

AUGUST, 2008

PORTION OF 10363 HIGHWAY 54

ZONE CHANGE

From: R-1A Single-Family Residential

To: R-3MF Multi-Family Residential

Proposed Use: Apartment Complex

Acreage: 0.143+/-

Applicant: Parkside Rentals, Inc. (0808.1725)

Property Zone Existing Use	to North R-1A Whitesville City Park	
to West R-1A Park Entrance, Residential	Subject R-1A ↔ R-3MF Vacant	to East R-1A Residential
	to South R-1A 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-3MF Multi-Family Residential zone. The subject property is located in an Urban Residential Plan Area, where multi-family 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 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 areas 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 rezoning is in compliance with the community’s adopted Comprehensive Plan.

The Comprehensive Plan recommends multi-family land uses (Urban Mid-density) in limited locations for this site. All urban services, including sanitary sewer, are immediately available to this site.

The rezoning is a logical expansion of the R-3MF zone approved by the Planning Commission at the April 10, 2008, meeting.

The site is adjacent to residential land uses on the east, south and westward of the city park entrance. The subject property is located in an Urban Residential Plan Area, where multi-family residential land uses are appropriate.

The property is major-street-oriented with frontage along Highway 54. Additionally, the use of the property as apartments conforms to the criteria for Urban Residential development.

The balance of the property was recently rezoned by the appropriate authority.

Planning Staff Review

The subject property is located in the 10301 block of Highway 54. 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 not located in a special flood hazard area per FIRM Map 21059CO340 C. Based on the preliminary FIRM maps dated July 7, 2007, the subject property is not located in a special flood hazard area per map 21059CO340 D. 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, including sanitary sewers, are available to the site.

Development Patterns

The subject property is located in the City of Whitesville and is just south of the Whitesville City Park and the Senior Citizen Center. The uses to the east, south and west are all residences. A portion of the subject property is currently zoned R-3MF Multi-Family Residential and all surrounding properties are zoned R-1A Single-Family Residential.

The majority of the property was rezoned to R-3MF Multi-Family residential at the April 10, 2008, Planning Commission meeting. However, this portion of the subject property is half of a former 66 foot railroad right-of-way that has been deeded to the property owner by the City of Whitesville, but was not consolidated by plat and was not included in the initial rezoning application. Since the construction has begun on the site, and it does extend into this portion of the property, the applicant is proposing to obtain R-3MF Multi-Family Residential zoning for the entire property that they own.

The site is served by the City of Whitesville sanitary sewer system which is a requirement of the Comprehensive Plan for a new location of multi-family residential use. There is an existing drive on the west side of the property that is in alignment with Durinda Street. As the site redevelops, drive access to the subject property shall be coordinated with the Kentucky Department of Transportation Madisonville office.

Required parking must be provided on site for the apartments and is determined by the size of the apartment. An efficiency or one-bedroom apartment requires 1.5 parking spaces per unit while any apartment with two or more bedrooms requires two parking spaces per unit. All vehicular use areas must be paved and vehicular use area screening shall be installed where adjoining road right-of-way. All zoning ordinance requirements for the proposed apartments shall be addressed on either a site plan or development plan submitted to the OMPC office for review and approval prior to the issuance of any building permits.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed rezoning is an expansion of R-3MF Multi-Family Residential zoning that is part of the subject property. The site is major-street oriented with frontage on Highway 54 which is a state maintained facility. Also, sanitary sewer service from the City of Whitesville is available to the subject property.

Planning Staff Recommendations

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

Condition:

1. All vehicular use areas shall be paved and appropriate vehicular use area screening shall be installed where adjacent to road right-of-way; and,
2. Submission of a division and consolidation plat to combine the two tracts of land.

Findings of Fact:

1. The subject property is located in an Urban Residential Plan Area, where multi-family residential uses are appropriate in limited locations;
2. The use of the property as apartments conforms to the criteria for Urban Residential development;
3. A portion of the subject property is currently zoned R-3MF Multi-Family Residential;
4. At 0.143+/- acres, the proposed rezoning should not overburden the capacity of roadway and other necessary urban services that are available in the affected area.