

FEBRUARY 8, 2007

3701 KIPLING DR		
ZONE CHANGE		
From: R-1B Single-Family Residential		
To: R-1C Single-Family Residential		
Proposed Use: Residential		
Acreage: 4.03+/-		
Applicant: J.E.D. Rentals Family Partnership, LTC (0702.1672)		
Property Zone Existing Use	to North R-1B Vacant	
to West R-1B Residential	Subject R-1B ↔ R-1C Vacant	to East P-1 Owensboro Country Club
	to South R-1B 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-1C Single-Family Residential zone. The subject property is located in an Urban Residential Plan Area, where urban low-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 Low-density Residential uses should occur only where sanitary sewer systems exist or may be expanded, or where new systems may be properly established.

Applicant's Findings

The requested rezoning is in compliance with the Comprehensive Plan. The residential zone of R-1C is allowed in limited locations within the plan area. The land use criteria that apply are building and lot patterns should be as for residential development and sanitary sewers should be available for extension to the site.

This tract is a vacant parcel at the north end of Kipling Drive which has been undeveloped for many years. The current owners are requesting the rezoning in order to utilize the site to construct 14 duplex residences which are shown on the preliminary plat/final development plan also submitted for approval.

All utilities are adjacent to the site and can be extended into the development.

The main access for the development will be via a new tie-in to J.R. Miller Boulevard. The development will also extend and tie into the existing Kipling Drive which is currently dead ends at the southern boundary of this property. The tie-in of Kipling Drive and J.R. Miller Boulevard will allow improved access for the development and the area in general.

Planning Staff Review

The subject property is located in the 3701 block of Kipling Drive. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA

Environment

According to a study prepared by the US Department of Agriculture Soil Conservation Service dated March 6,

1990, it appears that the subject property is not located in a wetlands area. The subject property is partially located in a special flood hazard area per FIRM Map 21059CO280C. The developer is responsible for obtaining permits as may be required by the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

It appears that the subject property is not in the vicinity of the Owensboro Wellhead Protection area according to a map created by the GRADD office dated March 1999.

Urban Services

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

Development Patterns

The subject property is located in an area of residential, recreational and vacant land uses. The property to the west and south is zoned R-1B Single-Family Residential and is occupied by single-family residences. The property to the north is also zoned R-1B but is currently vacant. The property to the west is zoned P-1 Professional/Service and is the location of the Owensboro Country Club.

Urban Low-density Residential indicates uses of generally up to nine dwelling units per acre. Based on the preliminary plat/final development plan submitted with the rezoning, the density for the development will be approximately 6.95 units per acre. The maximum density allowed in an R-1C zone is 8.7 units per acre. The surrounding R-1B zoning classification allows a density of 5.8 units per acre.

Although the proposed density for the development is approximately one unit per acre higher than the surrounding single-family residential zoning, the proposed rezoning is in keeping with the Comprehensive Plan. The proposed development is in-fill development within the Urban Service Area where all necessary urban services are immediately available to the subject property. The subject property has never been platted for residential development under the current R-1B zoning classification and the redevelopment of the site will promote the Comprehensive Plan's goal to establish a sense of community by providing a variety of housing types suitable to a variety of people within a neighborhood.

However, the Comprehensive Plan also recognizes the importance of neighbors when density changes are proposed for established lots within a neighborhood. The Comprehensive Plan states that established lots in built up areas should not be rezoned to allow an increase in density unless the change is acceptable to the neighboring residents. In this instance, the subject property is a single

lot that has not been platted into lots for urban-low density development previously. However, the views of the neighbors should still be considered with any zoning change that increases density.

According to the preliminary plat/final development plan submitted in conjunction with the rezoning, all dwellings within the development will face the new street thereby respecting the adjacent single-family lot orientation along Kipling Drive. Additionally, the proposal is for a Planned Residential Development which requires a 20 foot project boundary buffer which will provide further separation from the adjoining single-family residences.

Access and Driveway Spacing

The development proposes the extension of Kipling Drive and the construction of a new street that will intersect with J.R. Miller Boulevard. Based on the Transportation Policy Committee access control requirements established for J.R. Miller Boulevard on October 14, 1985, no existing lot that did not have driveway access to J.R. Miller Boulevard prior to January, 1985, shall not have a new access to the street. However, new streets may be constructed if they are at least 500 feet from existing or planned street intersections and if they connect with the public street system serving the adjoining neighborhood. Based on these criteria, the proposed development meets the requirements. The nearest street intersection is over 500 feet in both directions and, with the provision to tie into the existing Kipling Drive, the development will provide additional accessibility and mobility for the surrounding neighborhood. Access to J.R. Miller Boulevard will be limited to the new street intersection only with no individual driveway access permitted.

In the vicinity of the subject property, J.R. Miller Boulevard is classified as a minor arterial roadway. The building setback for the subject property will be 75 feet from the roadway centerline or 25 feet from the property line whichever is greater. The roadway buffer is 50 feet from the roadway centerline. The roadway buffer shall remain free of any obstructions including but not limited to required landscaping, buildings, signs, or fences.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposal is an in-fill development of a previously undeveloped lot that will provide a variety of housing types and provide additional accessibility and mobility within the neighborhood. Sanitary sewer service is available for extension onto the subject property.

The Goals and Objectives of the Comprehensive Plan are supportive of concentrating urban development within the

Urban Service Area as exemplified by the examples listed below:

- 4.1.2 Deliver desired urban services efficiently.
- 4.1.3 Protect our rural areas from intrusion by incompatible urban activities by encouraging growth in the Urban Service Area and Rural Communities.
- 4.2.1 Concentrate Daviess County's urban development inside the Urban Service Area to reduce urban sprawl.

The specific criteria of the Comprehensive Plan support a zoning change to R-1C, an urban low-density residential zone, because sanitary sewers service is available to the subject property. However, the Planning Commission should consider input from neighboring residents in deciding whether a recommendation of approval for this zoning change is warranted.

Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The condition and findings of fact that support this recommendation include the following:

Condition: Access to J.R. Miller Boulevard shall be limited to the proposed new street intersection only. No individual drive access will be permitted.

Findings of Fact:

1. The subject property is located in an Urban Residential Plan Area, where urban low-density residential uses are appropriate in limited locations;
2. Sanitary sewer service is available to the subject property;
3. The proposal meets a goal of the Comprehensive Plan to establish a variety of housing types for a variety of people within a neighborhood; and,
4. The proposal supports the Comprehensive Plan's goals by encouraging the concentration of urban development within the Urban Service Area to limit urban sprawl