

APRIL 13, 2006

6100 - 6300 BLKS US 231

ZONE CHANGE

From: A-R Rural Agriculture A-U Urban Agriculture		
To: R-1A Single-Family Residential		
Proposed Use: Single-family residential		
Acreage: 176.902		
Applicant: Jagoe Land Corporation, Robert B. & Robin Moorman (0604.1641)		
Property Zone Existing Use	to North A-U Farm land, Single-family residential, Tack shop	
	to West A-R Wooded, Farmland	to East A-U, R-1A School, Single-family residential
	Subject A-R, A-U ↻ R-1A Agricultural	
	to South R-1A, A-R Single-family residential, 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 partially located in a Rural Preference Plan Area where urban low-density residential uses are appropriate in very-limited locations and partially located in a Rural Community Plan Area where urban low-density residential uses are appropriate in limited locations.

SPECIFIC LAND USE CRITERIA

- (a) **Building and lot patterns** should conform to the criteria for “**Urban Residential 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 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.
- (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

The subject property is located in a Rural Community Plan Area where urban low-density residential land uses are appropriate in limited locations and in a Rural Preference Plan Area where said uses are appropriate in very-limited location. Urban low-density residential use, by definition, consists of dwellings located in areas with sanitary sewers, at densities generally up to 9 dwelling units per acre. The proposed R-1A zoning classification would limit development density to 1 unit per 10,000 square feet of land area or 4.35 units per acre.

Applicable specific criteria within the Rural Community Plan Area are as follows:

- (a) Building and lot patterns should conform with the criteria for “Urban Residential Development” (D6).

In order to promote a sense of community and provide a variety of housing types suitable to a variety of people, the proposed residential development shall be designed as a planned unit development with open space areas connected by walking trails interconnecting all areas of the development. A tree-lined stream running through the farm will remain undisturbed except for two (2) street crossings required to build a round-about and limited utility crossings. The round-about will serve as a focal point to preserve an existing cluster of trees, will interconnect with walking trails, and serve as a common link to interconnect local connector streets and distribute vehicular traffic to two (2) access points, one on US 231 and the other on Hill Bridge Road (KY 298).

(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.

The developer proposed to construct sanitary sewer service to the development including a trunkline gravity collector extending through the development, a major lift station to be constructed on Hill Bridge Road near the Kenegy substation and a force main to be constructed along US 231 connecting to an existing RWRA force main near the south boundary of the community college. The developer's engineer has completed a sanitary sewer study addressing the long range sewer service requirements for the entire Masonville community as well as the subject development. Proposed sanitary facilities will have adequate capacity to allow RWRA to extend collector lines beyond the limits of this project, allowing the elimination of three (3) substandard private sewage treatment plants and new sewer service in areas with a history of septic system problems. Expansion of sewer service beyond the limits of the subject property is dependent on funding from RWRA, local government, property owners, and other funding sources (grants, etc.).

Applicable specific criteria within the Rural Preference Plan Area include the above criteria plus the following additional criteria:

(c) Logical expansions.

Proposed development is a logical expansion of residential land use existing along Burton Road and Wilson Lane.

(d) Expansions of limited scope.

The Comprehensive Land Use Plan did not anticipate expansion of the RWRA public sewer system to the Masonville community plan area at this time. Extension of sewer service as outline above is a major change which will, in the applicant's opinion, warrant expansion of the Rural Community Plan Area to include the entire project

area as well as other potential areas which will now have sewer service available. Other necessary urban services are available. The applicant understands that the GRADD transportation planner will review the proposed project and make recommendations regarding traffic impact and mitigation, if required. Based upon an allowable density of 1 dwelling unit per 10,000 square feet of land area, the maximum number of units would be 770. The conceptual plan submitted herewith shows 622 units

(e) Coal mining advisory.

The subject property is located in an area where there is no history of coal mining activity.

Based upon the above findings of fact, the proposed rezoning is substantially in compliance with the Comprehensive Land Use Plan.

Planning Staff Review

The subject property is located in the 6100 - 6300 Blocks of US 231. 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 partially located in a special flood hazard area per FIRM Map 21059CO280 C and Map 21059CO285 C. It appears that the majority 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. However, the Comprehensive Plan does anticipate the conversion of some prime agricultural land for urban residential development. 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 located adjacent to the rural community of Masonville. Surrounding land uses include

single-family residences, agricultural crop land, a tack shop and a school.

The developer submitted a conceptual site plan with the rezoning to show potential street lot layouts. Based on the applicant's finding, the proposed lot count for the conceptual plan is 622 units. The layout included a circular roundabout in the center of the development that will require two ditch crossings. There is one significant ditch that bisects the property and some areas in the floodplain that will be incorporated into the development. An existing AT&T communications tower is currently within the boundaries of the proposed development.

The property has frontage on US 231, Hill Bridge Road, and Westerfield Lane. Based on the conceptual design of the subdivision, single street access points are shown on both US 231 and Hill Bridge Road. Keith Harpole, with the Green River Area Development District, was given a copy of the conceptual plan to review the access points and recommends that an eastbound separate right-turn decel and storage lane be installed at the proposed US 231 entrance. No access for this subdivision is proposed to Westerfield Lane. However, the developer does show a street stubbed to the south to a large tract of agricultural land for future interconnection if the agricultural tract were to develop.

The conceptual plan shows several lots that have frontage on US 231 only, with no connection to the proposed subdivision streets. The placement of additional drives, even shared drives, to US 231 is not desirable, but since access management regulations do not extend into this portion of the county, there is nothing that prohibits this action. The Kentucky Transportation Cabinet should review proposals for any new drives onto US 231 and Hill Bridge Road (KY 298).

Sanitary sewer service is proposed for extension to the subject property as part of the development. Extension of sanitary sewer service to the Masonville area is included in the Comprehensive Plan. The timeframe for the expansion was expected to be from 2007-2012. However, with the participation of the developer with the cost of sanitary sewer extension, the timetable for expansion has accelerated. With the anticipated sewer expansion, the surrounding property that is generally in a Rural Maintenance Plan Area, including the subject property, will have the potential to develop more at urban residential density.

SPECIFIC LAND USE CRITERIA

The proposed small-lot urban residential development is made possible by the extension of sanitary sewer to the subject property and subsequently to adjacent areas in the Masonville community. Areas in the vicinity of the subject property are currently experiencing septic system failures which will be remedied as part of the proposed sewer extension. Other areas within the community will

also be able to access sanitary sewer once extended. Based on preliminary discussions with the developer and RWRA, the proposed extension of sanitary sewer to the vicinity will be phased with the developer, RWRA and the county sharing the cost of the extension.

The proposed rezoning is a logical expansion of existing R-1A Single-Family Residential zoning classification immediately east and south of the subject property. Although the proposal is not an expansion of limited scope according to the Comprehensive Plan criteria, the Comprehensive Plan did not anticipate the extension of sanitary sewer to the vicinity that would permit small-lot urban residential development. The applicant also states that there is no history of coal mining in the vicinity of the subject property.

Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The conditions and findings of fact that support this recommendation include the following:

Conditions:

1. Install an eastbound separate right-turn decel and storage lane at the US 231 entrance; and,
2. Extend sanitary sewer to serve the subject property.

Findings of Fact:

1. The subject property is partially located in a Rural Preference Plan Area where urban low-density residential uses are appropriate in very-limited locations and partially located in a Rural Community Plan Area where urban low-density residential uses are appropriate in limited locations;
2. Sanitary sewer is proposed to be extended to the subject property;
3. The anticipated expansion of sanitary sewer in the Comprehensive Plan to Masonville and the subject property will change the character of the Rural Maintenance Plan Area adjacent to the rural community to be more appropriate for the proposed urban residential use;
4. The proposal is a logical expansion of existing R-1A zoning classification located immediately south and east of the subject property; and,
5. With the installation of a right-turn decel and storage lane at the US 231 entrance the proposal should not have a significant impact on the roadway network and other urban services that are available in the affected area.