

**JULY 12, 2018**

**420 CEDAR ST**

**ZONE CHANGE**

<b>From:</b> R-4DT Inner City Residential	
<b>To:</b> B-2 Central Business	
<b>Proposed Use:</b>	Duplex
<b>Acreage:</b>	0.122
<b>Applicant:</b>	Hestia Properties, LLC (1807.2052)
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> R-4DT	<b>South:</b> R-4DT
<b>East:</b> R-4DT	<b>West:</b> B-4, R-4DT

## Proposed Zone & Land Use Plan

The applicant is seeking a B-2 Central Business zone. The subject property is located in a Central Residential Plan Area, where Central Business 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 “**Nonresidential Development**” (D7).
- (b) **Only necessary, logical expansions** – The Central Business districts of Owensboro and Whitesville are generally a fixed area, and expansion of their boundaries should be based upon significant findings that a community need exists for these districts to be expanded

## 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 21059CO138D.
- It does not appear that the subject property is designated as prime agricultural farmland per the US Department of Agriculture Soil Conservation Service map dated March 1980.
- It appears that 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 are available to the subject property, including sanitary sewer service.

## Development Patterns

The subject property is a 0.122 acre vacant parcel. This block of Cedar Street contains a mixture of vacant land, duplexes, single family uses and commercial uses. The applicant proposes to construct a duplex on the subject property. However, in an R-4DT zone, a parcel must be a minimum of 6,000 square feet in order to construct a duplex; the subject property is approximately 5,300 square feet. There is existing B-2 Central Business zoning in this block of Cedar Street, approximately 100 feet north of the subject property.

The subject property is located in the Downtown Transition Character overlay district per the Downtown Master Plan adopted by the City of Owensboro in October 2009 and adopted within the land use portion of the Comprehensive Plan. As part of the overall redevelopment of the downtown area, areas within the downtown overlay districts are considered ideal candidates for B-2 Central Business zoning as a means to promote the City's goal of a vibrant downtown. The rezoning of the property to allow for a duplex on a vacant parcel could promote the redevelopment of this area and provide much needed housing in the Downtown area. This proposed rezoning is a portion of an overall City of Owensboro initiative to promote redevelopment of the area and implementation of the Downtown Master Plan.

Since the subject property is located within a downtown overlay district, the downtown design administrator is required to review and approve any use prior to occupancy. All site development requirements are established in Article 21 of the Owensboro Metropolitan Zoning Ordinance. The downtown design administrator, Dennis Wilson, has reviewed the rezoning request; he stated, through email, that the proposal is not in conflict with the guidelines of Article 21.

Prior to any construction activity on the property the applicant must obtain approval of a site plan or a 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 property.

## SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed use as a duplex will provide much needed housing within the Downtown area. The proposal is an expansion of existing B-2 zoning approximately 100 feet to the north of the subject property. The proposed B-2 zoning will promote with the redevelopment of the downtown area consistent with the downtown master plan.

**Planning Staff Recommendations**

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

**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 Central Residential Plan Area, where central business uses are appropriate in very limited locations;
3. The subject property is located within the downtown overlay districts as adopted by the City of Owensboro and the request is consistent with the concepts of the plan;
4. The use of the property for a duplex, although residential in nature, will provide much needed housing within the Downtown area;
5. The B-2 zoning classification is an expansion of existing B-2 zoning approximately 100 feet to the north of the subject property; and,
6. The B-2 zoning will promote the redevelopment of the downtown consistent with the downtown master plan.