



**MARCH 12, 2009**

**1708 W 7<sup>TH</sup> ST**

## ZONE CHANGE

**From:** I-2 Heavy Industrial

**To:** R-4DT Inner-City Residential

**Proposed Use:** Residence

**Acreage:** 0.18

**Applicant:** Jessie Carter (0903.1740)

<b>Property Zone</b> <i>Existing Use</i>	<b>to North</b> P-1 Foust Elementary/Hager Preschool	
<b>to West</b> I-2 Single family Residential	<b>Subject</b> I-2 ➔ R-4DT Residence	<b>to East</b> I-2 Insulation business
	<b>to South</b> R-4DT Vacant/ Residential	

## GENERAL LAND USE CRITERIA Apply, if marked below:

*Described in Comprehensive Plan on pages 445-448*

### Environmental ☒

- E1** Flood Plains
- E2** Steep Slope
- E3** Historical & Archaeological Sites
- E4** Soils
- E5** Plant & Animal Life

### Urban Services ⌘

- U1** Roadway Capacity
- U2** Electricity Supply
- U3** Water Supply
- U4** Stormwater Disposal
- U5** Sanitary Sewage Disposal

### Development Patterns ❖

- D1** Land-Use Intensity, Clusters and Buffers
- D2** Land Use versus Street Function
- D3** Intersection & Driveway Spacing
- D4** Roadway Buffer Standards
- D5** Lot Sizes & Proportions
- ❖ **D6** Residential Development
- D7** Non-Residential Development
- D8** Building Quality

## Proposed Zone & Land Use Plan

The applicant is seeking an R-4DT Inner-City Residential zone. The subject property is located in an Industrial Plan Area, where urban low-density residential uses are generally not recommended.

## SPECIFIC LAND USE CRITERIA

No specific criteria applicable.

## Applicant's Findings

This application for zoning change is in compliance with the Comprehensive Plan. The zone change fits with the R-4DT zone south of the subject property and with the land use of the residential to the west.

## Planning Staff Review

The subject property is located in the 1700 block of W 7<sup>th</sup> Street. Land use criteria applicable to this proposal are reviewed below.

## GENERAL LAND USE CRITERIA

### Environment

According to a study prepared by the US Department of Agriculture Soil Conservation Service dated March 6, 1990, it appears that the subject property is not located in a wetlands area. The subject property is not located in a special flood hazard area per FIRM Map 21059CO120 C. Based on the preliminary FIRM maps dated July 7, 2007, the subject property is not located in a special flood hazard area per map 21059CO119 D. The developer is responsible for obtaining permits as may be required by the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

It appears that the subject property is outside the Owensboro Wellhead Protection area according to a map created by the GRADD office dated March 1999.

### Urban Services

All urban services, including sanitary sewers, are available to the site.

## Development Patterns

The use of the subject property is single family residential. Property to the immediate south of the subject property at 710 Gracian Street is zoned R-4DT. 710 Gracian Street was rezoned from heavy industrial to residential in 1977. Properties to the south of 710 Gracian along Gracian Street remain zoned heavy industrial but are used as single family residences. Property to the west is zoned I-2 Heavy Industrial, but is residential in use. Property to the east of the subject property across Gracian Street is zoned heavy industrial and is occupied with an insulation business. Property to the north across W 7<sup>th</sup> Street includes a screened utility facility and Foust Elementary/Hager Preschool.

PVA records indicate that the residential structure located on the subject property was constructed in 1916 and continues in use today as a single family dwelling. The use is non-conforming in the Heavy Industrial zone and may continue, but cannot be expanded. The owner wishes to make improvements to the property, including the addition of an accessory storage building and is unable to accomplish the work under the current zoning classification. The adjoining property at 710 was rezoned based on the proposed residential zoning being more appropriate for the property due to the continuance of residential uses along this block front.

Additionally, residential development has increased in the general vicinity, with five new single family residences being constructed since 2000 along Foust Avenue across from Foust Elementary School.

## SPECIFIC LAND USE CRITERIA

While there are no specific land use criteria to support the zoning change as in compliance with the Comprehensive Plan, evidence indicates that the current zoning of the subject property as heavy industrial is inappropriate and the proposed R-4DT zoning is more appropriate. The subject property has been in residential use since at least 1916 when the current structure was built. Although there are industrial uses in the vicinity, this block front along Gracian Street has remained residential in use and the proposed zoning is appropriate for the subject property. Additionally, new residential uses have been constructed in the immediate vicinity.

## Planning Staff Recommendations

Staff recommends approval because the proposal is a more appropriate zoning classification for the subject property than its current zoning classification. The findings of fact that support this recommendation include the following:

### Findings of Fact:

1. The subject property is located in an Industrial Plan Area, where residential uses are generally not recommended;
2. The subject property has historically been in use as a single family residence;
3. The adjoining property to the south is zoned R-4DT single-family residential;
4. The west side of Gracian Street from W 7<sup>th</sup> Street to the railroad tracks is residential in use; and
5. The current zoning classification of heavy industrial is not appropriate for the subject property and the proposed zoning of R-4DT Inner City Residential is the more appropriate zoning classification for the subject property.