

OCTOBER 2, 2025

1416 BRECKENRIDGE STREET

ZONE CHANGE

From:	B-4 General Business & R-4DT Inner-City Residential
To:	B-4 General Business & R-4DT Inner-City Residential
Proposed Use:	Restaurant & Duplex
Acreage:	0.485
Applicant:	Jim Rhinerson & Proper T, LLC, Elizabeth Thompson (2510.2326)
Surrounding Zoning Classifications:	
North: P-1	South: B-4
East: P-1	West: R-4DT

Proposed Zone & Land Use Plan

The applicant is seeking B-4 General Business and R-4DT Inner-City Residential zones. The subject property is located in a Business plan area where general business uses are appropriate in limited locations, and where urban mid-density residential uses are appropriate in limited locations.

SPECIFIC LAND USE CRITERIA FOR GENERAL BUSINESS USES

- (a) Building and lot patterns; outdoor storage areas -**
Building and lot patterns should conform to the criteria for “Nonresidential Development” (D7) and outdoor storage yards with “Buffers for Outdoor Storage Yards” (D1).
- (b) Logical zoning expansions of proportional scope –**
Existing General Business zones may be expanded onto contiguous land that generally abuts the same street(s). The expansion of a General Business zone should not significantly increase the extent of the zone in the vicinity of the expansion and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

SPECIFIC LAND USE CRITERIA FOR URBAN MID-DENSITY RESIDENTIAL USES

- 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 Mid-density Residential uses should occur only where 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 property is not located in a special flood hazard area per FIRM Map 21059CO138 E.
- The subject property is 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 0.485-acre parcel located at the intersection of E. 15th Street and Breckenridge Street and has long been used as various restaurant venues. The subject property is adjoined by a church to the north (zoned P-1 Professional/Service), a financial institution to the east (located across Breckenridge Street and also zoned P-1), an automotive repair business to the south (across E. 15th Street and zoned B-4 General Business), and residential uses to the west (fronting along Hathaway Street and zoned R-4DT Inner-City Residential).

The subject property is currently a unique situation, in which one property contains two buildings: (1) The existing restaurant; and (2) what appears to have once been a residential use but has been used as storage in recent years. As such, this single property is currently split-zoned with B-4 General Business surrounding the restaurant and R-4DT Inner-City Residential encompassing the former residence.

At this time the applicant intends for the existing storage building to be converted into a duplex and for the restaurant to be independent from the residential building. To do so, the applicant has submitted a minor subdivision plat illustrating how the two properties are to be divided. To match the plat, the applicant is requesting a rezoning in order for the appropriate zoning classifications to follow the property lines, placing the entirety of the restaurant property in a B-4 General Business zone and the entirety of the proposed duplex in an R-4DT Inner-City Residential zone. This proposed rezoning will eliminate an existing split-zoning situation while also separating unlike uses so that each is on its own individual parcel.

Breckenridge Street, in this vicinity, is classified as a principal arterial roadway with a 500-foot access spacing standard; as well as a 60-foot building setback and a 40-foot roadway buffer, each measured from the centerline of Breckenridge Street. The restaurant establishment contains an existing access point along Breckenridge Street that does not comply with current regulations.

However, in conjunction with this request, neither the zoning of the restaurant nor the primary use of the property is changing, and this rezoning is not being heard in order to allow physical changes to the restaurant establishment. As such, this rezoning does not warrant the closure of the existing access point; however, future changes to the site may do so, limiting direct access to E. 15th Street as the site progresses towards compliance with all zoning ordinance requirements.

Prior to any changes to the restaurant property, the applicant shall obtain approval of a Site Plan or Final Development Plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage. The OMPC Building, Electrical & HVAC department shall be contacted before any construction activity takes place on the properties.

SPECIFIC LAND USE CRITERIA

The proposal is in compliance with the community's adopted Comprehensive Plan. The proposed commercial use, a restaurant, conforms to the criteria for both, nonresidential development and buffers for outdoor storage yards. Additionally, the proposed B-4 General Business is a logical expansion of existing B-4 zoning. The proposed residential use conforms to the criteria for urban residential development and is logical expansion of existing R-4DT Inner-City Residential zoning and will be located on an existing sanitary sewer system. The proposed restaurant and duplex uses are consistent with the manner in which the properties have historically operated and, as such, 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 Breckenridge Street shall be limited to the single, existing access point. Future changes to the site may warrant the closure of this access point, limiting direct access to E. 15th Street.

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 within a Business plan area, where both, general business uses and urban mid-density residential uses, are appropriate in limited locations;
3. The proposed use within the B-4 General Business zoning, a restaurant, conforms to the criteria for both, non-residential development and buffers for outdoor storage yards;

4. The proposed B-4 General Business zoning is logical expansion of existing B-4 zoning, including that already on the subject property;
5. The proposed use within the R-4DT Inner-City Residential zoning, a duplex, conforms to the criteria for urban residential development;
6. The resulting R-4DT Inner-City Residential property will be located on an existing sanitary sewer system;
7. The proposed R-4DT Inner-City Residential zoning is a logical expansion of existing R-4DT zoning, including that already on the subject property; and,
8. The proposed restaurant and duplex uses are consistent with the manner in which the properties have historically operated and, as such, will not overburden the capacity of roadways and other necessary urban services that are available within the affected area.