

**OCTOBER 6, 2016**

**3509 FAIRVIEW DRIVE**

## ZONE CHANGE

|   |                   |
|---|-------------------|
| <b>From:</b> R-1A Single-Family Residential                                 |                   |
| <b>To:</b> R-1C Single-Family Residential                                   |                   |
| <b>Proposed Use:</b> Multi-Family Residential                               |                   |
| <b>Acreage:</b> 3.496   |                   |
| <b>Applicant:</b> JED Rentals, LLC; William F. & Clara Lyninger (1610.1973) |                   |
| <b>Surrounding Zoning Classifications:</b>                                  |                   |
| <b>North:</b> R-1C  | <b>South:</b> B-4 |
| <b>East:</b> R-1C   | <b>West:</b> B-4  |

## Proposed Zone & Land Use Plan

The applicant is seeking an R-1C Single-Family 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 21059CO143 D.
- 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, including sanitary sewer, are available to the site.

#### Development Patterns

The subject property is a 3.496 acre parcel currently being used as single-family residential. The applicant proposes to rezone the property to R-1C Single Family Residential in order to develop the property as multi-family residential using the planned residential development regulations as outlined in Article 10 of the Owensboro Metropolitan Zoning Ordinance. The applicant states that the R-1C zoning district is requested to be able to achieve the desired density. The current zoning, R-1A, allows up to 4.4 dwelling units per acre while the proposed zoning, R-1C, allows up to 8.7 dwelling units per acre.

Properties in this area are zoned commercial and residential. Walmart and Goodwill, both zoned B-4, adjoin the subject parcel to

the west and south. The Downs single-family residential subdivision, zoned R-1C, adjoins this property to the north and across Fairview Drive to the east.

Fairview Drive is classified as a minor arterial and the subject property is thereby required to have a 75' front building setback line measured from the centerline of Fairview Drive as well as a 40' roadway buffer. A 20' project boundary buffer, which applies to planned residential developments according to Article 10 in the zoning ordinance, will be required around the perimeter of the property. Access to the site must be compliant with applicable sections of the zoning ordinance and the Access Management Manual which includes a 500' spacing requirement.

Property perimeter landscape buffer screening was required on the adjacent properties to the west and south when they were rezoned to commercial several years ago. Perimeter screening along the northern property line will not be required since both properties are residentially zoned.

Parking spaces must be provided on site and the exact number required is determined by the size of the dwelling units. A one-bedroom unit requires 1.5 parking spaces per unit while any unit with two or more bedrooms requires two parking spaces per unit. The size of the proposed dwelling units will also determine the number of additional spillover parking spaces required to be included in the parking lot design. All vehicular use areas must be paved and vehicular use area screening shall be installed where adjoining road right-of-way.

In order to do a planned multi-family residential development, the applicant must obtain approval of a combination preliminary subdivision plan/final development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage. Jim Mischel with 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 urban low-density residential conforms to the criteria for urban residential development. The proposed R-1C Single-Family Residential zoning is a logical expansion of R-1C Single-Family Residential zoning to the north and east. Sanitary sewer service is available to the subject property through a proposed sewer expansion from nearby Stirrup Loop in The Downs subdivision across Fairview Drive.

## Planning Staff Recommendations

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

### Findings of Fact:

- Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
- The subject property is located in a Business Plan Area where urban low-density residential uses are appropriate in very limited locations;
- The proposed use as urban low-density residential conforms to the criteria for urban residential development;
- The proposal is a logical expansion of existing R-1C Single-Family Residential zoning to the north and east; and,
- Sanitary sewer service is available to the subject property through a proposed sewer expansion from nearby Stirrup Loop in The Downs subdivision across Fairview Drive.