

APRIL 14, 2016

9931 & 9945 OAK STREET, WHITESVILLE

ZONE CHANGE

From: B-4 General Business	
To: R-3MF Multi-Family Residential	
Proposed Use: Apartments	
Acreage: 0.75	
Applicant: Barnett Property Management LLC (1604.1953)	
Surrounding Zoning Classifications:	
North: R-1B	South: R-1A
East: R-1B	West: R-1A

Proposed Zone & Land Use Plan

The applicant is seeking a R-3MF Multi-Family Residential 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

(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.

(d) New locations near major streets – In Urban Residential, Professional/Service, Business, and Rural Community plan areas, new locations of Urban Mid-density Residential uses should be “major-street-oriented” (D2).

(e) New locations adjoining non-residential uses – If new location of Urban Mid-density residential uses are located in Professional/Service or Business plan areas, they should be sited on the fringes of such areas where they would serve as “buffer uses” (D1).

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 21059CO340D.
- It appears that the subject property is not 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 sewer, are available to the site.

Development Patterns

Two B-4 zoned parcels totaling 0.75 acres within the City of Whitesville are the subject properties of this rezoning request. The applicant proposes to rezone both parcels to R-3MF Multi-Family Residential and intends to redevelop the property as apartments.

In 1985 Palmer Oil Company operated a gas station on the eastern portion of the subject property and successfully petitioned to have the western portion rezoned from R-1A to B-4 in order to construct a car wash. A final development plan was also approved in 1985 for the proposed car wash facility on the property. The subject properties are surrounded by single-family residential parcels zoned either R-1A or R-1B.

If the rezoning is approved, the applicant will be required to provide vehicular use area screening compliant with Article 17 of the zoning ordinance around the perimeter of any proposed parking area that faces any residential property or Oak Street right-of-way.

Prior to occupancy of the property the applicant must obtain approval of a development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is not in compliance with the Comprehensive Plan. The proposed use as multi-family residential conforms to the criteria for urban residential development and the subject properties are in an area served by sanitary sewers. However, the proposal is not a logical expansion of existing R-3MF zoning in the area. The proposal is not major street oriented and it would not serve as a buffer between a higher intensity use and a lower intensity use.

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 not 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 proposed use as multi-family residential conforms to the criteria for urban residential development;
4. The proposal is not a logical expansion of existing R-3MF Multi-Family Residential zoning in the area;
5. The proposal is not major street oriented; and
6. The proposal would not serve as a buffer between a higher intensity use and a lower intensity use.