

DECEMBER 10, 2020

940 SWEENEY STREET & 417 E. 11TH STREET

ZONE CHANGE

From: I-1 Light Industrial	
To: R-4DT Inner-City Residential	
Proposed Use:	Residential
Acreage:	0.207
Applicant:	Peter W. & Ann D. Demko (2012.2144)
Surrounding Zoning Classifications:	
North: R-4DT	South: I-1
East: I-1	West: I-1

Proposed Zone & Land Use Plan

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

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, including sanitary sewer, are available to the subject property.

Development Patterns

The subject properties are two adjacent tracts of land at the northwest intersection of Sweeney Street and E. 11th Street, and located along the railroad tracks on E. 11th Street. The subject properties and all adjoining properties that are located along the railroad tracks are zoned I-1 Light Industrial. The adjoining property to the north, 930 Sweeney Street, is zoned R-4DT Inner-City Residential and is utilized as a single-family residence.

Both subject properties are owned and utilized in conjunction with the residence located immediately north. The owner intends to consolidate all three tracts

of land; however, the two subject properties are zoned I-1 Light Industrial and the existing residence is zoned R-4DT Inner-City Residential.

Urban Low-density Residential Uses are not generally recommended within Industrial Plan Areas; however, due to the lot's narrow size, the proposal to rezone the subject property to R-4DT Inner-City Residential with the intent to consolidate with the adjoining residential property is more appropriate than the existing I-1 Light Industrial zoning. The two subject properties are only 50-feet wide and contain a 25-foot building setback from the property line along E. 11th Street. This setback, coupled with the 10-foot landscape buffer required whenever industrial activity adjoins the residential zoning to the north, limits the buildable area for industrial activity to a 15-foot wide strip of land on the subject properties. As a result, the proposed R-4DT Inner-City Residential zone is more appropriate than the existing I-1 zoning.

Additionally:

- The proposed use conforms to the criteria for "urban residential development" (D6);
- Existing sanitary sewer systems are available to the subject property;
- The proposal is a logical expansion of the R-4DT Inner-City Residential zone located to the north; and
- The proposal should not significantly increase the extent of the R-4DT zone within the general vicinity

As a result, the proposal appears to meet all of the typical criteria that is reviewed for urban low-density residential uses when the proposal is within appropriate plan areas. However, it should be reiterated that such criteria do not apply within the Industrial Plan Area; an area in which urban low-density residential uses are not generally recommended.

Future changes to the properties would have to comply with applicable portions of the Owensboro Metropolitan Zoning Ordinance and Subdivision Regulations. Before any construction activity takes place on the property, the OMPC Building, Electrical and HVAC department shall be contacted regarding any necessary permits, inspections and certificates of occupancy and compliance.

Additionally, 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

Although the proposal for urban low-density residential uses is not generally recommended within the industrial plan areas, the proposal to rezone the subject properties to R-4DT Inner-City Residential and consolidate the subject properties with the adjoining residential property is more appropriate than the existing I-1 Light Industrial zoning because the lot's narrow width hinders any type of industrial activity from occurring on the subject properties. Additionally, the proposal is a logical expansion of the R-4DT zoning to the north and, by consolidating the subject properties with the adjoining residential property, the proposal will not increase the extent of the residential activity in the general vicinity.

Planning Staff Recommendations

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

Condition:

Approval of a minor subdivision plat consolidating the two subject properties to the residential property located at 930 Sweeney Street.

Findings of Fact:

1. Staff recommends approval because the proposed R-4DT Inner-City Residential zoning is more appropriate than the existing I-1 Light Industrial zoning;
2. The subject properties are only 50-feet in width. When factoring in the 25-foot building setback from the property line along E. 11th Street and the 10-foot wide landscape buffer where the subject properties adjoin the neighboring residential property to the north, it is unlikely that the subject properties can effectively develop for industrial activity;
3. The proposed R-4DT Inner-City Residential zoning is a logical expansion of the R-4DT zoning to the north;
4. By consolidating the subject properties with the neighboring residential property, the proposal will not increase the extent of the residential uses in the vicinity; and,
5. While urban low-density residential uses are not generally recommended within the Industrial Plan Areas, the proposed use appears to comply with all of the criteria that is typically reviewed for urban low-density residential uses when the proposal is located within appropriate plan areas.