

**DECEMBER 9, 2021**

**10253 HIGHWAY 54**

**ZONE CHANGE**

<b>From:</b> R-1A Single Family Residential	
<b>To:</b> R-3MF Multi-Family Residential	
<b>Proposed Use:</b>	Multi-Family Residential
<b>Acreage:</b>	0.550
<b>Applicant:</b>	Russell M. Hansbrough (2012.2194)
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> A-U	<b>South:</b> R-1A
<b>East:</b> R-1A	<b>West:</b> R-1A

**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 map dated March 6, 1990.
- It appears that this property is designated as an urban and built up area per the US Department of Agriculture Soil Conservation Service map dated March 1980.
- The subject property is not located in special flood hazard area per FIRM Map 21059C0340D.
- 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 0.550 acre parcel of land located along Highway 54 within the City of Whitesville. Historically this site has been zoned R-1A Single Family Residential and utilized as a single family residence, as have all surrounding properties to the south, east, and west. The adjoining property to the north appears to be the rear yard of a single family residential property that is zoned A-U Urban Agriculture and fronts along Lafayette Street.

In this vicinity, Highway 54 is classified as a Minor Arterial Roadway with a 500-foot spacing standard, as well as a 75-foot building setback and a 40-foot roadway buffer; each measured from the centerline of the road. As this property redevelops, all new structures shall comply with the aforementioned building setback and roadway buffer. Due to the lots limited size, full compliance with the access management manual is not possible as is shown throughout the general vicinity. As a result, this property shall be limited to a single access point.

Should the proposed multi-family rezoning be approved, the ordinance would require several site improvements including, but not limited to, the following:

- All vehicular use areas shall be paved;
- The site’s provided off-street parking shall comply with Article 13 of the zoning ordinance and the provided handicapped spaces shall comply with the requirements of the building codes;
- The provided off-street parking spaces shall not back-out onto Highway 54;
- The single access point shall be a minimum of 24-feet wide to allow for two-way traffic;
- When adjoining the properties to the east and west (zoned R-1A Single Family Residential) and when adjoining the public right-of-way (Highway 54), the installed vehicular use area shall be screened by a 3-foot tall continuous element plus 1-tree per 40-linear-feet; and,
- Such requirements shall be illustrated on a Site Plan or Final Development Plan.

In addition to the previously mentioned ordinance requirements, the OMPC Planning Staff recommends the following additional site improvements in order to protect the residential neighbors and to limit future traffic concerns along Highway 54:

- All lighting associated with this development should be oriented away from the neighboring residential properties to the east and west;
- All dwelling units associated with this development should be oriented north (towards the rear for the property), south (towards Highway 54), or oriented inwards (towards the center of the development) in order to prohibit the proposed structures from being oriented towards the neighboring residential properties to the east and west. The unit's orientation should be determined by the location of the front door entering the dwelling;
- An access easement, illustrated on the site plan or development plan, should be established to provide access for the adjoining properties to the east and west. Such an easement should be reserved strictly for future access to the neighboring properties in the event that they are also rezoned to a multi-family zoning classification, creating an opportunity for the multiple multi-family sites to utilize internal connectivity and limit the necessity for direct access to Highway 54; and,
- Per conversations with representatives of the City of Whitesville utility services, the development shall not be constructed within 5-feet of any sewer lines.

Prior to any changes to the subject property, the applicant shall 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 which is located along a minor arterial roadway, Highway 54.

### **Planning Staff Recommendations**

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

#### **Conditions:**

1. Direct access to Highway 54 shall be limited to a single access point;
2. An ingress/egress easement shall be established to provide access to the adjoining properties to the east and west. This easement shall be reserved for future utilization to be implemented if the adjoining properties are ever rezoned to a multi-family zoning classification;
3. All lighting and dwelling units associated with this development shall be oriented away from the neighboring residential properties to the east and west; and,
4. The development shall not be constructed within 5-feet of any sewer lines.

#### **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. Located along Highway 54, the development will be major-street oriented.