

**JANUARY 9, 2020**

**3801, 3815, 3816 LEGACY RUN**

**ZONE CHANGE**

<b>From:</b>	P-1 Professional/Service
<b>To:</b>	R-3MF Multi-Family Residential
<b>Proposed Use:</b>	Multi Family Residences
<b>Acreage:</b>	2.825
<b>Applicant:</b>	Don Young; O'Bryan Heirs & Franklin & Susan Dockery (2001.2108)
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b>	I-1
<b>South:</b>	P-1
<b>East:</b>	R-1C
<b>West:</b>	B-3

## 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.

**(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 21059CO257D.
- 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 sewers, are available to the subject property.

#### Development Patterns

The subject properties combine to create 2.825 acres spanned over three tracts located on a culd-a-sac where there are four total tracts. This culd-a-sac is part of Heritage

Park, a mixed-use development with single family residential, multi-family residential, professional/service, business and industrial zoning. The subject properties are currently zoned P-1 Professional/Service and are currently undeveloped. The fourth tract on this culd-a-sac, which is not part of this rezoning, is a day-care facility.

The adjacent properties to the north are zoned I-1 Light Industrial and are individual storage units and a business; there is property to the north, although not directly adjoining this property, that is zoned R-3MF Multi-Family Residential. The property to the west is B-3 Highway Business Center and is the new State Office complex. The property directly to the south is zoned P-1 Professional/Service, but is owned by the City of Owensboro and is a large drainage ditch. Further to the south, across Tamarack Road, and east, across Buckland Square, the properties are zoned R-1C Single Family Residential and used as such.

The subject properties are located at the intersection of Legacy Run and Buckland Square, both local streets. They also have frontage along Tamarack Road, although separated by the City owned drainage ditch. Access to the subject properties shall be limited to Legacy Run and Buckland Square only. No direct access to Tamarack Road shall be permitted.

If approved, prior to occupancy of the properties the applicant must obtain approval of a final development plan or site plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage. Before any construction activity takes place on the properties, the OMPC Building, Electrical and HVAC department shall be contacted regarding any necessary permits, inspections and certificates of occupancy and compliance.

## SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed use as multi-family residential conforms to the criteria for urban residential development. Sanitary sewers are existing in the area. The subject properties are situated at the fringe of the larger development where they would serve as a buffer between the commercial and industrial uses to the north and west and the residential uses to the south and east.

## 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 properties are located in a Professional/Service Plan Area, where urban mid-density residential uses are appropriate in limited locations;
- Sanitary sewer service is available in the area; and,
- The subject properties are situated at the fringe of the larger development where they would serve as a buffer between the commercial and industrial uses to the north and west and the residential uses to the south and east.

