LAND USE CRITERIA

Although non-residential in nature, the applicant's proposal is not in compliance with the Comprehensive Plan. The proposed B-4 General Business zoning is not a logical expansion of existing B-4 General Business zoning in the immediate vicinity. However, with the extension of Fairview Drive and developments in the immediate vicinity that have occurred since the adoption of the Comprehensive Plan, the proposed B-4 General Business zone is more appropriate than the existing agricultural zoning.

Planning Staff Recommendations

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

Conditions:

1. Approval of a Final Development Plan;
2. Direct access shall be limited to the single access point located along Fairview Drive as shown in the approved Traffic Impact Study unless approval of an amended Traffic Impact Study illustrating any access modifications is obtained;
3. In the event that the office uses on the subject property exceed 30,000 total square feet in size, or if the uses on the subject property change to host uses of higher expected traffic volumes, then the traffic impact study shall be amended to properly illustrate the proposed developments;
4. The development shall maintain a 10-foot wide landscape easement consisting of a 6-foot tall solid and continuous element plus one tree every 40-linear-feet where the subject property adjoins any residential zoning;
5. All structures located within this development shall be oriented away from the immediately adjoining residentially zoned properties to the south; and,
6. All lighting associated with this development shall be directed away from the immediately adjoining residentially zoned properties to the south.

Findings of Fact:

1. Staff recommends approval because the proposed B-4 General Business zoning is more appropriate than the existing A-U Urban Agriculture zoning;
2. The immediate vicinity has seen a large number of development changes since the adoption of the Comprehensive Plan in December 2018. Such changes include, but are not limited to, the establishment of the Fairview Drive extension, the location of the new Daviess County Middle School development, and the connection of the Fairview Drive extension into the Gateway Commons development;
3. The proposal is located along Fairview Drive, a minor arterial roadway and, as a result, is Major-Street Oriented;
4. Compliance with an approved Traffic Impact Study ensures that the proposed B-4 General Business uses should not overburden the capacity of roadways and other necessary urban services that are available in the affected area;
5. The proposed commercial uses comply with the criteria for Nonresidential Development; and,
6. At 2.966 acres in size, the property is large enough to comply with the criteria associated with Buffers for Outdoor Storage Yards, should any outdoor storage be located on the subject property.