

**MARCH 14, 2002**

**1809, 1819 CARTER RD, 1501, 1503, 1505  
RICHBROOKE TRC**

**ZONE CHANGE**

<b>From:</b>	R-1A Single-Family Residential, R-3MF Multi-Family Residential
<b>To:</b>	<b>R-3MF Multi-Family Residential</b>
<b>Acreage:</b>	3.419 acres
<b>Applicant:</b>	RNA Rental, LLC c/o Richard Anderson (0203.1472)

<b>Property Zone Existing Use</b>	<b>to North</b> B-4 Convenience store, Express mail	
<b>to West</b> Bank, bakery, vacant	<b>Subject</b> R-3MF, R-1A ⇄ R-3MF Multi-family & single-family residential	<b>to East</b> R-1A Single-family Residential
	<b>to South</b> R-1A Single-family residential	

**GENERAL LAND USE CRITERIA  
Apply, if marked below:**

*Described in Comprehensive Plan on pages 445-448*

**Environmental** ☒

- E1** Flood Plains
- E2** Steep Slope
- E3** Historical & Archaeological Sites
- E4** Soils
- E5** Plant & Animal Life

**Urban Services** ⌘

- ⌘ **U1** Roadway Capacity
- ⌘ **U2** Electricity Supply
- ⌘ **U3** Water Supply
- ⌘ **U4** Stormwater Disposal
- ⌘ **U5** Sanitary Sewage Disposal

**Development Patterns** ♦

- D1** Land-Use Intensity, Clusters and Buffers
- D2** Land Use versus Street Function
- ♦ **D3** Intersection & Driveway Spacing
- ♦ **D4** Roadway Buffer Standards
- D5** Lot Sizes & Proportions
- ♦ **D6** Residential Development
- D7** Non-Residential Development
- D8** Building Quality

## Proposed Zone & Land Use Plan

The applicant is seeking an R-3MF Multi-Family Residential zone. The subject property is located in an Urban Residential Plan Area, where urban mid-density uses are appropriate in limited locations.

## SPECIFIC LAND USE CRITERIA

- (a) **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 area 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.

## Applicant's Findings

The owner wishes to rezone 1809 and 1819 Carter Rd to R-3MF. This zoning change is a logical extension of the R-3MF zone located to the east. The proposed zoning change is also requested in order to lift the existing deed restrictions on 1501, 1503 and 1505 Richbrooke Trace.

## Planning Staff Review

The subject property is located in the 1501 block of Richbrooke Trc and the 1801 block of Carter Rd. Land use criteria applicable to this proposal are reviewed below.

## GENERAL LAND USE CRITERIA

### Environment

No important environmental criteria apply to the subject property.

### Urban Services

All urban services are available to the site, including sanitary sewers.

### Development Patterns

The subject property includes an existing apartment complex located at 1501, 1503 and 1505 Richbrooke Trc, which are currently zoned R-3MF Multi-Family Residential, and two single-family homes zoned R-1A

Single-Family Residential located at 1809 and 1819 Carter Rd. The applicant has submitted a development plan that proposes to consolidate the three properties into one multi-family lot. The property located at 1811 Carter Rd, between the two single-family homes was recommended for a zoning change to B-4 General Business at the February Planning Commission meeting. The applicant is proposing a real estate office to be located on this lot.

The development plan submitted identifies the existing buildings for multi-family use and incorporates the two single-family dwellings as part of the overall development. The property located to the north of the subject property is zoned B-4 General Business and is in general business use. The property to the west is also zoned B-4 General Business. Properties to the east and south are zoned R-1A and are used for single-family residences. There is property to the east at 2600, 2604 and 2608 W Parrish that was zoned in 1982 to R-3MF Multi-Family Residential and developed for multi-family residential use.

The property located on Richbrooke Trc was rezoned to R-3MF Multi-Family Residential in 1974. Numerous conditions were placed on the zoning change. These are listed below:

1. That the apartment project would contain a three building concept as reflected on the plat, showing 16 2-bedroom apartments and 20 1-bedroom apartments;
2. There would be deed restrictions placed into effect which would prevent additional apartment units from being constructed on the subject property;
3. A minimum 30-foot grass area between the rear of the apartment buildings and the property line of adjacent property owners, which grass area would contain no pavement or parking;
4. The apartment buildings would have front entrances only, and would not have entrances opening into the rear portion of the buildings;
5. There would be no swimming pool;
6. A minimum 7-foot permanent type stockade fence along all portions of the subject property, which fence would not affect existing foliage and trees, and therefore would be erected several feet off of existing property line;
7. The required fencing would be entirely constructed prior to the commencement of construction so as to minimize dust and noise;
8. A 6" box type curb would be erected to prevent traffic from using the north end of the subject area as an access point; and
9. Subject property would be voluntarily restricted from any commercial usage.

The apartment complex was developed in accordance with the conditions listed above and deed restrictions were placed on the property limiting the development to a maximum of three buildings, with 20 1-bedroom units and 16 2-bedroom units. The applicant desires to convert some of the existing 1-bedroom units to 2- bedroom units within the confines of the existing buildings. Because of the restrictions placed on the deed, he is unable to do this unless the Planning Commission lifts this restriction so that the deed restriction may be removed.

The applicant has submitted a development plan, which shows the locations of the existing buildings and includes the two single-family lots within the multi-family development. At a future date, the applicant wishes to add another multi-family building and remove the two single-family structures that are located on the subject property. The current development is screened from the single-family dwellings to the east and south with a 7-foot high solid fence as specified in the original zoning conditions. This fence is shown on the proposed development plan as remaining in place as screening between the multi-family development and single-family residence.

While the properties at 1501, 1503, and 1505 Richbrooke Trc are within the city limits of Owensboro, the properties at 1809 and 1819 Carter Rd are currently outside of the city limits. Application has been made to the City of Owensboro for annexation, because the properties will have to be consolidated into one lot.

#### **Intersection & Driveway Spacing**

The existing multi-family buildings are accessed from Richbrooke Trc. The two single-family homes located at 1809 and 1819 Carter Rd each have an access point onto Carter Rd. Carter Rd is identified as a minor arterial roadway with access spacing for new development of 500 feet between access points. Access points to these two lots must be closed when the single-family residences are removed or changed in use. No new access points to Carter Rd will be permitted.

#### **Roadway Buffer Standards**

A 50-foot roadway buffer from the street centerline applies to the property along Carter Rd. No required parking or landscaping is permitted within the roadway buffer.

#### **SPECIFIC LAND USE CRITERIA**

A large portion of the subject property is currently zoned R-3MF Multi-Family Residential. The expansion of the R-3MF zoning to include 1809 and 1819 Carter Rd would be a logical expansion of the existing R-3MF zone onto contiguous property. Existing sewers serve the apartment buildings located on the subject property and sewer is

available and being connected to the properties on Carter Rd.

In general, residential area should promote a sense of community by providing a variety of housing types suitable to a variety of people. Buildings should be designed and arranged so that they do not become irritants within the neighborhood. The original zoning change to R-3MF contained numerous conditions to assure that the buildings were constructed to be as unobtrusive as possible to the neighboring residences. The applicant's proposal to convert one-bedroom units into two bedroom units would not appear to be detrimental to the neighboring residences. The building locations would remain as they exist, with only interior changes being made. The applicant may in the future propose to add an additional multi-family structure between the existing buildings and Carter Rd, with the density in compliance with the current zoning ordinance regulations. The applicant's proposal is a reasonable use of the property for expansion of an existing R-3MF zone.

4. The existing buildings are designed and arranged in a manner so they will not become irritants to the neighborhood; and
5. Sanitary sewers serve the subject property.

## Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's Comprehensive Plan. This recommendation is made subject to the conditions and findings of fact that follow:

### Conditions:

1. Approval of a final development plan;
2. Existing 7-foot high stockade fence located along the east property boundary is to remain and be maintained;
3. Driveway access on Carter Rd shall be closed when the single-family dwellings at 1809 and 1819 are removed or changed in use; and,
4. Annexation of the unincorporated portion to allow required lot consolidation of all portions of the subject property.

### Findings of Fact:

1. The subject property is located in an Urban Residential Plan Area, where urban mid-density uses are appropriate in limited locations;
2. Adjacent property at 2600, 2604 and 2608 W Parrish Av is zoned R-3MF Multi-Family Residential;
3. A portion of the subject property is currently zoned R-3MF and the proposal is a logical expansion of the existing R-3MF zones;