

**AUGUST 13, 2015**

**2795, A PORTION OF 2763 & A PORTION OF  
2731 W. 2<sup>ND</sup> ST  
ZONE CHANGE**

<b>From:</b>	A-U Urban Agriculture & B-4 General Business
<b>To:</b>	<b>B-4 General Business</b>
<b>Proposed Use:</b>	Botanical Gardens
<b>Acreage:</b>	4.404 acres
<b>Applicant:</b>	Western Kentucky Botanical Gardens, Inc. & RNA Rental Hosplex, LLC (1508.1934 B-4)
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b>	<b>A-U</b>
<b>South:</b>	<b>A-U, B-5 &amp; I-1</b>
<b>East:</b>	<b>A-U &amp; I-1</b>
<b>West:</b>	<b>A-U</b>

## Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business zone. A portion of the subject property is located in a Business Plan Area where General Business uses are appropriate in limited locations and a portion of the subject property is located in an Urban Residential 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 Maps 21059CO119 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

Electricity, water, sewer and gas are available to the subject property.

#### Development Patterns

The purpose of this rezoning application is to align the zoning classification on a small piece of property being acquired by Western Kentucky Botanical Gardens with the remainder of the

botanical gardens property, avoiding a split-zone property conflict. The applicant is also using this opportunity to eliminate an existing split-zone issue on this same portion of botanical gardens property.

The subject property in this rezoning application is a 4.404 acre area that is being rezoned and reconfigured so the result will be a single 4.404 acre B-4 zoned parcel owned by Western Kentucky Botanical Gardens, Inc. Approximately 3.034 acres of this B-4 area is already zoned B-4 while approximately 1.37 acres is proposed to be rezoned from A-U to B-4.

In 1990, the 7.2 acres that comprise all of the area within this application and its associated application were rezoned from A-U to B-4 to be used as a bed and breakfast home. In 2013, the eastern half of these properties was rezoned back to A-U to be used for residential purposes.

Properties in this area contain a variety of zoning classifications including agricultural, commercial and industrial. The property to the north of the site is also the Western Kentucky Botanical Gardens, zoned A-U. To the west is a parcel owned by the botanical gardens and used for their entrance and parking area, zoned A-U. Also to the west is a seven acre agricultural parcel, zoned A-U. To the south across W. 2<sup>nd</sup> Street are multiple industrial and commercial properties, zoned I-1 and B-5. Directly east of the subject property is a historic farm home property, previously used as a bed and breakfast facility, zoned A-U. There is also a small sliver of B-4 property to the east that is proposed to be changed to A-U under the associated application to be heard by OMPC on 8/13/15.

Access to the subject property must comply with the Access Management Manual. W. 2<sup>nd</sup> Street in this location is classified as a principal arterial which requires minimum driveway spacing at 500 foot intervals. A previous rezoning as well as previous minor subdivision plats for the subject property have restricted access to these three parcels to a single access point. This access limitation will also be included as a condition of this rezoning application and will also be noted on the subsequent minor subdivision plat.

Approval of a minor subdivision plat consolidating portions of three parcels to create the 4.404 acre B-4 zoned parcel will be required for this rezoning since the creation of new split-zoned properties is prohibited.

### SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed use conforms to the criteria for non-residential development. This proposal is a logical expansion of existing B-4 zoning to the west and east. At 1.37 acres of new B-4 zoned area (4.404 acres in total), the proposal is not a significant increase in B-4 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:

- Approval of a minor subdivision plat consolidating portions of three parcels to create the 4.404 acre B-4 zoned parcel.
- Access to 2731, 2763 & 2795 W. 2<sup>nd</sup> Street shall be limited to a single access point established on the plat approved on 2/20/13 and revised on the subsequent plat approved 2/15/15.

**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 partially located in a Business Plan Area where general business uses are appropriate in limited locations, and partially located in an Urban Residential Plan Area where general business uses are appropriate in very limited locations;
3. The proposed use conforms to the criteria for non-residential development;
4. This proposal is a logical expansion of existing B-4 zoning to the west and east; and
5. At 1.37 acres of new B-4 zoned area (4.404 acres in total), the proposal is not a significant increase in B-4 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.