

DECEMBER 12, 2002

3230 BUCKLAND SQ

ZONE CHANGE

From: B-3 Highway Business		
To: R-3MF Multi-Family Residential		
Acreage: 7.942 acres		
Applicant: O'Bryan Heirs c/o William O'Bryan Wright (0212.1504)		
Property Zone Existing Use	to North I-1 <i>Sale of agricultural equipment and products</i>	
	to East R-3MF <i>Assisted Living Apartments</i>	
to West B-3 <i>Vacant</i>	Subject B-3 ⇌ R-3MF <i>Vacant</i>	
	to South R-3MF, B-3 <i>Apartments, vacant</i>	

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 within a Business Plan Area, where urban mid-density residential 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 proposed rezoning is not in compliance with the Comprehensive Plan. The generalized Land Use Plan Map plan recommends Business as an appropriate land use for this site. The site is located within the Urban Service Area. The subject property is part of the Heritage Park Development, and was originally zoned B-3. However, the existing zoning classification of B-3 is not appropriate, and the R-3MF zoning classification is just as or more appropriate given the surrounding development and market demand. Recent market demand has increased the need for multi-family residential use in Heritage Park. On the other hand, there has been low demand for business use in Heritage Park.

There have been major changes on an economic, physical and social nature within the area involved (Heritage Park) not anticipated in the Plan that has substantially altered the basic character of this area. Multi-family residential development is a better use for this property because of the recent development of Heritage Park, which includes a major residential subdivision, many multi-family residential developments, the Owensboro Junior Business College, Boys & Girls Club, and Heritage Place Assisted Living facility. The remaining B-3 properties in Heritage Park all front Wathens Crossing and are visible from Carter Rd. This property fronts Buckland Square and will not be visible from Carter Rd. In addition, this is a logical expansion of the adjacent properties already zoned R-3MF, 3362 Buckland Square (Heritage Place) and 3400 and

3401 Legacy Run on the east, as well as 2531-2539 O'Bryan Blvd on the south.

The Comprehensive Plan anticipates mixed land uses of industrial, business and residential within this quadrant of Owensboro. The Heritage Park development pattern is a mixed use planned urban development integrating light industrial, commercial/business, residential and multi-family residential. Much of the multi-family residential development adjoins or is very near the subject property.

The Comprehensive Plan anticipated a major interchange of Carter Rd with the Wendell Ford Bypass. The Comprehensive Plan anticipated additional residential development and growth in this area as a result of said interchange. This rezoning accommodates that additional residential growth.

General land use criteria include:

- a. No major environmental issues apply.
- b. The Comprehensive Plan anticipated conversion of agricultural land in the vicinity, such as the Mid-America AirPark and this site, to urban/non-agricultural uses.
- c. All urban services, including sanitary sewers, are available to serve the site.
- d. With the (1) completion of the Carter Rd/Wendell Ford Bypass interchange project, (2) the expansion and widening of Carter Rd, and (3) the improvements to Tamarack Rd, adequate highway and transportation links are available to serve this site. Economic and commercial development in this area has provided a larger demand for multi-family residential use that commercial or business use, which was the original zone and plan for this lot. Therefore, rezoning of this property is appropriate to meet the current demand of the community.

Specific land use criteria include:

- a. A concurrently submitted preliminary development plan indicates building and lot patterns typical of urban multi-family residential development.
- b. Public sanitary sewers are available to serve this site.
- c. The proposed multi-family tract will be situated along Buckland square, a major collector connecting Carter Rd and Tamarack Rd routing through the proposed development. The proposed multi-family

tract is, thereby, major-street oriented.

- d. The proposed rezoning conforms with the principles established in the adopted Comprehensive Plan for transition and land use intensity along a street.

Planning Staff Review

The subject property is located in the 3200 block of Buckland Sq. The subject property is a portion of the Heritage Park development, which is currently under construction. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA

Environment

The subject property contains prime agricultural land, however, the Land Use Plan recognizes that some prime farmland will be lost with urbanization. The property has been rezoned previously from A-U Urban Agriculture to B-3 Highway Business Center.

The subject property is located in a special flood hazard area with approximately 3 acres of the property located within the floodway. No building is permitted in the floodway. The base flood elevation for the property is indicated at 396 feet above sea level on the Flood Insurance Rate Map. No other important environmental criteria apply to the subject property.

Urban Services

All urban services, including sanitary sewers, are available to the site. Storm water disposal for the site was addressed as a part of the approved preliminary plan, but will be reviewed in a more detailed fashion for the specific development on the subject property as a part of the final development plan submittal.

Development Patterns

The subject property is located within Heritage Park Development, where mixed zoning classifications have been applied in a planned development. The subject property immediately adjoins R-3MF Multi-Family Residential zoning to the south and east, where multi-family residential development has occurred. The subject property adjoins B-3 Highway Business Center zoning to the south and west and I-1 Light Industrial zoning to the north across Buckland Sq.

The subject property was originally zoned B-3 Highway Business Center in anticipation of business uses in this portion of Heritage Park Development. The demand for the R-3MF Multi-Family Residential uses has been greater than business demand in the development. More than 15 acres of B-3 Highway Business Center zoning will remain, which is the minimum required by the Zoning Ordinance for separate locations of B-3 zones if the applicant's proposal to rezone to R-3MF is successful.

5. The proposed zoning change will not reduce the acreage of B-3 zoning required by the Zoning Ordinance for the Heritage Park development.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is consistent with the specific land use criteria for logical expansions or urban mid-density residential uses within a Business Plan Area. The subject property is a portion of the Heritage Park development where adequate roadways, sanitary sewers, and other necessary urban services have been planned. This property is subject to a final development plan within the Heritage Park planned development. The anticipated buyer of the subject property is preparing a final development plan that will incorporate urban mid-density uses in a planned development. Submittal and approval of the final development plan should be a condition of this zoning request.

Planning Staff Recommendations

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

Condition:

1. Approval of a final development plan.

Findings of Fact:

1. The subject property is located in a Business Plan Area, where urban mid-density residential uses are appropriate in limited locations;
2. Sanitary sewers are available to the site;
3. The subject property adjoins existing R-3MF Multi-Family Residential zones;
4. The applicant's proposal is a logical zoning expansion of existing R-3MF Multi-Family Residential zoning and use on contiguous land that will not overburden the capacity of roadways and other necessary urban services that are available in the affected area;