

**DECEMBER 14, 2023**

**2700 EAST 6<sup>TH</sup> STREET**

**ZONE CHANGE**

<b>From:</b> B-4 General Business	
<b>To:</b> R-1A Single Family Residential	
<b>Proposed Use:</b> Residential Subdivision	
<b>Acreage:</b> 2.955	
<b>Applicant:</b> Habitat for Humanity of Owensboro – Daviess County (2312.2280)	
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> B-4	<b>South:</b> R-1A
<b>East:</b> B-4	<b>West:</b> R-1A

**Proposed Zone & Land Use Plan**

The applicant is seeking an R-1A Single Family Residential zone. The subject property is located in an Urban Residential plan area where Urban Low-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 where sanitary sewer systems exist or may be expanded, or where new systems may be properly established.

**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 Maps 21059CO137D & 21059CO139D.
- It appears that the subject property is 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 2.955-acre tract of land located at the terminus of E 6<sup>th</sup> Street, stemming from Glenn Court. The property is zoned B-4 General Business, and is adjoined by additional B-4 zoning to the east (a commercial shopping center) and to the north (properties fronting along US Highway 144). Properties to the west and south are zoned R-1A Single Family Residential and located along Glenn Court/ E Glenn Court.

At this time, the applicant intends to construct a residential subdivision on the vacant subject property and, as a result, is proposing to rezone the lot from B-4 General Business to R-1A Single Family Residential.

Although the property's only public road frontage is along the stub of E 6<sup>th</sup> Street, a previous plat included an access easement through the commercial developments to the east, providing access to this site. This plat limited access to the subject property to the established easement in order to prevent commercial traffic from traveling through Glenn Court. If this proposal is approved, the situation will then be reversed, as residential access is encouraged to come through Glenn Court but should be discouraged from utilizing the aforementioned easement on the commercial properties.

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 properties, the OMPC Building, Electrical and HVAC department shall be contacted regarding any necessary permits, inspections and certificates of occupancy and compliance.

Lastly, because the subject properties are located within the Owensboro Wellhead Protection area, if the properties will have or produce anything that can contaminate the soil then they shall 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 proposed residential uses conform to the criteria for urban residential development and the proposed development will utilize an existing sanitary sewer system.

**Planning Staff Recommendations**

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

**Conditions:**

1. Residential access shall be limited to E 6<sup>th</sup> Street. No residential traffic shall utilize the access easement on the adjoining commercial properties; and,
2. Obtain approval of a subdivision plat to address the change in access limitations.

**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 an Urban Residential plan area, where urban low-density residential uses are appropriate in limited locations;
3. The proposed single family residential uses conform to the criteria for Urban Residential Development; and,
4. The proposed development will utilize an existing sanitary sewer system.