

**JANUARY 12, 2023**

**2119 FEDERICA STREET**

**ZONE CHANGE**

**From:** R-4DT Inner-City Residential

**To:** B-4 General Business

**Proposed Use:** Commercial

**Acreage:** 0.544

**Applicant:** Samuel Rafferty; Kentucky Wesleyan College (2301.2244)

**Surrounding Zoning Classifications:**

**North:** B-4                      **South:** B-4

**East:** R-4DT                      **West:** P-1

**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 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.
- The subject property is not located in a special flood hazard area per FIRM Map 21059CO138 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 or other state and federal agencies as may be applicable.

**Urban Services**

All urban services, including sanitary sewers, are available to the site.

**Development Patterns**

The subject property is currently owned by Kentucky Wesleyan College and is located at the intersection of W 22<sup>nd</sup> Street and Frederica Street. This property, along with the adjoining properties to the east (along W 22<sup>nd</sup> Street), is zoned R-4DT Inner-City Residential. Adjoining properties to the north and south are zoned B-4 General Business, while those to the west (across Frederica Street) are zoned P-1 Professional/Service.

The applicant intends to rezone the subject property from R-4DT Inner-City Residential to B-4 General Business to allow for commercial uses. Frederica Street, in this vicinity, is classified as a principal arterial roadway with a 500-foot spacing standard; as well as a 75-foot building setback and 60-foot roadway buffer, each measured from the centerline of Frederica Street. Due to the proximity of the roadway intersection, compliance with access management is not possible along Frederica Street and, as a result, access shall be limited W. 22<sup>nd</sup> Street and/or the rear alley.

Prior to any construction activity at 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 and electrical division should be contacted prior to any construction activity or changes. If not already accomplished, it is recommended that the applicant consult with the OMPC building staff to discuss the conversion of a residential home to a commercial operation.

**SPECIFIC LAND USE CRITERIA**

The applicant’s proposal is in compliance with the Comprehensive Plan. The proposed use, commercial, is nonresidential in nature and an approved site plan or final development plan will ensure compliance with the criteria associated with buffers for outdoor storage yards. The proposal is a logical expansion of existing B-4 General Business zoning to the north and south. At 0.544 acres, and with access limited to W. 22<sup>nd</sup> Street and the rear alley, the proposal will 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 condition and findings of fact that follow:

**Condition:**

1. Access shall be limited to W. 22<sup>nd</sup> Street and/or the rear alley. No direct access to Frederica Street shall be permitted.

**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 use, commercial, conforms to the criteria for nonresidential development and compliance with an approved site plan or final development plan will ensure the criteria associated with buffers for outdoor storage yards is met;
4. The proposal is a logical expansion of existing B-4 General Business zoning to the north and south;
5. At 0.544 acres, the proposal does not significantly increase the extent of the B-4 zoning in the vicinity; and,
6. With access limited to W. 22<sup>nd</sup> Street and the rear alley, the proposal will not overburden the capacity of roadways and other necessary urban services that are available in the affected area.