

**SEPTEMBER 12, 2013****PORTION OF 10619 HIGHWAY 764****ZONE CHANGE**

<b>From:</b> R-1B Single Family Residential	
<b>To:</b> P-1 Professional/Service	
<b>Proposed Use:</b> Medical Services	
<b>Acreage:</b> 0.144	
<b>Applicant:</b> Joseph & Diane Birkhead; Joseph D. & Donna C. Howard (1309.1884)	
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> R-1B	<b>South:</b> P-1
<b>East:</b> R-1B	<b>West:</b> R-1A, R-1B

**Proposed Zone & Land Use Plan**

The applicant is seeking a P-1 Professional/Service zone. The subject property is located in an Urban Residential Plan Area, where professional/service uses are appropriate in limited locations.

**SPECIFIC LAND USE CRITERIA**

- (a) **Building and lot patterns** Building and lot patterns should conform to the criteria for “**Nonresidential Development**” (D7).
- (b) **Logical expansions** Existing areas of Professional/Service use may be expanded onto contiguous land that abuts the same street(s). An expansion of this use 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 21059C0340 D.
- It appears that the subject property is not within the Owensboro Wellhead Protection area per the GRADD map dated March 1999.
- 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 located within the City of Whitesville and is surrounded by a mixture of commercial, professional and residential uses. The property to the north, east and west is zoned with residential uses and a church. The property to the south is zoned P-1 with a medical office building. The property to the south, also owned by this applicant, was rezoned from R-1B to P-1 in February, 2009.

The applicant has submitted a minor subdivision plat proposing to consolidate this 0.144 acre portion of the subject property with their existing P-1 zoned property to the south, 10015 Main Street, creating a 0.5 acre parcel. This consolidation cannot be approved with the current zoning of this portion of the subject property and must be rezoned in order to consolidate the properties.

As a medical office, the proposed use should serve as a buffer between the existing commercial development in the vicinity and the adjoining residential structure to the north. Due to the proximity to the existing residence on the remainder of the subject property and to the north, all lighting on the site should be directed away from the residentially zoned properties.

All vehicular use areas shall be paved. Vehicular use area screening, consisting of a three foot element with one tree every 40 feet, shall be installed where vehicular use area adjoins residentially zoned property.

**SPECIFIC LAND USE CRITERIA**

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed use of a portion of the subject property for medical services is consistent with uses that could be expected within the core area of a city. The proposal is a logical expansion of existing P-1 zoning to the south. As an expansion to the existing medical office to the south, the site will serve as a buffer between the residence to the north and the higher intensity commercial uses such as the convenience store and grocery in the vicinity.

**Planning Staff Recommendations**

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

**Conditions:**

1. All vehicular use areas shall be paved; and,
2. Approval of a minor subdivision plat consolidating the 0.144 acre portion of the subject property with 10015 Main Street.

**Findings of Fact:**

1. Staff recommends approval because the proposal is in compliance with community's adopted Comprehensive Plan;
2. The subject property is located in an Urban Residential Plan Area, where professional/service uses are appropriate in limited locations;
3. The use of the subject property as a medical office will be non-residential in nature;
4. The proposed P-1 zoning will be a logical expansion of existing P-1 zoning to the south; and,
5. The use of the property as a medical office will serve as a buffer used between the higher intensity commercial uses in the vicinity and the existing residence to the north.