

**AUGUST 12, 2021**

**1807 & 1819 W. 2<sup>ND</sup> STREET**

**ZONE CHANGE**

<b>From:</b>	B-4 General Business & R-4DT Inner-City Residential
<b>To:</b>	<b>B-4 General Business</b>
<b>Proposed Use:</b>	Group Home
<b>Acreage:</b>	1.119
<b>Applicant:</b>	Fresh Start for Women, Inc. (2108.2183)
<b>Surrounding Zoning Classifications:</b>	
<b>North: R-4DT</b>	<b>South: B-4, I-1</b>
<b>East: B-4, R-4DT</b>	<b>West: B-4, R-4DT</b>

**Proposed Zone & Land Use Plan**

The applicant is seeking a B-4 General Business zone. The subject properties are located in a Central Residential Plan Area, where general business uses are appropriate in 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 properties are not located in a wetlands area per the US Department of Agriculture Soil Conservation Service dated March 6, 1990.
- The subject properties are not located in a special flood hazard area per FIRM Map 21059CO119D.
- It appears that the subject properties are not located 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 properties.

**Development Patterns**

The subject properties consist of a two parcels of land located along W. 2<sup>nd</sup> Street. The first of which, 1807 W. 2<sup>nd</sup> Street, is approximately 0.25 acres in size and contains a single family home and is zoned R-4DT Inner-City Residential. The second property, 1819 W. 2<sup>nd</sup> Street, is a 0.85-acre parcel that contains an existing apartment complex. This site is currently split zoned as the entire structure is currently zoned B-4 General Business and the rear yard is zoned R-4DT Inner-City Residential.

The adjoining property to the east, at the intersection of W. 2<sup>nd</sup> Street and Dublin Lane is zoned B-4 General Business and utilized appropriately. Also to the east, along Dublin Lane, is a string of residential homes zoned R-4DT Inner-City Residential. More single family homes and R-4DT zoning can be found to the west, along Gilmour Court. To the south, across W. 2<sup>nd</sup> Street, is a large property that is split-zoned I-1 Light Industrial and B-4 General Business.

The adjoining properties to the west, along W. 2<sup>nd</sup> Street, are zoned B-4 General Business and owned by the applicant. One of which, 1823 W. 2<sup>nd</sup> Street, obtained a Conditional Use Permit in 2019 in order to operate a Group Transitional Living Facility. At this time, the applicant intends to expand the group housing use to include the neighboring lot at 1821 W. 2<sup>nd</sup> Street as well as both subject properties. As such, the applicant has proposed to rezone the two subject properties to B-4 General Business in order to have a uniform zoning classification across all involved properties. A Conditional Use Permit application to expand the use has been submitted in conjunction with this rezoning request.

In this vicinity W. 2<sup>nd</sup> Street 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 roadway buffer; each measured from the centerline of W. 2<sup>nd</sup> Street.

The site plan submitted in conjunction with the Conditional Use Permit indicates that the existing apartment complex at 1819 W. 2<sup>nd</sup> Street currently encroaches into the required front yard building setback; however this site was developed prior to the establishment of the current regulations and is legal non-conforming. As such, any significant redevelopment of the property including severe modifications to the building shall require compliance with current building setbacks.

Additionally, the two subject properties each have their own existing driveway, failing to comply with the aforementioned spacing standards. As a result, as the properties redevelop, the existing driveway at 1807 W. 2<sup>nd</sup> Street shall be removed. In the event that the two properties redevelop independent of one another, it shall be the responsibility of 1819 W. 2<sup>nd</sup> Street to allow access to 1807 W. 2<sup>nd</sup> Street.

The proposed zoning change will also create unlike zones between the subject properties and the adjoining residential properties which front along Dublin Lane. As a result, the proposed development shall be responsible for installing a 10-foot wide landscaping easement consisting of a 6-foot tall solid element and 1 tree every 40-linear-feet where the subject properties immediately adjoin residential zoning.

Also, to protect the residential character of the homes along Dublin Lane and Gilmour Court, all lighting associated with the proposed development shall be oriented away from the adjoining residentially zoned properties.

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**

The applicant's proposal is in compliance with the Comprehensive Plan. While the proposed Group Home use is residential in nature, it is a logical expansion of an existing residential, group home use on a neighboring property. The proposed use shall not have any outdoor storage areas; however, due to the required screening elements between unlike zones, the site shall comply with the criteria associated with buffers for outdoor storage areas. Additionally, at a total of 1.119 acres and located along W. 2<sup>nd</sup> Street, a minor arterial roadway, the expansion of the existing B-4 General Business zone is not a significant increase of the extent of the zone in the vicinity and should not overburden the capacity of roadways and other necessary urban services that are 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. Obtain approval of a Conditional Use Permit to allow the proposed Group Home operation;
2. Obtain approval of a Final Development Plan;
3. 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 immediately adjoins residentially zoned properties;
4. All lighting associated with this development shall be directed away from the adjoining residentially zoned properties along Dublin Lane and along Gilmour Court; and,
5. As the properties redevelop, the existing driveway at 1807 W. 2<sup>nd</sup> Street shall be removed. In the event that the two properties redevelop independent of one another, it shall be the responsibility of 1819 W. 2<sup>nd</sup> Street to allow access to 1807 W. 2<sup>nd</sup> Street.

#### **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 located in a Central Residential plan area where general business uses are appropriated in limited locations;
3. While the proposed Group Home use does not comply with the criteria for Nonresidential Development, it is an expansion of an existing group home use;
4. As a residential use, it is not anticipated that there will be any outdoor storage uses at the subject property; however, the site shall still be properly screened from the adjoining residential properties and, as a result, the proposal complies with the criteria associated with Buffers for Outdoor Storage Yards;
5. The proposed B-4 General Business zone is a logical expansion of existing B-4 zoning to the south, east, and west, as well as existing B-4 zoning located on the front of 1819 W. 2<sup>nd</sup> Street;
6. The proposal will eliminate the existing split-zoning on the subject property; and,
7. At 1.119 total acres located along a minor arterial roadway, the proposed expansion of the B-4 General Business zone shall not significantly increase the extent of the zone within the vicinity and should not overburden the capacity of roadways and other necessary services that are available in the affected area.