

**MARCH 12, 2015**

**516 EWING COURT**

**ZONE CHANGE**

<b>From:</b> R-4DT Inner City Residential	
<b>To:</b> B-4 General Business	
<b>Proposed Use:</b> Pet Crematory with Office	
<b>Acreage:</b> 0.14 acre	
<b>Applicant:</b> Lifetime Companion, LLC; Haley McGinnis Funeral Home (1503.1918)	
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> B-2	<b>South:</b> R-4DT
<b>East:</b> B-2	<b>West:</b> B-4

## Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business zone. The subject property is 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 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 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 sewer, are available to the site.

#### Development Patterns

The subject property in this rezoning application is a 0.14 acre residential parcel that backs up to, and is owned by, Haley McGinnis Funeral Home. The property is adjacent to commercial properties on three sides (funeral home, parking lot, bank), while the adjacent property to the south, and the next four properties beyond it, are single-family residential.

The applicant proposes to use the main structure at 516 Ewing Court as an office for a pet crematory, which will be located within the detached garage on the rear of the lot. Since the proposed use (pet crematory) is listed in the Owensboro Metropolitan Zoning Ordinance as a conditionally permitted use in the B-4 zoning district, if the rezoning process has successfully been completed, the applicant will also be required to request a Conditional Use Permit from the Owensboro Metropolitan Board of Adjustment.

In accordance with zoning ordinance requirements, the applicant proposes to provide a 10' wide landscape buffer with a 6' high continuous element and trees to be placed every 40' along the southern property line, which is shared by an adjacent residential land use.

The subject property also falls within the Neighborhood Character District of the Downtown Overlay District. Compliance with all applicable sections of the zoning ordinance, including approval from the Downtown Design Administrator, must be demonstrated by the applicant prior to any building permits or certificates of occupancy being issued.

### SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed use as a pet crematory and office conforms to the criteria for nonresidential development. The proposal is a logical expansion of the existing B-4 General Business zoning to the west and B-2 zoning to the north and east. At 0.14 acre, the proposal is not a significant increase in general business zoning 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. Approval from the Downtown Design Administrator must be obtained prior to issuance of a certificate of occupancy.
2. A 10' wide landscape buffer with a 6' tall continuous element and one tree every 40' shall be installed along the southern property line, in accordance with zoning ordinance requirements.

#### 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 Central Residential Plan Area where general business uses are appropriate in limited locations;
3. The proposed use as a pet crematory and office conforms to the criteria for nonresidential development;
4. The proposal is a logical expansion of the existing B-4 General Business zoning to the west and B-2 zoning to the north and east; and
5. At 0.14 acre, the proposal does not significantly increase the extent of general business zoning in the vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.