

OCTOBER 3, 2024

**4508, 4516, 4524, 4532, 4540, 4602, 4610 & 4620
MARLBORO DRIVE**

ZONE CHANGE

From: B-4 General Business
To: R-3MF Multi-family Residential
Proposed Use: Duplexes
Acreage: 2.232
Applicant: Sien, LLC c/o Shamsher Gollan (2410.2300)
Surrounding Zoning Classifications:
North: B-5 South: B-4
East: B-4 & R-3MF West: I-1 & B-4

Proposed Zone & Land Use Plan

The applicant is seeking an R-3MF Multi-family Residential zone. The subject properties are located in a Business/Industrial Plan Area where urban mid-density residential uses are not generally recommended.

Planning Staff Review

GENERAL LAND USE CRITERIA

Environment

- It appears that the subject properties may be located in a wetlands area per the US Department of Agriculture Soil Conservation Service map dated March 6, 1990.
- The subject properties are not located in a special flood hazard area per FIRM Map 21059CO276E.
- It appears that the subject properties are 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 sewers, are available to subject properties.

Development Patterns

The subject properties are eight vacant lots located along Marlboro Drive beginning at the Salem Drive intersection. The lots are currently zoned B-4 General Business and combine to equal 2.232 acres in size.

Adjoining properties include I-1 Light Industrial zoning (telephone utility building) and B-4 General Business zoning (church and indoor recreational activity) to the west. There is additional B-4 zoning to the south (a vacant property at the Carlton Drive intersection) and B-5 Business/Industrial zoning to the north (a storage facility located across Salem Drive). Lastly, across Marlboro Drive is a retail sales business located at the Salem Drive intersection, and nine apartment buildings zoned R-3MF Multi-family Residential.

At this time, the applicant proposes to rezone the eight subject properties from B-4 General Business to R-3MF Multi-family Residential, matching the zoning across the street, in order to construct duplexes on each lot. The subject properties are located in a Business/Industrial Plan Area where urban mid-density residential uses are not generally recommended. However, with the exception of the corner lot, each subject property is 72-foot wide x 157.72-foot deep. The applicant contends that lots of this size are better suited for residential uses rather than commercial uses.

It should be noted that, if approved, this proposal creates a situation in which unlike zones adjoin one another. As such, the subject properties shall be responsible for maintaining a 10-foot-wide landscaping easement consisting of a 6-foot-tall continuous element and 1-tree per 40-linear-feet where adjoining B-4 General Business zoning to the west and south.

Additionally, the corner lot adjoins Salem Drive to the north. This portion of Salem Drive is classified as a major collector roadway with a 250-foot access spacing standard. Due to the lot's proximity to the intersection, direct access to the properties shall be limited to Marlboro Drive. No direct access to Salem Drive shall be permitted. In addition to the spacing standard, the zoning ordinance requires a 60-foot building setback and 30-foot roadway buffer, each measured from the centerline of Salem Drive.

Any future changes to the properties shall comply with applicable portions of the Owensboro Metropolitan Zoning Ordinance, Subdivision Regulations and the access management manual. Before any construction activity takes place on the properties, the OMPC Building, Electrical and HVAC department shall be contacted regarding any necessary permits, inspections and certificates of occupancy and compliance. In the event that a triplex or greater is developed instead of duplexes, the applicant shall first obtain approval of a Final Development Plan for that property.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is not in compliance with the Comprehensive Plan because the properties are located within a Business/Industrial Plan Area where urban mid-density residential uses are not generally recommended. However, the proposed R-3 Multi-family Residential zoning is more appropriate than the current B-4 General Business zoning because the proposal is a logical expansion of R-3MF zoning to the east (across Marlboro Drive) and the current lot sizes appear to be more appropriate for residential uses than for commercial uses. Lastly, at 2.232 acres, the proposed duplexes will not overburden the capacity of roadways or other necessary urban services that are available in the affected area.

Planning Staff Recommendations

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

Condition:

1. Direct access shall be limited to Marlboro Drive. No direct access to Salem Drive shall be permitted.

Findings of Fact:

1. The subject properties are located in a Business/Industrial Plan Area, where urban mid-density residential uses are not generally recommended. However, staff recommends approval because the proposed R-3MF Multi-family Residential zoning is more appropriate than the current B-4 General Business zoning;
2. The proposed R-3MF Multi-family Residential zoning is a logical expansion of the R-3MF zoning across Marlboro Drive;
3. The current lots sizes appear to be more appropriate for residential uses rather than commercial uses; and,
4. At 2.232 acres, the proposed duplexes will not overburden the capacity of roadways or other necessary urban services within the affected area.