

NOVEMBER 8, 2018

411 WEST LEGION BOULEVARD**ZONE CHANGE**

From:	B-4 General Business & R-1B Single-Family Residential
To:	R-1B Single Family Residential
Proposed Use:	Residential
Acreage:	1.008
Applicant:	Samuel L. Smiser (1811.2066)
Surrounding Zoning Classifications:	
North: B-4	South: R-1B
East: R-3MF	West: R-1B & B-4

Proposed Zone & Land Use Plan

The applicant is seeking an R-1B Single Family Residential zone. The subject property is located in an Urban Residential Plan Area where urban low-density residential uses are appropriate in general locations.

SPECIFIC LAND USE CRITERIA

(a) **Separate lots fronting on public roads or streets** – Each dwelling should be located on its own individual lot that fronts on a public road or street. New subdivision streets should be constructed to urban specifications, including curbs and gutters.

(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.

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 21059CO276 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 180' x 240' tract with a single-family residence and a detached garage. The property is currently split-zoned with an R-1B zoning classification in the front, and B-4 General Business zoning to the rear.

Properties along this portion of West Legion Blvd are primarily zoned residentially with R-1B Single Family Residential homes to the west and south, and R-3MF Multi-Family Residential to the east. To the west and to the north, there are properties that are zoned B-4 General Business that are located along Frederica Street.

If the rezoning is approved, the applicant will be required to provide landscape buffer screening in compliance with Article 17 of the zoning ordinance along the western and northern property boundaries where adjacent to the B-4 zoned properties. The screening shall consist of a 10' landscape easement with a 6' tall continuous element plus one tree per 40 linear feet.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposal is on an existing parcel with frontage directly on West Legion Blvd, a public street. The proposal will allow the continued residential use of an existing parcel that has been adequately served by existing sanitary sewer systems.

Planning Staff Recommendations

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

Condition:

1. The applicant shall provide screening along the western and northern property lines where the subject property adjoins properties zoned B-4 General Business. The screening shall consist of a 10' landscape easement with a 6' tall continuous element such as a fence, wall, plantings, hedge or earth mound plus one tree per 40 linear feet.

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 an Urban Residential Plan Area where urban low-density residential uses are appropriate in general locations;
3. The proposal is on an existing parcel with frontage directly on West Legion Blvd, a public street; and
4. The proposal will allow the continued residential use of an existing parcel that has been adequately served by existing sanitary sewer systems.