

**SEPTEMBER 13, 2018**

**819 E 9<sup>TH</sup> ST**

**ZONE CHANGE**

<b>From:</b> B-4 General Business	
<b>To:</b> P-1 Professional/Service	
<b>Proposed Use:</b>	Wendell Foster's Plaza
<b>Acreage:</b>	0.876
<b>Applicant:</b>	Wendell Foster Campus for Developmental Disabilities (1809.2059)
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> P-1	<b>South:</b> P-1
<b>East:</b> R-4DT	<b>West:</b> P-1

**Proposed Zone & Land Use Plan**

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

**SPECIFIC LAND USE CRITERIA**

**(a) Building and lot patterns** – Building and lot patterns should conform to the criteria for “**Nonresidential Development**” (D7).

**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 21059CO138D.
- It appears that the subject property is located 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, the EPA, the OMPC building/electrical/HVAC division or other state and federal agencies as may be applicable.

**Urban Services**

All urban services are available to the subject property, including sanitary sewer service.

**Development Patterns**

The subject property is a 0.876 acre tract at the intersection of E 9<sup>th</sup> Street and Center Street. The property is owned by the applicant and used as part of the Wendell Foster Campus Center. The properties to the immediate south, across E 9<sup>th</sup> Street are the old hospital campus, also zoned P-1 Professional/Service. The property to the immediate north and west is zoned P-1 Professional/Service and is the Wendell Foster Campus. The properties to the east, across Center Street, are zoned R-4DT Inner-City Residential.

The applicant intends to consolidate the property with the existing Wendell Foster Campus Center property; however,

the Wendell Foster Campus property at 815 Triplett Street is zoned P-1 Professional/Service while the subject property is zoned B-4 General Business. In order to consolidate the subject property with the existing Wendell Foster Campus the tract must be rezoned to P-1 Professional Service. There is an approved Final Development Plan for the campus that shall be updated to include the new tract should the rezoning be approved.

E 9<sup>th</sup> Street is classified as a major collector roadway in this vicinity with a 60 foot building setback, 30 foot roadway buffer and 250 foot access spacing standard; Center Street is not classified. The subject property currently has a single access point to Center Street. No new access to E 9th Street shall be permitted with the redevelopment of the subject property.

All vehicular use areas shall be screened from the road right-of-way with a 3 foot wide landscaping easement, a 3 foot tall continuous element and 1 tree every 40 feet of the vehicular use area boundary.

Prior to any construction activity on the property the applicant must obtain approval of an amended development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage. The OMPC Building, Electrical & HVAC department shall be contacted before any construction activity takes place on the property.

Since the subject property is located within the Owensboro Wellhead Protection area, according to OMU, if the property will have or produce anything that can contaminate the soil then they must have a wellhead protection plan. OMU should be contacted regarding such a plan.

**SPECIFIC LAND USE CRITERIA**

The applicant's proposal is in compliance with the Comprehensive Plan. The existing and proposed use of the subject property is nonresidential in nature. The P-1 Professional/Service zoning is a logical expansion of the P-1 zoning to the immediate north, west and south.

**Planning Staff Recommendations**

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

**Conditions:**

1. No new access to E 9th Street shall be permitted; and,
2. Approval of an amended development plan.

**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 professional/service uses are appropriate in general locations;
3. The proposed use is nonresidential in nature; and,
4. The proposed P-1 zoning is a logical expansion of the existing P-1 zoning to the north, west and south.