

OCTOBER 13, 2005

5400 BLK WILLOW BROOK LOOP

ZONE CHANGE

From: A-R Rural Agriculture		
To: R-1A Single-Family Residential		
Acreage: 6.490 acres		
Applicant: O'Bryan Development Inc. (0510.1612)		
Property Zone Existing Use	to North R-1A Single-Family Residential	
	to West A-R Undeveloped Farm Land	Subject A-R ↻ R-1A Single-Family Residential
		to East A-R Undeveloped Farm Land
		to South A-R Undeveloped Farm Land

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 urban low-density residential uses are appropriate in very-limited locations.

SPECIFIC LAND USE CRITERIA

(a) Building and lot patterns should conform to the criteria for "Nonresidential Development."

(b) Existing, expanded or new sanitary sewers - Urban low-density residential uses should occur only where sanitary sewer systems exist or may be expanded, or where new systems may be property established.

(c) Only logical expansions - In Rural Preference plan areas, completely new locations of Urban Low-density Residential use should not be established. However, existing areas of this use may be expanded onto contiguous land.

(d) Expansions of limited scope - In Rural Preference plan areas, an expansion of Urban Low-density Residential uses should not significantly increase the extend 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.

(e) Coal mining advisory - In Rural Preference plan areas, prospective lot owners should be advised of the potential for coal mining activity in rural areas.

Applicant's Findings

Applicant is requesting a R-1A Single-Family Residential Zoning classification. The subject property is located in a Rural Preference Plan Area where urban low-density residential land uses are appropriate in very-limited locations.

Applicant proposed to develop Section 3 of Whispering Meadows Subdivision containing 6.490 acres as 28 single-family lots. The total area developed within Sections 1 through 3 is 35.405 acres. The total number of lots developed to date is 99. The average density is one (1) unit per 15,578 Sq. Ft. or 2.8 lots per gross acre. The subject property is to be developed as 28 single-family lots having 60-65 feet of lot frontage resulting in a density of approximately 4 units per acre.

This land classification requires that sanitary sewer service be provided to each lot. A sanitary sewer has been constructed to serve Sections 1 and 2 and will provide sewer service to the subject parcel when the lots are

developed. All other urban services are available to the property.

Specific land use criteria(4) (a) through (4) (e) apply to the subject property, as follows:

(4) (a) **Building and lot patterns should conform to the criteria for “Urban Residential Development.”** The subject property is being developed as a planned residential development with overall density within the limits of the proposed R-1A zone.

(4) (b) **Urban low-density residential uses should occur only where sanitary systems exist or may be expanded.** Sanitary sewer facilities are available to the property and a collection system serving each lot is proposed.

(4) (c) **Logical expansion.** The subject property is a logical expansion of R-1A single-family residential development underway in Section 2.

(4) (d) **Expansions of limited scope. In Rural Preference areas, an expansion of urban low-density residential use 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.** The current comprehensive plan did not and could not have anticipated the significant changes that have occurred within the immediate vicinity of the subject property. Sanitary sewer service was not available or planned. The new Sorgho school located on a 20-acre tract immediately east of the subject property was likewise not anticipated. There is an obvious need for quality building lots in the Sorgho area as evidenced by the proliferation of new homes on septic systems along Highway 56 and other roadways throughout the area. Existing development consists primarily of ½ acre lots fronting on existing roadways with individual driveways closely spaced serving each home individually. The proposed development will limit access to KY 56 to a single point. Roadway widening and a left-turn lane from KY 56 are complete and in service. Access to all lots shall be limited to internal streets. All urban services are available including a 10-inch water main along KY 56 with more than adequate capacity to serve this project.

(4) (e) **Coal mining potential.** There is no history of coal mining in the immediate area. Proximity of the subject property to existing schools and other residential development would prohibit mining activity.

In summary, the rezoning is substantially, although not completely in compliance with the comprehensive land use

plan. The proposed development does comply with each of the criteria applicable under low-density residential use. Significant changes in the area would lead one to anticipate changes in designated use areas in the vicinity of this project as the current review of the comprehensive plan evolves.

Planning Staff Review

The subject property is located in the 5400 block of Willow Brook Loop. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA

Environment

According to a study prepared by the US Department of Agriculture Soil Conservation Service dated March 6, 1990, it appears that the subject property is not located in a wetlands area. The subject property is not located in a special flood hazard area per FIRM Map 21059CO115 C. It appears that a portion of the subject property is designated as prime agricultural land according to the “Important Farmlands” map created by the US Department of Agriculture Soil Conservation Service dated March 1980. The developer is responsible for obtaining permits as may be required by the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

It appears that the subject property is outside the Owensboro Wellhead Protection area according to a map created by the GRADD office dated March 1999.

Urban Services

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

Development Patterns

The subject property is currently in agricultural use and is proposed as a single-family residential expansion of the Whispering Meadows subdivision. Adjoining property to the north was rezoned to R-1A single-family residential in 2001 as Section 2 of the Whispering Meadows subdivision. Properties to the east, south, and west are all undeveloped farm land. The developer has submitted a combined final development plan/preliminary plat in conjunction with the rezoning request.

Development Patterns

As required by the previously developed sections of Whispering Meadows Subdivision, a left-turn lane has been installed on KY 56 to provide a safe area for turning motorists to wait while turning into the development. The construction of this turn lane significantly reduces the impact that the development has on KY 56 and ensures that capacity of that roadway is sufficient.

SPECIFIC LAND USE CRITERIA

Adjacent property was rezoned in August 1998 and July 2001 from A-R Rural Agriculture to R-1A Single-Family Residential. These rezonings and approval of a single-family residential development (Whispering Meadows, Sections 1 and 2) established a completely new area of urban low-density residential use within a Rural Preference Plan Area. The following major changes occurring in the subject area were cited as a basis for recommending the zoning change:

1. The Comprehensive Plan did not anticipate the location of a new elementary school within the immediate area.
2. The Comprehensive Plan could not anticipate that sanitary sewers would be extended to serve the school and adjoining properties.

The result of these changes is that the subject property and the properties within the vicinity have been altered in their development potential to be consistent with an Urban Residential Plan Area.

The zoning of the subject property to an R-1A Single-Family Residential zone is a logical expansion of the previously approved zoning changes. Lot development is consistent with urban residential development and is an extension of the previous approved Sections 1 and 2 of Whispering Meadows Subdivision. The expansion does not significantly increase the R-1A zoning in the vicinity.

Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan and there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan and those changes have substantially altered the basic character of the area involved. The findings of fact that support this recommendation include the following:

Findings of Fact:

1. The subject property is located in a Rural Preference Plan Area where urban low-density residential uses are appropriate in very-limited locations;
2. Adjacent property was rezoned in 1998 and 2001 to R-1A Single-Family Residential and the applicant's proposal is a logical expansion of that zone and development;
3. The adopted Comprehensive Plan update now recognizes the location of a new elementary school in the vicinity of the subject property;
4. The adopted Comprehensive Plan update now recognizes the extension of sanitary sewers in the vicinity of the subject property; and,
5. The availability of the sanitary sewers to the immediate vicinity has resulted in the creation of an urban residential growth area within a Rural Preference Plan area under the adopted Comprehensive Plan update.