

**APRIL 1, 2021**

**3810 FAIRVIEW DRIVE**

**ZONE CHANGE**

<b>From:</b>	A-U Urban Agriculture & R-1A Single Family Residential
<b>To:</b>	<b>B-4 General Business</b>
<b>Proposed Use:</b>	Medical and Professional Offices
<b>Acreage:</b>	19.946
<b>Applicant:</b>	Professional Properties, LLC; City of Owensboro Kentucky (2104.2160)
<b>Surrounding Zoning Classifications:</b>	
<b>North: R-1A</b>	<b>South: A-U &amp; R-1A</b>
<b>East: A-U &amp; R-1A</b>	<b>West: A-U &amp; R-1A</b>

**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 Maps 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 19.946 acre tract of land that is located along the recently established Fairview Drive extension that is currently being constructed. This property, which has historically been part of a larger farm tract, is a vacant tract located on the other side of Fairview Drive from the new Daviess County Middle School site and adjoins The Downs residential subdivision. The rear of the subject property is very close to Pleasant Valley Road, but does not have frontage along the roadway.

The site is currently split-zoned A-U Urban Agriculture along Fairview Drive and R-1A Single Family Residential in the rear, near Pleasant Valley Road. The adjoining property to the east is the remainder of the previous farm tract which is also split-zoned A-U and R-1A. The properties across Pleasant Valley Road are zoned R-1A Single Family Residential and consist of a series of single family homes; meanwhile the properties to the South (located within The Downs) are zoned R-1C Single Family Residential and also consist of single family homes; although the only contiguous lot within The Downs is comprised of a detention basin.

The adjoining property to the west, much like the adjoining property to the east, is formerly a farm tract split-zoned A-U and R-1A; however, the adjoining property to the west is also pending review of a request to rezone the property to B-4 General Business and R-3MF Multi-Family Residential. The proposal on the adjoining property to the west is not related to the request on the subject property as the two requests are completely independent of one another.

Across the Fairview Drive extension is the new Daviess County Middle School site as well as a 2.966 acre tract of land that is currently zoned A-U Urban Agriculture. The adjoining 2.966 acre tract of land was also previously part of the parent farm and was divided off whenever the Fairview Drive extension was created. A rezoning request for this 2.966 acre parcel was submitted as a separate, but related, request by the same applicant. The subject property and the adjoining 2.966 acre tract of land 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 the expected activity on the subject property includes professional and medical offices, but does also provide the opportunity for restaurants should such a use be desired.

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, each measured from the centerline of Fairview Drive.

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 development changes that were not expected during the most recent adoption of the Comprehensive Plan, and now the proposed B-4 General Business zoning is more appropriate than the existing A-U Urban Agriculture and R-1A Single Family Residential zoning classifications.

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 or single family residential 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 is located near 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 where the subject property adjoins residential zoning. This may also include screening elements where the subject property adjoins any R-3MF Multi-Family Residential zoning that may occur on the adjoining property to the west, should the aforementioned proposal on the adjoining property be approved.

Additionally, all lighting within this development shall be directed away from the existing residential properties in the area, including the adjoining properties to the south and those across Pleasant Valley Road. 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 and residential zoning classifications.

#### **Planning Staff Recommendations**

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

##### **Conditions:**

1. Each proposed development shall obtain approval of a Final Development Plan;
2. Direct access to Fairview Drive shall be limited to the single access point as shown in the approved Traffic Impact Study unless approval of an amended Traffic Impact Study is obtained;
3. In the event that 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; and,
4. All lighting associated with this development shall be directed away from the immediately adjoining residential properties to south and away from the existing residential uses located across Pleasant Valley Road.

##### **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 and R-1A Single Family Residential zoning classifications;
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 19.946 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.