

**FEBRUARY 13, 2003**

**PORTION 3009 (3201) US 60 E**

**ZONE CHANGE**

<b>From:</b> B-4 General Business		
<b>To:</b> R-3MF Multi-Family Residential		
<b>Acreage:</b> 3.3 ± acres		
<b>Applicant:</b> Pat Powell Clark, C.A. Pantle, Jr. (0302.1509)		
<b>Property Zone</b> <i>Existing use</i>	<b>to North</b> N/A <i>Ohio River</i>	
<b>to West</b> B-4 <i>Ashland Oil Storage</i>	<b>Subject</b> B-4 → R-3MF <i>Truck farm</i>	<b>to East</b> B-4 <i>Residential</i>
	<b>to South</b> B-4, P-1 <i>Fast food, convenient stores, vacant, church</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 in 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.
- (d) **New locations near major streets** – In Business Plan Areas, new locations of urban mid-density residential use should be "**Major-street-oriented**" (D2).
- (e) **New locations adjoining nonresidential uses** – If new locations of urban mid-density residential uses are located in Business Plan Areas, they should be sited on the fringes of such areas where they would serve as "**buffer uses**". (D1)

**Applicant's Findings**

The proposed rezoning is consistent with the Comprehensive Plan. The Land Use Plan element of the Comprehensive Plan recommends urban mid-density residential land use (i.e., up to 25 dwelling units per acre) for this site in limited locations.

- a. Subject property will be developed into building and lot patterns consistent with urban residential development for a multi-family tract.
- b. Sanitary sewers operated by and served by the RWRA system exist at the Pantle property and will be expanded a short distance to serve the subject tract.
- c. Numerous residential developments; including multi-family development at Cinderella Drive; have existed or been developed within the past decade along this section of the Ohio River. The development of this tract will not overburden the roadway capacities along this five-lane section.
- d. The site is located in the 3001 block of US 60 E, will be connected to US 60 E by a very short local street section and the site will be major-street-oriented upon completion of construction.
- e. Subject site is located along the northern fringe of

the Pantle site, adjoining the Ohio River. The southern portion of the Pantle site, being situated along the US 60 E corridor is commercial land use more suited to being located along the major arterial route. The proposed multi-family land use is compatible with and compliments the tranquil Ohio River frontage.

## Planning Staff Review

The subject property is located in the 3001 block of US 60 E. Land use criteria applicable to this proposal are reviewed below.

### GENERAL LAND USE CRITERIA

#### Environment

A portion of the property is located in the flood plain and the floodway. The Flood Insurance Rate Map Panel # 21059CO140C indicates a base flood elevation of 390 feet above sea level. According to the applicant, the developable site and proposed building area are at elevations above the base flood elevation. The property extends to the low water mark of the Ohio River, so the portion of the lot below the top of the riverbank is the only portion of the lot at or below the base flood elevation.

#### Urban Services

All urban services are available to the site. Sanitary sewers are planned to be extended to the subject property from the existing sanitary sewer line that runs parallel to US 60 E behind the Long John Silver's, Raceway and automobile sales lot. RWRA has verified that the existing sanitary sewer system in the vicinity can serve the subject property.

#### Development Patterns

The subject property is located in an area with mixed business and residential uses. The residential use to the east of the subject property is non-conforming as it is within the B-4 General Business zone and Business Plan Area. The property to the south, which is the remainder of the subject property is zoned B-4 General Business and is currently vacant. Properties along this boundary, which have frontage on US 60, are zoned B-4 General Business and are developed with a Long John Silver's, a Raceway service station and convenience store, and an automobile sales lot.

While the subject property is surrounded by B-4 General Business zoning, there do exist established residential neighborhoods in the general vicinity, as well as recent on-

going single-family residential subdivision construction at Cinderella Drive to the east and River Run to the west. Riverbend Cove, off of Cinderella Drive, offers attached condominium dwellings. Both River Run and Riverbend Cove take advantage of the river frontage for residential development. The applicant's proposal would add to the variety of housing types available in the general vicinity suitable to a wide range of people, which is a residential housing goal of the Comprehensive Plan.

In order to develop the subject property for multi-family development, a preliminary subdivision plat would need to be submitted and approved. The existing street (Vegetable Lane) would have to be designed and constructed to the property boundary to provide access to this property. A final development plan would be required showing the layout of buildings and improvements on the property and a final plat creating the lot would be required. Plans for the development of the subject property for multi-family housing must include a required landscape buffer where the subject property adjoins B-4 General Business zones to the east, west and south.

### SPECIFIC LAND USE CRITERIA

New locations of urban mid-density residential uses should be "major-street oriented". The subject property will be served by a street extension, which will connect the subject property directly to US 60 E, a principal arterial roadway. The goals of the Comprehensive Plan call for protection of residential areas from heavy through traffic, providing access to new housing to local streets, where possible. The applicant's proposal meets the criteria of being major-street-oriented, while protecting the development from heavy traffic.

New locations of urban mid-density residential uses in Business Plan Areas should be located on the fringes of the Plan Area. The subject property is located at the fringe of the Business Plan Area adjacent to the Ohio River. As the river is not zoned or developable, the buffer use criteria is not applicable.

The applicant's proposal continues a development pattern of establishing residential development along the Ohio River, which has appeal to many residents with its attractive views.

The subject property is located in the Urban Service Area, where the Comprehensive Plan encourages urban development. The subject property can be served by an extension to an existing sanitary sewer system in the immediate vicinity, and will not overburden existing urban services, including roadways in the vicinity.

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## Planning Staff Recommendations

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

### Conditions:

1. Submission and approval of a preliminary subdivision plat that extends Vegetable Lane to the subject property prior to development.

### 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. The subject property is "major-street-oriented" by having a direct street intersection access to US 60 E, upon extension of the existing street serving the front portion of the Pantle property;
3. The applicant's proposal will add to the variety of housing types available in the general vicinity suitable to a wide range of people;
4. The subject property is within the Urban Service Area, where urban development is encouraged; and,
5. The subject property can be readily served by sanitary sewers.