

**APRIL 14, 2022**

**4801 GOETZ DR**

**ZONE CHANGE**

<b>From:</b> B-4 General Business
<b>To:</b> R-3MF Multi-Family Residential
<b>Proposed Use:</b> Duplex Development
<b>Acreage:</b> 2.078
<b>Applicant:</b> JED Rentals, LLC; Brothers Lodge No 132 IOOF (2204.2205)
<b>Surrounding Zoning Classifications:</b>
<b>North:</b> R-3MF, B-4 <b>South:</b> B-4, A-U
<b>East:</b> B-4 <b>West:</b> P-1

**Proposed Zone & Land Use Plan**

The applicant is seeking an R-3MF Multi-Family Residential zone. The subject property is located in a Business 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 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.

**Planning Staff Review**

**GENERAL LAND USE CRITERIA**

**Environment**

- It appears that the subject property is not located in a wetland area per the US Department of Agriculture Soil Conservation Service map dated March 6, 1990.
- The subject property is partially located in a special flood hazard area per FIRM Map 21059CO257D.
- It appears that the subject property is not within the Owensboro Wellhead Protection area per the OMU map dated March 1999.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

**Urban Services**

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

**Development Patterns**

The subject property is a 2-acre, vacant tract of land that is located at the northeast intersection of Goetz Drive and Southtown Blvd. Adjoining properties include a multi-family development to the north; general business uses to the north, east, and south (across Southtown Blvd); and a school to the west (across Goetz Drive).

The applicant intends to rezone this site from B-4 General Business to R-3MF Multi-Family Residential in order to construct a duplex development on the subject property. It should be noted that, if approved, the proposed multi-family zone will immediately adjoin B-4 General Business zoning to the east (currently a bank). When unlike zones immediately adjoin one another, the zoning ordinance requires that they are separated by a 10-foot wide landscaping easement consisting of a 6-foot tall solid element and one tree per 40-linear feet. The establishment of this easement shall be the responsibility of the development on the subject property.

Within this vicinity, Southtown Blvd is a Minor Arterial roadway with a 500-foot spacing standard, as well as a 75-foot building setback and a 50-foot roadway buffer; each measured from the centerline of Southtown Blvd. Meanwhile Goetz Drive is classified as a Major Collector roadway with a 250-foot spacing standard, as well as a 60-foot building setback and a 30-foot roadway buffer; each measured from the centerline of Goetz Drive. As a result, access to the subject property shall be limited to the existing side street, Nicholas Drive, which is a local street without access management regulations.

This property was part of a 20+ acre preliminary plat most recently updated in 2005. All lots within this development, with the exception of the subject property, have been final platted in accordance with the approved preliminary plat. Upon review of the aforementioned preliminary plat, there have been many changes to the subject property since the previous 2005 approval. Such changes include right-of-way acquisition along Southtown Blvd, changes to the drainage features along Southtown Blvd and Goetz Drive, and changes to the limits of the floodplain.

Because this lot has never been final platted, has seen drastic changes since the preliminary plat was approved, and because it has been roughly 17-years since the preliminary plat was approved, development of the subject property shall require approval of an amended preliminary plat. The property shall also be final platted with all necessary public improvements either installed or bonded prior to the issuance of a certificate of occupancy for any utilization of the subject property.

In addition to required preliminary and final plats, the applicant shall obtain approval of a final development plan prior to any activity on the subject property. The final development plan shall demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage. The OMPC Building, Electrical & 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. Sanitary sewer service is available to the subject property and the proposal is a logical expansion of existing R-3MF Multi-Family Residential zoning to the north. With no access to Southtown Blvd or Goetz Drive, the proposal should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

#### **Planning Staff Recommendations**

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

##### **Conditions:**

1. Obtain approval of a Final Development Plan;
2. Direct access shall be limited to Nicholas Drive. No direct access to Southtown Blvd or Goetz Drive shall be permitted;
3. Approval of an Amended Major Subdivision Preliminary Plat shall be obtained prior to the approval of a Final Development Plan for the subject property;
4. A Major Subdivision Final Plat shall be approved and recorded prior to the issuance of a certificate of occupancy for any use of the subject property. All required public improvements shall be installed or bonded prior to approval of a Final Plat.

##### **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 a Business Plan Area, where urban mid-density residential uses are appropriate in limited locations;
3. Sanitary sewer service is available to the subject property;
4. The proposal is a logical expansion of existing R-3MF Multi-Family Residential zoning located to the north; and,
5. With no direct access to Southtown Blvd or Goetz Drive, the proposal should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.