

AUGUST 8, 2024

2407 & 2409 W 5TH STREET

ZONE CHANGE

From: I-1 Light Industrial	
To: R-4DT Inner City Residential	
Proposed Use: Residential	
Acreage: 0.288	
Applicant: Jim Rhinerson; Thomas & Chelsea Weis (2408.2298)	
Surrounding Zoning Classifications:	
North: I-1	South: R-4DT
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 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 properties are not located in a wetlands area per the US Department of Agriculture Soil Conservation Service map dated March 6, 1990.
- The subject properties are not located in a special flood hazard area per FIRM Map 21059CO119E.
- It appears that 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 subject properties.

Development Patterns

The subject properties combine to equal 0.288-acres in size and are currently vacant lots that are zoned I-1 Light Industrial. The applicant is proposing to rezone the lots to R-4DT Inner-City Residential in order to construct two residential homes.

Adjoining properties to the south, across W 5th Street, are zoned R-4DT Inner City Residential and appear to be used as single family residential. The adjacent properties to the north, east, and west are zoned I-1 Light Industrial but appear to be used as single family residential homes.

It should be noted that, if approved, this proposal creates a situation in which unlike zones adjoin one another. As such, the subject properties shall be responsible for maintaining a 10-foot wide (average width) buffer to serve as a landscaping easement consisting of a 6-foot tall continuous element and 1-tree per 40-linear-feet where adjoining I-1 Light Industrial zoning to the east and west.

Additionally, this portion of W 5th Street is classified as a major collector roadway with a 250-foot access spacing standard. Due to the lot’s proximity to the Hocker Street intersection and the availability of a rear alley, direct access to the properties shall be limited to the rear alley only. No direct access to W 5th Street shall be permitted. In addition to the spacing standard, the zoning ordinance requires a 60-foot building setback and 30-foot roadway buffer, each measured from the centerline of W 5th Street; however, the applicant has submitted a variance request to reduce the front yard building setback to 44-feet from the centerline, which will be heard as a related item.

Any future changes to the properties shall comply with applicable portions of the Owensboro Metropolitan Zoning Ordinance, Subdivision Regulations and the access management manual. 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.

SPECIFIC LAND USE CRITERIA

The applicant’s proposal is in compliance with the Comprehensive Plan. The proposed use, residential, conforms to the criteria for urban residential development and the request is a logical expansion of the R-4DT Inner City Residential zoning to the south.

Planning Staff Recommendations

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

Condition:

1. Direct access to the subject properties shall be limited to the rear alley. No direct access to W 5th Street shall be permitted.

Findings of Fact:

1. Staff recommends approval because the proposal is in compliance with the community’s adopted Comprehensive Plan;
2. The subject properties are located in a Central Residential Plan Area, where urban low-density residential uses are appropriate in general locations;
3. The proposed residential use conforms to the criteria for Urban Residential Development; and,
4. The request is a logical expansion of the R-4DT Inner City Residential zoning to the south.