

MARCH 10, 2016

2107 FREDERICA ST

ZONE CHANGE

From: R-4DT Inner City Residential	
To: B-4 General Business	
Proposed Use: Business	
Acreage: 0.196	
Applicant: Crab Properties, LLC; Alice Durand Estate c/o Mary Mattingly (1603.1950)	
Surrounding Zoning Classifications:	
North: B-4	South: R-4DT
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 areas 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 zones 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 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 in this rezoning application is a 0.196 acre R-4DT Inner City Residential zoned parcel that has been used as a single family residence. The applicant, Crab Properties, LLC, proposes to rezone the property to B-4 General Business to allow use of the property as a business office. The applicant has met with Matt Warren of the OMPC at the site to discuss changing the occupancy of the building from a residential use to a business use.

Properties in this area are a mixture of commercial, professional/service and residential. Property to the north of the site is zoned B-4 and is a photography business. The property to west of the subject property, across Frederica Street, is zoned P-1 and is the E. M. Ford office building. The properties to the south and east, across the alley, are zoned R-4DT Inner City Residential and are residential structures.

If the rezoning is approved, the applicant will be required to provide property perimeter screening along the southern property boundary where adjoining residential property. A 10 foot landscape buffer, a 6 foot tall solid wall or fence and 1 tree per 40 linear feet of the property boundary shall be installed in accordance with Article 17 of the Zoning Ordinance.

Frederica Street in this location is classified as a principal arterial roadway with a 75' building setback line and a 60' roadway buffer and a 500 foot access spacing standard. The subject property is the middle lot of the 2100 block of Frederica Street. The current access to the property is located approximately 115 feet from W 21st Street and 150 feet from W 22nd Street. Since the access spacing standard cannot be met, the existing access shall be closed with curb and gutter removed and the grass strip and sidewalk restored. Access shall be limited to the existing alley to the rear of the property.

Prior to any non-residential occupancy of the property, if the rezoning is approved, the applicant must obtain approval of a site plan or development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management, outdoor storage screening and signage. Site plan or development plan approval must be obtained prior to the issuance of any building, electrical or HVAC permits. Additionally, Jim Mischel, Associate Director, Building, Electrical, HVAC, shall be contacted regarding any building, electrical or HVAC code requirements to convert the residence to a business use.

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 north. At 0.196 acre, the proposal will not significantly increase the extent of B-4 zoning in the vicinity. With access limited to 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 conditions and findings of fact that follow:

Conditions:

1. The existing access to Frederica Street shall be closed with the curb and gutter removed and the grass strip and sidewalk restored..
2. Access to the subject property shall be limited to the alley to the rear of the property.

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 conforms to the criteria for non-residential development;
4. This proposal is a logical expansion of B-4 zoning to the north;
5. At 0.196 acre the proposal is not a significant increase in B-4 zoning in the vicinity; and,
6. With access limited to the alley to the rear of the property the proposal will not overburden the capacity of roadways and other necessary urban services that are available in the affected area.