

NOVEMBER 12, 2020

735 & 807 W. 9TH STREET

ZONE CHANGE

From: B-4 General Business	
To: R-4DT Inner-City Residential	
Proposed Use:	Apartments
Acreage:	1.180
Applicant:	Audubon Area Community Services, Inc. (2011.2141)
Surrounding Zoning Classifications:	
North: R-4DT	South: I-1 & B-4
East: B-4 & R-4DT	West: I-1

Proposed Zone & Land Use Plan

The applicant is seeking an R-4DT Inner-City Residential zone. The subject property is located in a Business Plan Area, where urban mid-density residential uses are appropriate in limited locations.

SPECIFIC LAND USE CRITERIA

- (a) Building and lot patterns** – Building and lot patterns should conform to the criteria for “**Urban Residential Development**” (D6).
- (b) Existing, expanded or new sanitary sewers** – Urban Low-density Residential uses should occur only when sanitary sewer systems exist or may be expanded, or where new systems may be properly established.
- (d) New locations near major streets** – In Urban Residential, Professional/Service, Business, and Rural Community plan areas, new locations of Urban Mid-density Residential uses should be “**major-street oriented**” (D2).
- (e) New locations adjoining nonresidential uses** – If new locations of Urban Mid-density Residential uses are located in Professional/Service or Business plan areas, they should be sited on the fringes of such areas where they would serve as “**buffer-uses**” D1.

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.
- It appears that the subject property is not located within the Owensboro Wellhead Protection area per the OMU map dated 2015.
- The subject property is not located in special flood hazard area per FIRM Map 21059C0138D.
- 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 subject property.

Development Patterns

The subject properties combine to create 1.180 acres of vacant land zoned B-4 General Business. The subject properties are adjoined by I-1 Light Industrial zoning to the west and to the south, as well as B-4 General Business zoning to the east and southeast. The adjoining properties to the north, along W. 8th Street, are zoned R-4DT Inner-City Residential; as is one adjoining property to the east which fronts along Walnut Street.

The applicant proposes to expand upon the R-4DT zoning located to the north by rezoning the subject properties from B-4 General Business to R-4DT Inner-City Residential in order to construct apartments. All other R-4DT zoning within the immediate vicinity appears to be single-family residential, which would be best described as urban low-density residential uses. As a result, the proposed apartment complex would create a new location for urban mid-density residential uses in the area. However, the proposed use would serve as a buffer between those of higher intensity and the single family residential homes that are located to the north.

Additionally, the proposed activity shall be oriented towards W. 9th Street which, in this vicinity, is classified as a major collector roadway with a 250-foot spacing standard, as well as a 60-foot building setback and a 30-foot road roadway buffer, each measured from the centerline of West 9th Street Road.

The western most subject property, 807 W. 9th Street, currently has a 30-foot wide access point which is shared with the neighboring property at 827 W. 9th Street. This access point was created as a condition when 827 W. 9th Street was rezoned from B-4 General Business to I-1 Light Industrial in 2004. 807 W. 9th Street is 100-feet in width and, due to the 250-foot spacing standard within this portion of W. 9th Street, access to the property shall be limited to the existing 30-foot wide shared access point. The eastern most subject property, 735 W. 9th Street, is only 150-feet in width, and so compliance with the required spacing standard is not possible. As a result, direct access from W. 9th Street to 735 W. 9th Street shall be limited to a single access point directly across the street from an existing alley that is located along the south side of W. 9th Street. Additionally, there is a 10-foot wide paper alley located to the rear of the subject properties which may be utilized for additional access in the event that the alleyway is constructed.

Prior to any changes to the subject property, the applicant must obtain approval of a final 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 and 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 applicant's intent to utilize the subject property for multi-family residential purposes conforms to the criteria for urban residential development. Sanitary sewer systems are available to the subject property, which shall be developed to be major-street oriented. The proposal is a 1.180-acre expansion of the existing R-4DT Inner-City Residential zoning in the area while also serving as a buffer-use between the single family residential uses and those of higher-intensity.

Planning Staff Recommendations

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

Conditions:

1. Obtain approval of a Final Development Plan;
2. Direct access from W. 9th Street to 807 W. 9th Street shall be limited to the existing 30-foot wide access point that is shared with the neighboring property located at 827 W. 9th Street; and
3. Direct access from W. 9th Street to 735 W. 9th Street shall be limited to a single access point directly across the street from an existing alley that is located along the south side of W. 9th Street.

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 Business Plan Area, where urban mid-density residential uses are appropriate in limited locations;
3. The proposed use, apartments, conforms to the criteria for Urban Residential Development;
4. Existing sanitary sewer is available to the subject properties;
5. At 1.180 acres in size, the proposal should not overburden the capacity of roadways and other necessary urban services that are available within the affected area;
6. By facing W. 9th Street, the development will be major-street oriented;
7. The proposed mid-density residential use will serve as a buffer use between the existing single family residential homes located along W. 8th Street and the uses of higher-intensity which are located along W. 9th Street; and
8. The proposed R-4DT Inner-City Residential zoning is a logical expansion of the R-4DT zoning located to the north and to the east.