

DECEMBER 9, 2004

2984 FAIRVIEW DR

ZONE CHANGE

From: I-1 – Light Industrial R-1C – Single-Family Residential		
To: R-1C – Single-Family Residential		
Acreage: 4.997 acres		
Applicant: Owensboro Master Builders, Inc. (0412.1581)		
Property Zone Existing Use	to North I-2 Abandoned Railroad	
	to West I-2 Vacant	Subject I-1, R-1C ↔ R-1C Vacant
	to East R-1C Single-Family Residential	
	to South I-2 & R-1C Common area, 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 a R-1C Single-Family Residential zone. The subject property is located in an Industrial Plan Area, where low-density residential uses are generally not recommended.

Applicant's Findings

The requested rezoning is not in compliance with the Comprehensive Plan. There have been major changes within the area, which were not anticipated in the comprehensive plan at the time of adoption.

This parcel is an undeveloped portion of the Brooks subdivision fronting on Fairview Drive. The area is a mixed use of industrial, commercial and residential zones.

In August, 2001 the OMPC approved a rezoning on the eastern portion of this tract of land from I-2 to R-1C for The Brooks subdivision. At that time the frontage along Fairview Drive was left as I-2 to allow for any future needs for industrial related uses. That need has not occurred.

The Comprehensive Plan did not anticipate the expansion of a residential zone into an industrial plan area. The Rezoning and Preliminary Plan approved for The Brooks subdivision in 2001, has substantially altered the character of the area.

Since the August, 2001, rezoning The Brooks subdivision has been under construction with single family homes. Residential development is the trend within the vicinity rather than industrial.

The requested rezoning to R-1C would be a direct expansion of The Brooks subdivision. Access to the site will be from the proposed collector street approved on the Preliminary Plan of The Brooks.

There will be landscape buffers between the proposed residential zones and the existing industrial zones.

All urban services exist at the site including sanitary sewer.

Planning Staff Review

The subject property is located in the 2900 block of Fairview 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 in a wetlands area. The subject property does not appear to be in a special flood hazard area per FIRM Map 21059CO285 C. 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 outside the Owensboro Wellhead Protection area according to a map created by the GRADD office dated March 1999.

Urban Services

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

Development Patterns

The subject property is in an area that contains mixed uses of industrial, commercial and residential. Property to the east is part of the developing Brooks subdivision that will include the residential development proposed with the rezoning request. Property to the north included an abandoned railroad, industrial uses and residential homes. Property to the south is primarily residential and land to the west is currently vacant.

The proposal for the subject property includes the construction of a new cul-de-sac serving approximately 12 new lots. Each lot will consist of residential townhouses with individual parking on site for each unit. Spill over parking is required as part of this development. A small parking lot will accommodate 9 spaces, each lot has a few spaces of overflow parking and the street is being designed to have a 34' pavement width which will allow for additional parking along the street.

Access for the subject property will be from Brooks Parkway, the main road connecting Fairview Drive to the Lake Forest subdivision. Based on the preliminary development plan submitted with the rezoning all spacing requirements are sufficient. No new direct access to Fairview Drive is requested or granted as part of this proposal. A combination preliminary plat/final development plan must be submitted and approved prior to any construction activity.

SPECIFIC LAND USE CRITERIA

No specific criteria are applicable to this zoning request since urban low-density residential uses are not recommended in Industrial Plan areas.

The Comprehensive Plan anticipated the extension of sanitary sewer into this area but did not anticipate the residential development that has occurred in recent years. Residential uses rarely expand into areas zoned industrial.

However, this request is a logical expansion of the existing urban residential zones and uses located immediately east of the subject property. Landscaping and berms installed during the construction phase of The Brooks subdivision will serve as a buffer between the proposed townhouse residential development and the existing single-family residential development.

Planning Staff Recommendations

Staff recommends approval because there have been major changes of a physical, social or economic nature that were not anticipated in the adopted Comprehensive Plan and those changes have substantially altered the basic character of the general vicinity. The conditions and findings of fact that support this recommendation include the following:

Conditions:

1. No direct access from Fairview Drive. Access to the subject property shall be limited to Brooks Parkway; and,
2. A combination preliminary plat/final development plan shall be submitted and approved prior to any construction activity.

Findings of Fact:

1. The subject property is located in an Industrial Plan Area where low-density residential uses are not recommended;
2. The availability of sanitary sewers to the immediate vicinity has resulted in the creation of an urban residential growth area immediately adjacent to an Industrial Plan Area;
3. The subject property is immediately adjacent to this urban growth area and R-1C Single-Family Residential zoning and uses; and,

4. The proposed townhouse development proposed for the subject property will serve as a buffer between the surrounding industrial area and the developing single-family residential use with The Brooks subdivision.