

JANUARY 10, 2013

1308 W 2ND ST

ZONE CHANGE

From: B-4 General Business
To: R-4DT Inner City Residential
Proposed Use: Residential
Acreage: 0.172
Applicant: Terry Thacker (1301.1864)
Surrounding Zoning Classifications:
North: B-4 South: R-4DT
East: B-4 West: 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 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 where sanitary sewer systems exist or may be expanded, or where new systems may be properly established.

(c) Only logical expansions – In Future Urban, Professional/Service, Business, and Rural Preference plan areas, completely new locations of Urban Low-density Residential use should not be established. However, existing areas of this use may be expanded onto contiguous land.

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 dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Map 21059CO119 D.
- It appears that the subject property is not within the Owensboro Wellhead Protection area per the GRADD map dated March 1999.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

Urban Services

All urban services, including sanitary sewers, are available to the site.

Development Patterns

The residence on the subject property was constructed in 1939 and appears to have been used as a residence continuously since then. It is bound on south by existing R-4DT zoning with B-4

General Business zoning on all other sides consisting of apartments to the west, a residence to the east and a restaurant and apartments to the north.

The applicant would like to construct a residential garage on the property but cannot since it is an existing non-conforming use. The rezoning to R-4DT Inner City Residential will allow the property owner to apply for building permits for the structure.

Since the subject property adjoins B-4 General Business properties to the east and west, perimeter screening and landscaping shall be required in accordance with the zoning ordinance. A 10 foot wide landscaping easement with 1 tree every 40 linear feet plus a 6 foot high wall or fence is required. The existing apartment building acts as a screening element to the west as that building wall appears to be on the property line and an existing privacy fence encompasses the southern and eastern boundaries.

SPECIFIC LAND USE CRITERIA

The proposed zoning for the subject property is more appropriate than the existing zoning. The property has been used as a residence for more than 70 years and has not redeveloped into a commercial use as anticipated when the zoning was established. Additionally, the request is an expansion of existing R-4DT zoning to the south and residential use to the west.

Planning Staff Recommendations

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

Condition – Install a 10 foot wide landscape easement with a six foot tall solid wall or fence and one tree every 40 linear feet along the east and west property lines.

Findings of Fact:

1. Staff recommends approval because the proposed R-4DT Inner City Residential zoning is more appropriate than the current B-4 General Business zone;
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 subject property has been used as a residence for more than 70 years;
4. The R-4DT zoning is an expansion of residential use to the west and south; and,
5. The proposed zoning change will bring the property use that has existed on the site since 1939 into conformance with the zoning ordinance.