

**NOVEMBER 9, 2023**

**1718 CRUSE DRIVE**

**ZONE CHANGE**

<b>From:</b> B-4 General Business
<b>To:</b> R-4DT Inner-City Residential
<b>Proposed Use:</b> Residential (AirBnB)
<b>Acreage:</b> 0.070
<b>Applicant:</b> Randall D & Maria Toth (2311.2275)
<b>Surrounding Zoning Classifications:</b>
<b>North:</b> R-4DT <b>South:</b> B-4
<b>East:</b> R-4DT <b>West:</b> B-4

**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 21059CO138D.
- The subject properties are not 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 sewers, are available to the subject property.

**Development Patterns**

The subject property is a 0.070-acre parcel located along Cruse Drive, between 17<sup>th</sup> Street and 18<sup>th</sup> Street. In 2008 the property was rezoned to B-4 General Business but never developed commercially, and so the applicant proposes to rezone the property back to its original zoning classification, R-4DT Inner-City Residential. Although the R-4DT zone allows for multiple types of residential uses, the lot size of the property will limit the site to single family uses only.

When rezoned to allow commercial uses, the property was tied together with 1729 Frederica Street (an existing parking lot located two properties south) on a Final Development Plan. The Final Development Plan has since expired due to inactivity and the previous relationship between the two

properties shall be released in conjunction with this rezoning. The subject property no longer relies upon the commercial parking lot to function, as the existing 12-foot wide and +/- 50-foot deep parking pad will adequately serve the single family residential use at the subject property.

The subject property is adjoined by existing R-4DT Inner-City Residential zoning and uses to the north and east; as well as B-4 General Business zoning to the south and west. Ordinarily, whenever two unlike zones adjoin one another, they are to be separated by a 10-foot wide landscaping buffer with a 6-foot tall continuous element and 1-tree per 40-linear-feet, and the implementation of such elements is the responsibility of whomever creates the unlike zones.

However, in this instance, the site is adjoined to the west by the existing Dairy Queen establishment. Whenever Dairy Queen was developed, the subject property was zoned residentially. As a result, the required buffer and elements appear to have been installed and maintained on the Dairy Queen site. Additionally, the site adjoins a hair salon to the south (owned by the applicant). Along this shared property line (and encroaching into the hair salon property) is the aforementioned 12x50 parking pad which serves the proposed residential use. Due to the location of the existing parking pad, the establishment of the required screening elements is not possible. Nevertheless, if/when the residential property is ever re-developed, it shall comply with the required 10-foot wide buffer and screening elements.

Future changes to the subject 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.

**SPECIFIC LAND USE CRITERIA**

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed single family residential use conforms the criteria for urban residential development and is a logical expansion of existing R-4DT Inner-City Residential zoning to the north and east.

**Planning Staff Recommendations**

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

**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 general locations;
3. The proposed single family residential use conforms to the criteria for Urban Residential Development; and,
4. The proposed R-4DT Inner-City Residential zoning is a logical expansion of existing R-4DT zoning to the north and east.