

**DECEMBER 11, 2003**

**7220 KY 81**

**ZONE CHANGE**

<b>From:</b> B-4 General Business		
<b>To:</b> R-1A Single-family Residential		
<b>Acreage:</b> 1.056 acres		
<b>Applicant:</b> William M. & Tammy M. Whittaker (0312.1541)		
<b>Property Zone Existing Use</b>	<b>to North</b> B-4 Bait shop	
<b>to West</b> A-R Agriculture	<b>Subject</b> B-4 ↻ R-1A Vacant	<b>to East</b> R-1A Single-Family Residential
	<b>to South</b> R-1A Vacant	

**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 Community Plan Area, where rural small-lot residential uses are appropriate in general 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 and 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.

**Applicant's Findings**

1. The property is located in a rural community plan area.
2. The rural small lot residential uses are appropriate in general locations.
3. The subject property adjoins other property that is already zoned R-1A.
4. The subject property consists of an existing lot that front on a public road or street.
5. The lot is large enough to assure satisfactory operation of conventional septic tank systems as regulated by state law.

**Planning Staff Review**

The subject property is located in the 7200 block of KY 81. Land use criteria applicable to this proposal are reviewed below.

**GENERAL LAND USE CRITERIA**

**Environment**

A portion of the subject property lies within the 100-year flood plain with a base flood elevation of 390 feet above sea level. However, the proposed placement of a manufactured home will be outside of the flood area indicated on FIRM map 21059C0265C with the finish floor elevation well above the base flood elevation. No other important environmental criteria apply to the subject property.

**Urban Services**

Water, electricity, and natural gas are all available to the subject property. The subject property will be served by an on-site septic system.

**Development Patterns**

The subject property borders R-1A zoning and use to the south and to the east across KY 81. A manufactured home and a single-family site-built house are situated across KY 81 from the subject property. Property to the north of the subject property is zoned B-4 General Business and is in operation as a bait shop. The subject property should be screened from the General Business property to the north with a 10-foot average landscape easement containing a 6-foot high continuous element and one tree per forty feet of linear boundary. Property to the west of the subject property across Panther Creek is zoned A-R and is in agricultural use.

The applicant proposes to place a manufactured home on the subject property. The applicant requested a Conditional Use Permit to place a manufactured home on the property in October, which was approved by the Owensboro Metropolitan Board of Adjustment. An error in the address and identification of the location of the property resulted in the application going before the Board of Adjustment as an R-1A zoned lot. Once the error on the zoning was discovered, the staff notified the applicant that the property must be zoned to the R-1A classification for a manufactured home to be placed on the property. The applicant responded with a zoning application to change the zoning classification.

**SPECIFIC LAND USE CRITERIA**

The zoning request to R-1A is appropriate in the Rural Community Plan Area. The subject property is an existing lot of record that has adequate frontage on an existing public road. The subject property contains approximately 1.056 acres of land according to a survey performed by Johnson, Deep & Quisenberry, which should be sufficient area for a conventional septic tank system to serve the subject property. Adjoining property is also zoned R-1A Single-Family Residential.

**Planning Staff Recommendations**

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. Findings of fact in support of this recommendation follow:

1. The subject property is located in a Rural Community Plan Area, where rural small-lot residential uses are appropriate in general locations;
2. The subject property consists of an existing lot that fronts on a public road;
3. The lot is large enough to assure satisfactory operation of conventional septic tank systems as regulated by state law; and
4. The subject property is located in an area with established R-1A zoning and rural small-lot residential uses.