

OCTOBER 9, 2003

4501, 4601 BLKS WAYNE BRIDGE RD

ZONE CHANGE

From:	R-1A Single-Family Residential, A-R Rural Agriculture	
To:	R-1A Single-Family Residential	
Acreage:	4.005 acres	
Applicant:	Richard and Tammie Thomas (0310.1538)	
Property Zone Existing Use	to North A-R Farmland	
to West A-R Farmland	Subject A-R, R-1A ↔ R-1A Vacant	to East R-1A Residential, farmland
	to South A-R Farmland	

**GENERAL LAND USE CRITERIA
Apply, if marked below:**

Described in Comprehensive Plan on pages 445-448

Environmental ☒

- E1** Flood Plains
- E2** Steep Slope
- E3** Historical & Archaeological Sites
- E4** Soils
- E5** Plant & Animal Life

Urban Services ☒

- U1** Roadway Capacity
- ☒ **U2** Electricity Supply
- ☒ **U3** Water Supply
- ☒ **U4** Stormwater Disposal
- ☒ **U5** Sanitary Sewage Disposal

Development Patterns ❖

- D1** Land-Use Intensity, Clusters and Buffers
- D2** Land Use versus Street Function
- D3** Intersection & Driveway Spacing
- D4** Roadway Buffer Standards
- D5** Lot Sizes & Proportions
- ❖ **D6** Residential Development
- D7** Non-Residential Development
- D8** Building Quality

Proposed Zone & Land Use Plan

The applicant is seeking an R-1A Single-Family Residential zone. The subject property is located in a Rural Preference Plan Area, where rural small-lot residential uses are appropriate in very limited locations.

SPECIFIC LAND USE CRITERIA

- (a) Separate lots fronting on public roads or streets –** Each dwelling should be located on its own individual lot that fronts on a public road or street. New subdivision streets should be constructed to urban specifications, including curbs & gutters.
- (b) Lot sizes adequate for septic tank systems –** Lots should be large enough in size to assure satisfactory operation of conventional septic tank systems as regulated by state law.
- (c) Only logical expansions of limited scope –** In rural Preference Plan Areas, completely new locations of rural small-lot residential use should not be established. However, existing area of this use may be expanded onto contiguous land, but should not significantly increase the extent of such uses in the vicinity, and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.
- (d) Coal mining advisory –** Prospective lot owners should be advised of the potential for coal mining activity in rural areas.

Applicant's Findings

The property is located in a Rural Preference Area where rural large-lot residential use is appropriate in general locations.

The Daviess County Fiscal Court is proposing to reconstruct Wayne Bridge Road to eliminate hazardous sharp turns along the existing roadway alignment. In order to implement these road improvements right-of-way must be acquired along the new roadway centerline. The Fiscal Court has negotiated with the applicant to acquire 0.658 acre of new right-of-way at the intersection of Wayne Bridge Rd and Kuegel Ln. The acquisition agreement includes a stipulation that the applicant will not lose any usable R-1A zoning which presently exists along Wayne Bridge Rd. Existing R-1A zoning extends to align approximately 375 feet from the existing roadway centerline. The proposed rezoning includes additional acreage so that upon completion of the new roadway the applicant will continue to have R-1A zoning along the new roadway equal in depth to the depth that presently exists.

The rezoning does not create additional r-1A zoning. In effect, the existing zoning limits are being realigned to parallel the new roadway centerline.

Planning Staff Review

The subject property is located in the 4501 and 4601 blocks of Wayne Bridge Rd. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA

Environment

No important environmental criteria apply to the subject property.

Urban Services

Water, electricity and natural gas are available to the subject property. On-site septic systems will be required for sanitary sewage disposal.

Development Patterns

The subject property is located in a rural farming area with scattered residential uses. The subject property has existing R-1A zoning along its Wayne Bridge Rd frontage. A portion of this frontage is proposed to become future road right-of-way so that the Daviess County Fiscal Court can make roadway improvements in this location to straighten a sharp hazardous curve that currently exists on Wayne Bridge Rd. Although, the applicants are not proposing any property divisions at this time, they want to retain the same depth of R-1A Single-Family Residential zoning along their road frontage as currently exists once the roadway improvements are completed. The applicants are attempting to recreate their existing R-1A frontage along the new roadway improvement.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is a logical expansion of the existing R-1A zoning that currently exists along the road frontage of the property. The subject property is of sufficient size and orientation to create separate lots fronting on a public street. The subject property contains sufficient acreage to create lots in conformance with the zoning regulations of sufficient size to allow for conventional on-site septic systems.

Planning Staff Recommendations

Staff recommends approval because the request is in compliance with the community's adopted Comprehensive Plan. Finding of fact in support of this recommendation include:

Findings of Fact:

1. The subject property is located in a Rural Preference Plan Area, where rural small-lot residential uses are appropriate in very-limited locations;
2. Separate lots can be created along the public road;
3. Lots can be created that are properly sized for conventional septic tank systems can be created; and
4. The applicants' request is a logical expansion of existing small-lot residential zoning in the area that will not significantly increase the extent of the R-1A zone in the area and will not overburden the capacity of roadways and other necessary services available in the affected area.