

MAY 8, 2003

1034 E BYERS AV

ZONE CHANGE

From: A-U Urban Agriculture, R-2MF Multi-Family Residential		
To: R-1B Single-Family Residential		
Acreage: 5.09 acres		
Applicant: Development Associates of KY, Inc., H. W. Woodhouse, Jr. (0305.1515)		
Property Zone Existing Use	to North R-1B Single-family residential	
to West R-1B Single-family residential	Subject A-U, R-2MF → R-1B Vacant	to East R-2MF Multi-family residential
	to South 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-1B 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** 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 property is located in an Urban Residential Plan Area as shown on the Comprehensive Plan Land Use Map. The adjoining lots are residential. The existing zoning classification is inappropriate for this property and inconsistent with surrounding properties. The proposal would allow the continuation of residential development south of East Byers Av similar to that on the north side and is in compliance with the Comprehensive Plan.

Planning Staff Review

The subject property is located in the 1000 block of E Byers Ave. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA

Environment

Upon FEMA’s approval of a Letter of Map Revision effective 11-11-2002, the majority of the subject property is now located in Flood Zone X, outside of the 100-year floodplain. A portion of the property to the rear of the proposed lots is located in Flood Zone AE, with a base flood elevation of 395.3. A portion of the subject property nearest Horse Fork Creek is located within a floodway area. The applicant proposes to use that portion within the floodway as a detention basin (lake), which is a permissible use.

No other important environmental criteria apply to the subject property.

Urban Services

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

Development Patterns

The subject property immediately adjoins R-1B Single-Family Residential zoning and uses to the west and north. Property to the south of the subject property is zoned R-1A Single-Family Residential. Property to the east is zoned R-2MF Multi-Family Residential and is a segment of the City of Owensboro Greenbelt. The applicant has submitted a preliminary plat for consideration at this same meeting.

Intersection & Driveway Spacing

E Byers Av is classified as a minor arterial roadway with a 1000-foot roadway intersection spacing standard. The preliminary plat submitted in conjunction with this rezoning request shows one street access point directly aligned with existing Shadewood Terrace to the north across E Byers Av and restricts access to this point only. No lots may have direct access to E Byers Av.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is consistent with the specific land use criteria. The subject property immediately adjoins R-1B Single-Family Residential zoning and uses. The applicant's preliminary subdivision plat indicates sanitary sewers are immediately available to the site.

Planning Staff Recommendations

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

Condition:

1. Access to E Byers Av shall be limited to the street intersection access point as shown on the preliminary plat directly across from existing Shadewood Terrace. No lots shall have direct access to E Byers Av.

Findings of Fact:

1. The subject property is located within an Urban Residential Plan Area, where urban low-density residential uses are appropriate in limited locations;
2. Sanitary sewers are immediately available to the site; and,

3. The subject property immediately adjoins R-1B Single-Family Residential zoning and uses.