

JANUARY 10, 2013

3750 RALPH AVE

ZONE CHANGE

From: A-U Urban Agriculture	
To: R-3MF Multi-Family Residential	
Proposed Use: Multi-Family Residential	
Acreage: 17.297	
Applicant: Chandler Property Management; Invision, LLC (1212.1859)	
Surrounding Zoning Classifications:	
North: B-4, A-U	South: R-1C
East: A-U	West: R-3MF

Proposed Zone & Land Use Plan

The applicant is seeking an R-3MF Multi-Family zone. The subject property is located in a Business Plan Area where urban mid-density residential uses are appropriate in limited locations.

SPECIFIC LAND USE CRITERIA

- Building and lot patterns** – Building and lot patterns should conform to the criteria for “**Urban Residential Development**” (D6).
- 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.
- Logical expansion** – 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.
- New Locations near major streets** – In Business plan areas, new locations of Urban Mid-density Residential use should be “**major-street-oriented**” (D2).

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 21059CO281 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 subject property is currently used as the Splash Swim Club with a large portion of the parcel to the south undeveloped. The parcels to the west and east are primarily undeveloped while the property to the north is commercial and the property to the south is an existing single-family residential subdivision.

As part of the rezoning process, the applicant submitted a Traffic Impact Study (TIS) to determine the impact it may have on the surrounding transportation network. Based on the recommendations of the TIS, sufficient room should be provided at the terminus of Ralph Avenue to allow access for emergency vehicles and for other vehicles to turn around. Comments received from the City Engineer reinforce the need for a cul-de-sac at the Terminus of Ralph Avenue. He states the cul-de-sac should be a public street on public right-of-way. Although no discussion of the need for a right-turn lane on Highway 54 at Ralph Avenue is included in the TIS, the Kentucky Transportation Cabinet plotted the 2014 opening day future traffic, and based on those numbers, a right-turn lane is warranted. The state will require the installation of a right-turn lane. All roadway improvements must be completed at the expense of the developer.

When rezoned to R-3MF Multi-Family Residential in 2009, the property to the west was required to provide a connection to the subject property. The adjoining property has not developed at this point, but the condition was made part of the rezoning approval and shown on the preliminary development plan. A preliminary development plan was submitted in conjunction with the zoning change and the applicant's proposal does not include connection to the adjoining property. Based on conversations with the applicants, the intent of the development is to be a gated, secluded environment and the connection will defeat the intended purpose. However, from a transportation planning perspective, the potential connection of adjoining properties is supported in the Comprehensive Plan, Subdivision Regulations and Zoning Ordinance. The property to the east is currently a large tract with only a single residence, but there are streets stubbed to the property line from both Lake Forest and The Woodlands. With the connections completed as planned, a person could travel from Millers Mill Road to Fairview Drive without the need to be on Highway 54. Granted, the route is circuitous, and while it may not carry enough traffic to have an appreciable impact to improve Highway 54, it gives motorists another option. Connecting the neighborhoods will also provide another option for pedestrian and vehicular connection for those wishing to travel from one subdivision to the other or from a subdivision to the retail on Villa Point.

The connections also provide a means for emergency vehicles to access the site in the event that Ralph Avenue is blocked.

As proposed, emergency vehicles would not have an alternative way to access the site with just a single access. The preliminary development plan shows a proposed gated access to the east but there is no guarantee if, or when, that site will develop and the secondary access will be available for use. If a public connection is made to the east as planned and provision for connection to the west is included in the design of the site, it will provide for interconnection of adjoining properties and provide an alternative access for emergency vehicles.

The OMPC staff has been working with both the city and county engineers and the GRADD transportation planner for the past year to develop a policy on secondary access points for all development within Daviess County. The most recent version submitted to the group in late October 2012, reads as follows:

Any residential development of greater than 75 lots/dwelling units and any commercial/industrial development with a projected AADT greater than 1,000 vehicles per day will be required to have at least two full access points that are open and operable to the public. Larger residential developments (300+ lots/dwelling units) will be reviewed on a case by case basis for additional roadway connections and may require a Traffic Impact Study. Stub streets, while vital for the future connectivity of the transportation network in a developing area, do not count towards the requirement. Stub streets will be required to extend to the property line of adjoining tracts with the potential for future development. At the time of final platting, the right-of-way shall be dedicated and surety shall be posted for all streets, including stub streets.

Although not formally adopted at this time, the proposed development certainly meets the minimum threshold for two access points and falls under the case by case basis for additional connections. With a planned connection on the approved preliminary development plan on the property to the west and streets stubbed to the property to the east, the roadway network in the vicinity should connect as planned.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is not in compliance with the Comprehensive Plan. Sanitary sewer service is currently available and the proposal for multi-family residential use is consistent with the criteria for urban residential development. However, the proposal is not a logical expansion of existing R-3MF Multi-Family Residential zoning. With no provision for street connection to the R-3MF property to the west, the proposal is an isolated parcel proposed for multi-family development. The adjoining property has access to Professional Plaza Drive and Fairview Drive. The current proposal will have only access to Ralph Avenue. Ralph Avenue is not classified as a major street so the proposal does not meet the criteria for a new location. The proposal also does not conform to 5.1.3 of the Transportation Section of the

Comprehensive Plan that encourages the logical extension, expansion and maintenance of our present transportation system. The proposal is not a logical extension or expansion of the present or planned roadway network.

The proposal falls under Article 10 Planned Residential Development Project of the zoning ordinance. Under "Streets" the ordinance states "the street system shall accommodate the needs of the neighboring area street classification system as described in 5.22 of the Owensboro Metropolitan Subdivision Regulations." The subdivision regulations in 5.22 state "because the transportation system is the framework on which our community is built, it is important that streets function well and properly characterize the movement and access needs of community residents. The street system for a proposed subdivision; therefore, must conform with a classification plan that can accommodate the existing patterns of streets as well as existing and proposed land uses for the entire neighboring area. Section 5.222 further states "collection and distribution of local traffic within a neighborhood, as well as access to abutting property, shall be provided by a minor collector street system which interconnects arterials and major collectors with local access streets." And section 5.223 states "a proposed subdivision's street system shall integrate and align with existing streets or surety-posted planned streets within its vicinity."

Planning Staff Recommendations

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

Findings of Fact:

1. Staff recommends denial 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 mid-density residential uses are appropriate in limited locations;
3. The proposal is not a logical expansion of existing R-3MF Multi-Family Residential zoning since the subject property will not have a public street connection with the property to the west currently zoned R-3MF;
4. The proposal does not conform to 5.1.3 of the Transportation Section of the Comprehensive Plan that encourages the logical extension, expansion and maintenance of our present transportation system; and,
5. The proposal does not meet the intent of "streets" section of Article 10 of the zoning ordinance that states the street system of a planned residential development shall accommodate the needs of the neighboring area street classification system as described in 5.22 of the Owensboro Metropolitan Subdivision Regulations.