

AUGUST 12, 2021

411 WEST LEGION BOULEVARD

ZONE CHANGE

From: R-1B Single Family Residential
To: R-3MF Multi-Family Residential
Proposed Use: Residential
Acreage: 1.000
Applicant: Brijesh & Suniti Patel (2108.2178)
Surrounding Zoning Classifications:
North: B-4 South: R-1B
East: R-3MF West: B-4, R-1B

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.

(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.

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.
- The subject property is not located in a special flood hazard area per FIRM Map 21059CO276D.
- It appears that the subject property is not 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 1.000 acre tract of land located along W. Legion Blvd, adjoining many residential homes zoned R-1B Single Family Residential. The property also adjoins a 2-acre parcel containing an existing apartment complex and zoned R-3MF Multi-Family Residential. Additionally, this site backs up to the existing Sonic restaurant and James H. Davis Funeral Home, each fronting along Frederica Street and zoned B-4 General Business.

The subject property was previously split-zoned R-1B Single Family Residential in the front, along W. Legion Blvd., and B-4 General Business in the rear. In 2018 this property was rezoned from R-1B and B-4 to R-1B in order to eliminate the split-zoning on the property and allow the construction of single family home towards the rear of the site.

Because the previous rezoning created unlike zones between the subject property and the neighboring general business zoning to the rear, a condition was placed on the previous rezoning requiring the applicant to “provide screening along the western and northern property lines where the subject property adjoins properties zoned B-4 General Business. The screening shall consist of a 10-foot wide landscape easement with a 6-foot tall continuous element such as a fence, wall, plantings, hedge or earth mound plus one tree per 40-linear-feet.” The previous condition pertaining to screening elements where the residentially zoned property adjoins general business zoning shall be included on this application as well, should the proposal be approved.

The application does not specify the number of units that the applicant intends to develop on the subject property; however, prior to any changes to the subject property, the applicant must obtain approval of a site plan or 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.

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 and the proposed R-3MF Multi-Family Residential zoning is a logical expansion of existing R-3MF zoning to the east.

Planning Staff Recommendations

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

Conditions:

1. Approval of a Site Plan or Final Development Plan; and,
2. The applicant shall provide screening along the western and northern property lines where the subject property adjoins properties zoned B-4 General Business. The screening shall consist of a 10-foot wide landscape easement with a 6-foot tall continuous element such as a fence, wall, plantings, hedge or earth mound plus one tree per 40-linear-feet.

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 uses conform to the criteria for urban residential development;
4. Sanitary sewer systems are available to the subject property; and,
5. The proposed R-3MF Multi-Family Residential zone is a logical expansion of existing R-3MF zoning to the east; and,
6. At 1.000 acre in size, the proposal shall not overburden the capacity of roadways and other necessary urban services that are available in the affected area.