

**NOVEMBER 14, 2024**

**1019 & 1025 W 2<sup>ND</sup> STREET**

**ZONE CHANGE**

<b>From:</b> B-4 General Business	
<b>To:</b> R-4DT Inner-City Residential	
<b>Proposed Use:</b> Residential	
<b>Acreage:</b> 0.257	
<b>Applicant:</b> Jeff & Brigitte Wayne; Charles & Betty Pettigrew; Charles & Susanne Jarboe (2411.2303)	
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> R-4DT	<b>South:</b> B-4
<b>East:</b> B-4	<b>West:</b> B-4

**Proposed Zone & Land Use Plan**

The applicant is seeking an R-4DT Inner-City Residential zone. The subject properties are located in a Business Plan Area, where urban low-density residential uses are appropriate in very-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 when sanitary sewer systems exist or may be expanded, or where new systems may be properly established.

**(c) Logical Expansions** – Existing areas of Urban Mid-density Residential uses may be expanded onto contiguous land. An expansion of this use should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

**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 properties are not located within the Owensboro Wellhead Protection area per the OMU map dated 2015.
- The subject property is not located in special flood hazard area per FIRM Map 21059C0138E.
- 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 properties.

**Development Patterns**

The subject properties combine to create 0.257-acres of vacant land at the intersection of Maple Street and W 2<sup>nd</sup> Street. At this time, the applicant is proposing to rezone both lots from B-4 General Business to R-4DT Inner-City Residential to construct two single family homes.

The subject properties are within an area that was developed prior to the adoption of the current zoning ordinance and, as a result, has many legal non-conforming uses in the immediate vicinity. The subject properties are surrounded by residential uses on all sides. Those to the north (across the alley) are zoned R-4DT Inner-City Residential. Meanwhile the adjoining residential uses to west (across Maple Street), to the south (across W 2<sup>nd</sup> Street), and the east (this entire block of W 2<sup>nd</sup> Street) are zoned B-4 General Business.

This portion of W 2<sup>nd</sup> Street is classified as a Minor Arterial roadway with a 250-foot access spacing standard; as well as a 60-foot building setback and a 30-foot roadway buffer, each measured from the centerline of W 2<sup>nd</sup> Street. Due to the spacing standard along W 2<sup>nd</sup> Street, direct access to the subject properties shall be limited to Maple Street and/or the rear alley.

Furthermore, Maple Street is a local street that does not have spacing standards; however, any residential driveways shall be located at least 10-feet from the property line along W 2<sup>nd</sup> Street, shall be outside of the aforementioned 30-foot roadway buffer, and shall not violate the sight triangle at the street intersection. It is recommended that the applicant consult the driveway location with the City Engineer’s Office to avoid any such issues. Additionally, Maple Street has a building setback of 25-feet from the property line; however, the applicant has requested a variance to reduce this setback to 10-feet from the property line. This request will be heard as a related item if the zone change is approved.

Lastly, it should be noted that the proposed zone change creates a situation in which unlike zones adjoin one another. In such situations, the ordinance requires this development to install a 10-foot wide landscaping easement consisting of a 6-foot tall continuous element and 1-tree per 40-feet where adjoining B-4 General Business zoning to the east. However, similar to the Maple Street setback, the applicant has requested a variance to eliminate this buffer, which will be heard as a related item if the zone change is approved.

Future changes to the subject properties 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.

**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 sanitary sewer systems are available to the subject properties. The proposed R-4DT Inner-City Residential zoning is a logical expansion of R-4DT zoning to the north. Lastly, with access limited to Maple Street and the rear alley, the proposal will not overburden the capacity of roadways and other necessary urban services that are available within the affected area.

**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 Maple Street and the rear alley. No direct access to W 2<sup>nd</sup> 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 property is located in a Business Plan Area, where urban low-density residential uses are appropriate in very-limited locations;
3. The proposed residential uses conform to the criteria for urban residential development;
4. Existing sanitary sewer systems are available to the subject properties;
5. The proposed R-4DT Inner-City Residential zone is a logical expansion of R-4DT zoning to the north; and,
6. With access limited to Maple Street and the rear alley, the proposal will not overburden the capacity of roadways and other necessary urban services that are available within the affected area.