

FEBRUARY 11, 2021

2116 DANIELS LANE

ZONE CHANGE

From: R-1A Single Family Residential

To: R-3MF Multi-Family Residential

Proposed Use: Multi-Family Residential

Acreage: 9.101

Applicant: 5ive Financial, LLC
(Chase Kelley);
James A. Coomes (2102.2150)

Surrounding Zoning Classifications:

North: R-1A South: R-1A

East: A-U West: A-U

Proposed Zone & Land Use Plan

The applicant is seeking an R-3MF Multi-Family Residential zone. The subject property is located in an Urban Residential Plan Area, where urban mid-density 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 when sanitary sewer systems exist or may be expanded, or where new systems may be properly established.

(d) New locations near major streets – In Urban Residential, Professional/Service, Business, and Rural Community plan areas, new locations of Urban Mid-density Residential uses should be “**major-street oriented**” (D2).

Planning Staff Review

GENERAL LAND USE CRITERIA

Environment

- It appears that the subject property is not located in a wetlands area per the US Department of Agriculture Soil Conservation Service dated March 6, 1990.
- It appears that this property is designated as prime farmland per the US Department of Agriculture Soil Conservation Service map dated March 1980.
- The subject property is partially located in special flood hazard area per FIRM Map 21059C0143D.
- It appears that the subject property is located within the Owensboro Wellhead Protection area per the OMU map dated 2015.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA, the EPA, the OMPC building/electrical/HVAC division or other state and federal agencies as may be applicable.

Urban Services

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

Development Patterns

The subject property is a vacant 9.101 acre parcel of land located at the northwest intersection of Daniels Lane and Hayden Road. Historically, the property has been utilized primarily for a farming operation. Much of the northern portion of the subject property is currently located in the floodplain and floodway.

All adjoining properties appear to be utilized as single family residential uses. The adjoining property to the west (next door to Meadowlands Elementary School) is zoned A-U Urban Agriculture, as are the adjoining properties to the east (across Daniels Lane). The adjoining properties to north and to the south (across Hayden Road) are zoned R-1A Single Family Residential.

Although the immediate area is predominantly single-family residential, the applicant intends to construct a multi-family development on the subject property. The Comprehensive Plan states that such a development shall conform the criteria for “Urban Residential Development” (D6) which states:

“In general, residential areas should promote a sense of community by providing a variety of housing types suitable to a variety of people. Housing densities should be consistent with the character of streets and urban services in the neighborhood. Buildings should be designed and arranged so they do not become irritants within the neighborhood.”

Constructing a multi-family use on the subject property will provide a variety of housing types within the area. In order to provide assurance that the development is designed and arranged in a manner that will not create an irritant within the neighborhood, the buildings shall be oriented towards Hayden Road, Daniels Lane, and/or the interior of the development. No units shall be oriented towards the immediately adjoining residential properties to the north or to the west. Additionally, all lighting associated with this development shall be directed towards the development and away from all adjoining residential properties.

Although constructing a multi-family development on the subject property may be inconsistent with the housing density in the immediate vicinity, it is not out of character with the recent and predicted developments within the general area.

Higher density residential uses have recently shown to be desired within the area. It is assumed that this trend is largely due to the recent developments of Gateway Commons and the Hospital, in addition to urban amenities such as nearby access to the Wendell Ford Expressway and the availability of sanitary sewer in the area; none of which were present whenever the immediate vicinity originally developed.

Since these developments, this area of the community has seen previously undeveloped lands obtain approvals for two assisted living facilities and a residential development of much greater density than that of the surrounding single-family residential properties. Continued development and re-development in the general area is expected as many of the nearby properties are currently undeveloped.

Within this vicinity, Daniels Lane and Hayden Road are both classified as Major Collector Roadways with 250-foot spacing standards, as well as 60-foot building setbacks and 30-foot roadway buffers; each measured from the centerline of the road. Any development of this property shall comply with these development requirements.

While Hayden Road and Daniels Lane are both major streets, they are both two-lane roads in this vicinity. As a result, the increased density in the area shall be considered. As is common practice per KYTC standards, any multi-family development reaching 140 units shall warrant a Traffic Impact Study, which may require the construction and installation of transportation improvements as deemed necessary by the study. Should a Traffic Impact Study be required for this development, it shall be reviewed by the OMPC and the County Engineer, as well as the Kentucky Transportation Cabinet and the City Engineering Office due to its proximity to City and State services.

If a Traffic Impact Study is required, the developer shall install any and all recommended improvements that the approved Traffic Impact Study deems the developer to be responsible for. Such improvements shall be completed prior to the issuance of a Certificate of Occupancy.

Prior to any changes to the subject property, the applicant must obtain approval of a final development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage. The OMPC Building, Electrical and HVAC Department shall be contacted before any construction activity takes place on the property.

Additionally, since the subject property is located within the Owensboro Wellhead Protection area, according to OMU, if the property will have or produce anything that can contaminate the soil then they must have a wellhead protection plan. OMU should be contacted regarding such a plan.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The applicant's intent to utilize the subject property for multi-family residential purposes conforms to the criteria for urban residential development. Sanitary sewer systems are available to the subject property which is located along two major streets, Daniels Lane and Hayden Road.

Planning Staff Recommendations

The planning staff recommends approval subject to the conditions and findings of fact that follow:

Conditions:

1. Approval of a Final Development Plan;
2. Access to the subject property shall be in compliance with the Access Management Manual;
3. The development shall be oriented towards Hayden Road, Daniels Lane, and/or the interior of the development. No units shall be oriented towards the immediately adjoining residential properties to the north or to the west;
4. All lighting associated with this development shall be directed towards the development and away from all adjoining residential properties; and,
5. Should the development reach 140 units, a Traffic Impact Study shall be required; in which case, the applicant shall obtain written approval from the Kentucky Transportation Cabinet, as well as the City and County Engineering Offices, accepting the Traffic Impact Study. Such approval shall be obtained prior to the approval of a Final Development Plan.

Findings of Fact:

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located in an Urban Residential Plan Area, where urban mid-density residential uses are appropriate in limited locations;
3. The proposed multi-family residential use conforms to the criteria for urban residential development;
4. Sanitary sewer systems are available to the subject property; and,
5. Located along Daniels Lane and Hayden Road, the development will be major-street oriented.