

APRIL 1, 2021

**2224 PLEASANT VALLEY ROAD &  
3433 HAYDEN ROAD**

**ZONE CHANGE**

<b>From:</b>	B-4 General Business, A-U Urban Agriculture & R-1A Single Family Residential
<b>To:</b>	<b>R-3MF Multi-Family Residential &amp; B-4 General Business</b>
<b>Proposed Use:</b>	Multi-Family & General Business
<b>Acreage:</b>	23.467
<b>Applicant:</b>	Senior Green, LLC (2104.2161)
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b>	<b>R-1A &amp; A-U</b>
<b>South:</b>	<b>A-U</b>
<b>East:</b>	<b>R-1A &amp; A-U</b>
<b>West:</b>	<b>B-4 &amp; A-U/R-3MF</b>

**Proposed Zone & Land Use Plan**

The applicant is seeking an R-3MF Multi-Family Residential zone and a B-4 General Business zone. The subject properties are located in a Business Plan Area where Urban Mid-density Residential uses and General Business uses are each deemed appropriate in limited locations.

**SPECIFIC LAND USE CRITERIA**

**URBAN MID-DENSITY RESIDENTIAL USES**

**(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).

**(e) New locations adjoining nonresidential uses** – If new locations of Urban Mid-density Residential uses are located in Professional/Service or Business plan areas, they should be sited on the fringes of such areas where they would serve as “**buffer-uses**” (D1).

**GENERAL BUSINESS USES**

**(a) Building and lot patterns; outdoor storage yards** – Building and lot patterns should conform to the criteria for “**Nonresidential Development**” (D7), and outdoor storage yards, with “**Buffers for Outdoor Storage Yards**” (D1).

**(b) Logical zoning expansions of proportional scope** – Existing General Business zones may be expanded onto contiguous land that generally abuts the same street(s). The expansion of a General Business zone should not significantly increase the extent of the zone in the vicinity of the expansion and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

**(c) Expansions across intervening streets** – In Central Residential, Urban Residential, Future Urban and Professional/Service plan areas, the expansion of an existing General Business zone across an intervening street should be at least one-and-one-half (1.5) acres in size, but should not occur if this would significantly increase the extent of the zone in the vicinity.

**Planning Staff Review**

**GENERAL LAND USE CRITERIA**

**Environment**

- It appears that the subject properties are not located in a wetlands area per the US Department of Agriculture Soil Conservation Service dated March 6, 1990.
- The subject properties are not located in a special flood hazard area per FIRM Map 21059CO143D.
- It appears that the subject properties are not 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 site.

**Development Patterns**

The subject properties are comprised of two tracts of land. 2444 Pleasant Valley Road is a 22+ acre farm tract that is split-zoned A-U Urban Agriculture and R-1A Single Family Residential. This property has road frontage along Pleasant Valley Road and Hayden Road, as well as along the recently established Fairview Drive extension. Along Fairview Drive, this site is directly across from the new Daviess County Middle School property. The second subject property is a small tract of land located at the southeast intersection of Fairview Drive and Hayden Road. The majority of this tract of land was released as right-of-way for the Fairview Drive extension.

In the immediate vicinity, 2280 Pleasant Valley Road is a 1.35 acre parcel of land located at the intersection of Hayden Road and Pleasant Valley Road and zoned R-1A Single Family Residential. This lot appears to be part of the same previous farm operation as the subject properties, but is not a part of this requested zone change. The adjoining properties across Pleasant Valley Road are zoned R-1A Single Family Residential and consist of single family homes. The adjoining property to the east is currently split-zoned; the majority of which is A-U Urban Agriculture with R-1A Single Family Residential zoning near Pleasant Valley Road. It should be noted that the adjoining property to the east has a separate and unrelated request to be rezoned to B-4 General Business.

Across Fairview Drive is the Daviess County Middle School site which is zoned A-U Urban Agriculture and R-3MF Multi-Family Residential; as well as the northern portion of the Gateway Commons development, zoned B-4 General Business. The agricultural land across Hayden Road is zoned R-1A Single Family Residential and A-U Urban Agriculture.

The applicant proposes to rezone 18.560 acres of land, located along Fairview Drive, to R-3MF Multi-Family Residential. The property is sited on the fringes of the Plan Area where the Business Plan Area adjoins the Urban Residential Plan Area to the east and north. While this property primarily fronts along the Fairview Drive extension, it also has road frontage to the rear along Pleasant Valley Road. The expected use for this development is a 288 unit apartment complex.

Additionally, the applicant proposes to rezone 4.907 acres of land, located at the southeast intersection of Fairview Drive and Hayden Road, to B-4 General Business. This property, located directly across Fairview Drive from existing B-4 zoning located within Gateway Commons, is expected to be utilized for a gas station with a convenience market and for a commercial shopping center. While located at the aforementioned intersection, this proposal spans the property's entire frontage along Hayden Road. Contingent upon the layout of the overall development, it is possible that the B-4 zoned portions of this request will be responsible for providing screening elements in accordance with Article 17 of the Zoning Ordinance where the B-4 zone adjoins the proposed R-3MF zone.

In this vicinity, Hayden Road and Pleasant Valley Road are both classified as a minor arterial roadways with 500-foot spacing standards; as well as 75-foot building setbacks and 40-foot roadway buffers, each

measured from the centerline of the road. Meanwhile the Fairview Drive extension, also a minor arterial roadway, has a 1000-foot spacing standard in this vicinity; as well as a 75-foot building setback and a 40-foot roadway buffer, each measured from the centerline of Fairview Drive.

This development, due to the mixed-use aspects and the quantity of units within the proposed multi-family development, has conducted a Traffic Impact Study. This submitted study and conceptual plan illustrated several deficiencies with the access spacing standards described above. The OMPC staff, the City Engineer's Office, the County Engineer's Office, and KYTC have stated that the proposed access points and the predicted traffic volumes may be problematic and could create traffic issues at the intersection of Fairview Drive and Hayden Road as well as other roadways in the area; including along Hayden Road and at the Hayden Road/Pleasant Valley Road intersection. As a result, the submitted Traffic Impact Study has not been approved.

It should be noted that the aforementioned neighboring property at 2280 Pleasant Valley Road, located at the intersection of Hayden Road and Pleasant Valley Road, is currently a vacant tract of land without any existing direct access points. This property, while not part of this zoning change, was included in the focus area throughout the Traffic Impact Study because of its proximity to the intersection. Due to this lot's limited road frontage along Hayden Road and Pleasant Valley Road, this property cannot comply with the previously mentioned spacing standards. Consequentially, the development on the subject properties shall be required to provide a platted access easement to this lot and the development on the subject properties shall stub at the shared property line in order to allow future access and internal connectivity to 2280 Pleasant Valley Road and prevent the necessity for 2280 Pleasant Valley Road to require an additional access point on either minor arterial roadway if/when the lot develops. The necessary stub does not need to be the stub of an internal street and may be created through the terminus of a parking lot if preferred, but such a stub shall be installed to provide future internal connectivity to the neighboring lot.

It should also be again mentioned that the lot at 2280 Pleasant Valley Road is zoned R-1A Single Family Residential and as such, the proposed B-4 General Business development shall be required to maintain a 10-foot wide landscape easement consisting of a 6-foot tall solid and continuous element plus one tree every 40-linear-feet where the proposed B-4 zoning adjoins the existing R-1A zoning.

Since the Traffic Impact Study has not been approved, the applicant shall be required to submit written approval from the City Engineer's Office, the County Engineer's Office, and the Kentucky Transportation Cabinet before any final development plans are approved on the subject properties.

In addition to obtaining an approved Final Development Plan, the OMPC Building, Electrical & HVAC department shall be contacted before any construction activity takes place on the properties. Any and all recommended improvements that the approved Traffic Impact Study deems the developer to be responsible for shall be installed and approved prior to the issuance of a Certificate of Occupancy for any use on the subject properties.

#### **SPECIFIC LAND USE CRITERIA**

The proposed R-3MF Multi-Family Residential complex conforms to the criteria for Urban Residential Development with available sanitary sewer. Located along minor arterial roadways, the proposed complex is Major-Street Oriented and will serve as a Buffer-Use between the Business Plan Area and the adjoining Urban Residential Plan Area.

Additionally, the proposed B-4 General Business zone is a 4.907-acre logical expansion of existing B-4 zoning across Fairview Drive that will not significantly increase the extent of the zone in the vicinity. The proposed commercial uses are non-residential in nature and the site is large enough to appropriately establish buffers for outdoor storage yards.

#### **Planning Staff Recommendations**

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

##### **Conditions:**

1. Approval of a Minor Subdivision Plat eliminating any split-zoning on the subject properties and establishing an ingress/egress easement for future access and connectivity to 2280 Pleasant Valley Road;
2. Approval of a Final Development Plan. The applicant shall submit a Traffic Impact Study with written approval from the City Engineer's Office, the County Engineer's Office, and the Kentucky Transportation Cabinet before any final development plans are approved on the subject properties. The developer shall be responsible for the installation of all agreed upon improvements as outlined in the approved Traffic Impact Study. Such improvements shall be installed and approved prior to the issuance of a Certificate of Occupancy for any use on the subject properties; and,

3. The development shall be stubbed where the subject properties adjoin 2280 Pleasant Valley Road in order to provide future access and internal connectivity to the neighboring lot.

##### **Findings of Fact:**

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject properties are located within a Business Plan Area where Urban Mid-density Residential Uses and General Business Uses are each deemed appropriate in limited locations;
3. The proposed R-3MF Multi-Family Residential use conforms to the criteria for Urban Residential Development;
4. The proposed R-3MF Multi-Family Residential complex has access to a sanitary sewer system;
5. Located along Fairview Drive and Pleasant Valley Road, the proposed multi-family residential development shall be Major-Street Oriented;
6. The proposed R-3MF Multi-Family Residential zone will serve as a Buffer-Use between the Business Plan Area and the adjoining Urban Residential Plan Area;
7. The proposed B-4 General Business zone is a logical expansion of existing B-4 zoning across Fairview Drive;
8. At 4.097 acres, the proposed expansion of the B-4 General Business zone will not significantly increase the extent of the zone in the vicinity;
9. The proposed commercial uses, a gas station with a convenience market and a shopping center, are non-residential in nature;
10. At 4.097 acres, the General Business development is large enough appropriately establish Buffers for Outdoor Storage Yards; and,
11. Compliance with an approved Traffic Impact Study should ensure that the proposed developments will not overburden the capacity of roadways and other necessary urban services that are available in the affected area.