



NOVEMBER 10, 2016

2315 MAYFAIR AVE & 1101 HILL AVE

ZONE CHANGE

From:	P-1 Professional/Service
To:	R-3MF Multi-Family Residential
Proposed Use:	Multi-Family Residential Development
Acreage:	3.09
Applicant:	Professional Properties & Construction, LLC (1611.1978)
Surrounding Zoning Classifications:	
North:	P-1
South:	R-1A
East:	R-1B
West:	R-1A

Proposed Zone & Land Use Plan

The applicant is seeking an R-3MF Multi-Family Residential zone. The subject property is located in a Professional/Service 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 use should be “major-street-oriented” (D2).

(e) New locations adjoining nonresidential uses – If new locations 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 21059CO138 D.
- 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 sewers, are available to the site.

Development Patterns

The subject property is two parcels totaling 3.09 acres in size and has been previously used as a pharmacy and medical offices. The applicant proposes to rezone the properties to R-3MF Multi-Family Residential in order to develop a multi-family residential community.

The subject property is located in an area that includes mostly single-family residential and professional/service land uses. The Owensboro HealthPark, zoned P-1, is directly north of the subject properties. Adjacent properties to the west, east and south are developed as single-family residential and are zoned R-1A and R-1B.

Mayfair Avenue, Hill Avenue and Robin Road are all classified as local streets and the subject property is thereby required to have a 25' front building setback line along all street rights-of-way. A 20' project boundary buffer, which applies to planned residential developments according to Article 10 in the zoning ordinance, will be required along the northern property line. Access to the site must be compliant with applicable sections of the zoning ordinance. The Access Management Manual does not apply to this site since the adjacent streets are classified as local streets.

Parking spaces must be provided on site and the exact number required is determined by the size of the dwelling units. An efficiency or 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.

If the rezoning is approved the applicant must obtain approval of a 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

There are three potential findings the Planning Commission can make on a zoning change request based on KRS 100.213, included below:

KRS 100.213

(1) Before any map amendment is granted, the planning commission or the legislative body or fiscal court must find that the map amendment is in agreement with the adopted comprehensive plan, or, in the absence of such a finding, that one (1) or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission or the legislative body or fiscal court:

(a) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;

(b) That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.

The applicant's proposal is not in compliance with the Comprehensive Plan. The use of the property as multi-family residential conforms to the criteria for Urban Residential development. Sanitary sewer service is available to the subject property. However, this proposal is not a logical expansion of existing R-3MF zoning. At 3.09 acres, the proposal would be a significant increase in R-3MF zoning in the vicinity and may overburden the capacity of roadways and other necessary urban services that are available in the affected area. Although this property is located on the fringe of this particular Professional/Service Plan Area it is debatable whether this use would serve as an appropriate buffer between the Owensboro HealthPark and the adjacent single-family residential neighborhood. This site is not considered major-street-oriented which is one of the requirements necessary to create a new location of urban mid-density residential uses. The current comprehensive plan and its associated land use plan, which were most recently updated and adopted in 2013, shows the subject property in a Professional/Service Plan Area. Therefore, staff feels that the proposal does not meet the potential Type 2 findings stating there have been major changes in the vicinity that were not anticipated in the latest Comprehensive Plan. Lastly, staff cannot find sufficient evidence to support finding that the proposed zoning is more appropriate than the

existing zoning considering the site's close proximity to the professional/service activity of the Owensboro HealthPark coupled with the lack of any existing multi-family residential zoning in the 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 not in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located in a Professional/Service Plan Area where urban mid-density residential uses are appropriate in limited locations;
3. The use of the property as multi-family residential conforms to the criteria for Urban Residential development;
4. Sanitary sewer service is available to the subject property;
5. This proposal is not a logical expansion of existing R-3MF zoning;
6. At 3.09 acres, the proposal would be a significant increase in R-3MF zoning in the vicinity and may overburden the capacity of roadways and other necessary urban services that are available in the affected area;
7. Although this property is located on the fringe of this particular Professional/Service Plan Area it is debatable whether this use would serve as an appropriate buffer between the Owensboro HealthPark and the adjacent single-family residential neighborhood;
8. This site is not considered major-street-oriented which is one of the requirements necessary to create a new location of urban mid-density residential uses;
9. The current comprehensive plan and its associated land use plan, which were most recently updated and adopted in 2013, shows the subject property in a Professional/Service Plan Area. Therefore, staff feels that the proposal does not meet the potential Type 2 findings stating there have been major changes in the vicinity that were not anticipated in the latest Comprehensive Plan; and
10. Staff cannot find sufficient evidence to support finding that the proposed zoning is more appropriate than the existing zoning considering the site's close proximity to the professional/service activity of the Owensboro HealthPark coupled with the lack of any existing multi-family residential zoning in the vicinity.