



JUNE 13, 2002

2425 FREDERICA ST

ZONE CHANGE

From: B-4 General Business & R-1C Single-Family Residential

To: P-1 Professional/Service

Acreage: 1.963± acres

Applicant: Independence Bank of KY, Inc., J. Frank Hartz Testamentary Trust c/o Maxine G. & Max S. Hartz Trustees, Jerry D. & Carolyn de Spain, Patricia B. Powell Revocable Living Trust, John L. & Jane Reynolds (0206.1480)

Property Zone Existing Use	to North B-4 Service station	
to West B-4 Retail, muffler shop, beauty shop, vacant gas station	Subject R-1C & B-4 ➔ P-1 Bank, pizza shop, jewelry shop, hearing aid center, residence	to East R-1C Single-family, multi-family
	to South B-4 Grocery store	

GENERAL LAND USE CRITERIA

Apply, if marked below:

Described in Comprehensive Plan on pages 445-448

Environmental ☒

- E1** Flood Plains
- E2** Steep Slope
- E3** Historical & Archaeological Sites
- E4** Soils
- E5** Plant & Animal Life

Urban Services ☒

- U1** Roadway Capacity
- ☒ **U2** Electricity Supply
- ☒ **U3** Water Supply
- ☒ **U4** Stormwater Disposal
- ☒ **U5** Sanitary Sewage Disposal

Development Patterns ♦

- ♦ **D1** Land-Use Intensity, Clusters and Buffers
- ♦ **D2** Land Use versus Street Function
- ♦ **D3** Intersection & Driveway Spacing
- ♦ **D4** Roadway Buffer Standards
- D5** Lot Sizes & Proportions
- D6** Residential Development
- ♦ **D7** Non-Residential Development
- D8** Building Quality

Proposed Zone & Land Use Plan

The applicant is seeking a P-1 Professional/Service zone. The subject property is located partially within an Urban Residential Plan Area, where professional/service uses are appropriate in limited locations and partially within a Business Plan Area, where professional/service uses are considered a subset of business uses.

SPECIFIC LAND USE CRITERIA

- (a) **Building and lot patterns** should conform to the criteria for “**Non residential Development**” (D7).
- (d) **New locations** of professional/service use should be “**major-street-oriented**” (D2). Also, other than in Rural Community plan areas, a new location should be at least **one (1) acre** in size unless it would serve as a “**buffer-use**” (D1).

Applicant's Findings

The site is located partially within an Urban Residential Plan Area and partially within a Business Plan Area. The Comprehensive Plan recommends Professional/Service land use in limited locations within Urban Residential Plan areas.

The proposed lot consolidation area of the site contains approximately 1.9 acres in a non-traditional lot configuration, which is non-residential in shape and size. A substantial portion of the subject tract has been used as a financial institution in a B-4 zone and will also be in compliance with a P-1 zone.

Recent roadway and intersection improvements by the State Highway Department assure that the rezoning will not overburden the capacity of the street system. All other urban services are available at the site. Existing urban services have adequate capacity to serve the site. The proposed use will not overburden the existing utilities system.

The proposed bank facility will be “major street oriented” toward Frederica Street with access limited to one point onto said major arterial. The facility will also have one access point to W. 24th Street, a minor arterial, and one access point to W. 25th Street, another minor arterial street. Both W. 24th Street and W. 25th Street are planned one-way streets in the Long Range Transportation Plan.

The subject site on Frederica Street is a mixed-use area. Within the block exist single family residential, multi-family residential, rental property, retail sales, food sales,

and a financial institution. Rezoning of the site will provide a homogenous land use along the Frederica Street frontage between W. 24th Street and W. 25th Street. The comprehensive plan did not anticipate requests in a zone where all permitted uses are allowed, for a change to a more restrictive zoning classification. General business is appropriate in limited locations in a Business Plan Area. The applicant is requesting a more restrictive zone than before, and this more restrictive zone will provide more protection for the neighboring residents. In fact, the professional zoning will in effect operate as a buffer between residential properties and commercial use properties.

Site development plan improvements include elimination of a dangerous alley entry directly into the Frederica Street/W. 24th Street intersection. The W. 24th Street entrance included on the development plan conforms to the minimum driveway spacing criteria at intersections. A second dangerous entrance is eliminated at the recently constructed W. 25th Street intersection upgrade. Approval of the rezoning will provide a single consolidated land use to a currently fragmented use area. The accompanying development plan provides for continued residential land use along the Saint Ann Street frontages between W. 24th and W. 25th Streets.

The rezoning is consistent with the stated goals and objectives of the Comprehensive Plan by providing urban development and growth within and near the existing urban built-up areas of the Owensboro community.

The 1.9 acre tract size satisfies the minimum lot size criteria and satisfies the “new location” criteria.

Planning Staff Review

The subject property is located in the 2401 block of Frederica St, between W 24th St and W 25th St. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA

Environment

No important environmental criteria apply to the subject property.

Urban Services

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

Development Patterns

The subject property is a combination of several separate pieces of property that are currently occupied with a number of uses, including a bank, a pizza shop, a jewelry store, a hearing aid service, and a residence. The applicant's have submitted a development plan in conjunction with this rezoning request showing all of the aforementioned uses being eliminated. They are to be replaced by one principal building to be used by the bank and those improvements necessary for the bank operations. Property to the north, south and west of the subject property is zoned B-4 General Business and is used for a variety of general business activities. Property to the east is zoned R-1C and is used for single and multi-family residences. There is an alley running through the subject property. Currently, two businesses have frontage on the alley. The alley right-of-way would need to be formally closed prior to a building permit being issued.

Land-Use Intensity, Clusters and Buffers

Specific criteria recommend that particular land uses are appropriate as “buffer-uses” where they will buffer higher intensity uses from less intense uses. The subject property currently comprises property that is zoned mostly B-4 General Business abutting a single-family residential zone to the east. The requested change of several pieces of R-1C zoned property in conjunction with the B-4 zoned property to a P-1 Professional/Service zone can act as a buffer for the established R-1C property to the east from the commercial properties across Frederica St. The combination of all of the separate pieces of property into one lot with one use as proposed on the submitted development plan lowers the intensity of use on the subject property and provides a transition between the residential property and the more intense uses to the west. By requesting the zone change to P-1 Professional/Service, the applicants are reducing the intensity of use from what is currently permitted on the majority of this site.

Land Use versus Street Function

Close proximity to either arterial streets or collector streets is recommended for moderate-intensity uses such as professional/service uses. New locations of professional service use should adjoin either an arterial street or a major collector street. The subject property adjoins Frederica St, a principal arterial street, as well as W 24th and W 25th Streets, minor arterial streets.

Intersection & Driveway Spacing

The development plan submitted for the subject property proposes the closing of several existing access point, resulting in one access point each on Frederica St, W 24th St, and W 25th St.

Roadway Buffer Standards

A roadway buffer of 60 feet from the centerline of Frederica St is required by the zoning ordinance. The applicants requested a variance from this requirement, asking that the roadway buffer be reduced to 34 feet. The Owensboro Metropolitan Board of Adjustment approved the requested variance on June 6, 2002.

SPECIFIC LAND USE CRITERIA

The subject property is zoned B-4 General Business and R-1C Single-Family Residential. The portion of the property within the Urban Residential Plan area meets the criteria of the Comprehensive Plan for new locations of Professional/Service use when combined with the remaining property because the property is major-street-oriented, over one acre in size and provides a buffer between the residential property to the east and the General Business properties to the west across Frederica St. The Comprehensive Plan does not consider professional/service uses in the Business Plan area because general business uses are appropriate in limited locations. All of the permitted uses allowable in the Professional/Service zone are also permitted uses within the General Business zone. The Professional/Service zone is a more restrictive zoning classification, which does not permit the more intense uses, such as retail sales, allowed in general business zones. The Comprehensive Plan did not anticipate a request for a change to a more restrictive classification in this area. The Professional/Service zone is appropriate in this location to act as a buffer between the established residential neighborhood and Frederica St. The consolidation of lots, closing of the alley right-of-way and use of the property for a bank business only as proposed by the development plan significantly reduces the intensity of the use on the property from what is currently occurring, to the benefit of the established residential neighborhood. Rezoning of the subject property to P-1 Professional Service limits the intensity of the uses allowed on the property.

2. Closure of the public alley right-of-way bisecting the property; and,
3. Consolidation of all the properties into one lot.

Findings of Fact:

1. The subject property is partially located within an Urban Residential Plan Area, where professional/service uses are appropriate in limited locations;
2. The subject property is partially located within a Business Plan Area, where professional/service uses are considered a subset of business uses;
3. The Comprehensive Plan did not anticipate a request to a zoning classification (P-1) that permits uses that also are included in a more intense zoning classification (B-4);
4. The majority of the property is currently zoned B-4 General Business, which would permit all uses allowed in a P-1 Professional/Service zone;
5. The P-1 Professional/Service zone would serve as a buffer between the established residential neighborhood to the east and the general business uses to the west;
6. The subject property is major-street-oriented;
7. The subject property is over one acre in size; and
8. A development plan has been submitted restricting access points to the subject property.

Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the adopted Comprehensive Plan. This recommendation is made subject to the conditions and findings of fact that follow:

Conditions:

1. Access shall be limited to one access point on Frederica St, one access point on W. 24th St and one access point on W 25th St as shown on the final development plan submitted in conjunction with this rezoning application;