

JANUARY 13, 2022

1976 E. 10TH STREET**ZONE CHANGE**

From:	I-2 Heavy Industrial
To:	R-4DT Inner-City Residential
Proposed Use:	Residential
Acreage:	1.300
Applicant:	Robert Herrin II; Brittany Craft (2201.2198)
Surrounding Zoning Classifications:	
North:	R-4DT, I-2
South:	I-1
East:	I-2
West:	R-4DT

Proposed Zone & Land Use Plan

The applicant is seeking an R-4DT Inner-City Residential zone. The subject property is located in a Central Residential Plan Area, where urban low-density residential 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 “Urban Residential Development” (D6).

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 Map dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Map 21059CO139D.
- 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 property is a 1.300 acre tract of land that is undeveloped and located beyond the terminus of Birkhead Ave, along E. 10th Street. In order to construct a residence, the applicant is requesting to rezone the property from I-2 Heavy Industrial to R-4DT Inner-City Residential.

In the general vicinity, the adjoining properties south and east (each across the railroad tracks) are zoned I-1 Light Industrial and I-2 Heavy Industrial. Meanwhile, the adjoining properties to the west and north all appear to be single family residential uses; some of which are zoned R-4DT Inner-City Residential, while others are zoned I-2 Heavy Industrial and are legal non-conforming uses.

As previously mentioned, the subject property is located beyond the southern terminus of Birkhead Avenue. While the public right-of-way continues to include the entire frontage of the subject property, the physical roadway improvements stop where Birkhead Avenue adjoins E. 10th Street. Nevertheless, this is an existing legal lot of record suitable for a residential structure.

However, in the event that the property is ever further divided to create additional lots, then the remainder of Birkhead Avenue shall be constructed in order to give all resulting lots proper road frontage. At which time, the address will also be updated to reflect a Birkhead Avenue address.

Any future changes to the property shall 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, because the subject property is partially 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 proposal conforms to the criteria for urban residential development and is a logical expansion of R-4DT Inner-City Residential zoning to the north and west.

Planning Staff Recommendations

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

Condition:

1. In the event that the subject property is further divided to create additional lots, then the remainder of Birkhead Avenue shall be constructed in order to give all resulting lots proper road frontage; and,

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 Central Residential Plan Area, where urban low-density residential uses are appropriate in limited locations;
3. The proposed residential use conforms to the criteria for urban residential development; and,
4. The proposed R-4DT Inner-City Residential zone is a logical expansion of existing R-4DT zoning to the north and west.