

**MAY 3, 2018**

**PORTION OF 537 W BYERS AVE**

**ZONE CHANGE**

<b>From:</b> R-3MF Multi-Family Residential	
<b>To:</b> B-4 General Business	
<b>Proposed Use:</b> Commercial	
<b>Acreage:</b> 0.323	
<b>Applicant:</b> April Schartung & Bradley Schartung (1805.2043)	
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> R-1B	<b>South:</b> B-4
<b>East:</b> R-3MF	<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 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 21059CO276D.
- 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, the EPA, the OMPC building/electrical/HVAC division 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 is a 0.425 acre parcel zoned multi-family residential. There is currently a duplex on the

property. The applicant proposes to rezone a 0.323 portion of the subject property to B-4 General Business in order to operate their rental office and subdivide it from subject property. The remainder of the subject property will be consolidated with the property to the east, 533 W Byers Avenue, also owned by the applicant.

Properties in this area are zoned commercial, residential with B-4 General Business uses to the south and west, single family residential uses to the north and multi-family residential uses to the east.

In this vicinity W Byers Avenue is classified as a minor arterial roadway with a 75 foot building setback line, a 50 foot roadway buffer and a 500 foot access spacing standard. The subject property currently has two access points, one on the western boundary of the property and a shared access along the common boundary with 533 W Byers Ave. 533 W Byers Avenue also has a single access point along its eastern boundary. The subject property and the adjoining property are a combined 154 feet in width, according to PVA records. Consequentially, the existing three access points between the two properties are out of compliance with the Access Management Manual. In an attempt to progress towards compliance, the single access driveway at the subject property shall be closed, limiting the subject property to the shared driveway along the common property line only. Any future changes to the adjoining property will require that the remaining single access driveway at 533 W Byers Avenue also be closed, at which time, both properties will only be accessible from the shared driveway.

The applicant has applied for Variances in conjunction with this rezoning application in order eliminate the perimeter screening requirement and the vehicular use area screening requirement between the proposed rezoning and the adjoining property the north and east which they also own; and to allow the minimum width of a two-way driveway to be reduced from 24 feet to 20 feet at the subject property.

Prior to any non-residential occupancy of the property 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 and signage. The OMPC Building, Electrical & HVAC department shall be contacted before any construction activity takes place on the property.

**SPECIFIC LAND USE CRITERIA**

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed use as commercial conforms to the criteria for nonresidential development. The proposed B-4 General Business zoning is a logical expansion of B-4 General Business zoning to the south and west. At 0.323 acres, the proposal is not a significant increase in general business zoning in the vicinity. With access limited to the shared access point only, the proposal 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. Access shall be limited to the shared access point with 533 W Byers Avenue only. No additional access to W Byers Avenue shall be permitted.
2. A minor subdivision plat subdividing the subject along the new zoning lines shall be approved.

**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 an Urban Residential Plan Area where general business uses are appropriate in very limited locations;
3. The proposed use as commercial conforms to the criteria for nonresidential development;
4. The proposal is a logical expansion of existing B-4 General Business zoning to the south and west;
5. At 0.323 acres, the proposal does not significantly increase the extent of general business zoning in the vicinity; and,
6. With access limited to the shared access point only, the proposal should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.