

**MAY 11, 2006**

**PORTION OF 1101 BLK KY 279 N**

**ZONE CHANGE**

<b>From:</b> A-R Rural Agriculture		
<b>To:</b> R-1A Single-Family Residential		
<b>Proposed Use:</b> Residential		
<b>Acreage:</b> 0.105		
<b>Applicant:</b> John and Sharon Rone, Mark and Jill Rone, (0605.1643)		
<b>Property Zone Existing Use</b>	<b>to North</b> A-R Residential	
<b>to West</b> R-1A Residential	<b>Subject</b> A-R ↔ R-1A Agricultural	<b>to East</b> A-R Agricultural
	<b>to South</b> A-R Agricultural	

**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 and gutter.
- (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 expansion of limited scope -** In Rural Preference plan areas, completely new locations of Rural Small-lot Residential use should not be established. However, existing areas 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 -** 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 proposed rezoning is a logical extension of the existing R-1A zoning located to the west of the subject property. The portion of property to be rezoned to R-1A is to be consolidated with the property (zoned R-1A) directly to the north and west in order to correct the problem of the property line currently running through the garage. The logical extension of the R-1A zone to the west and correcting the problem of the boundary line running through the garage makes this rezoning compliant with the Comprehensive Plan.

**Planning Staff Review**

The subject property is located in the 1101 block of KY 279 N. 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 located in a special flood hazard area per FIRM Map 21059CO105 C. It appears that 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**

Electricity, water and gas are available to the subject property. Sanitary sewage disposal is currently accomplished by an on-site septic system.

**Development Patterns**

The subject property is located in an area of mixed rural residential and agricultural uses. The property to the north, east and south of the subject property is zoned A-R while the property west of the subject property is zoned R-1A.

At present, the garage on the property located at 1151 KY 279 N is on the property line. This rezoning application will provide sufficient additional land to the property located at 1151 KY 279 N to have the garage on the property and to meet all applicable setback requirements. A division and consolidation plat for the 0.105 acre subject property has been submitted to the OMPC for review.

**SPECIFIC LAND USE CRITERIA**

The subject property will be consolidated with the property located at 1151 KY 279 N which currently has a residence on the property. The home has a residential drive on KY 279 N which is a state maintained roadway. The home is currently served by sanitary sewer. The rezoning of the 0.105 acre tract of land to R-1A is a logical expansion of limited scope of an existing R-1A zone located immediately north and west 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:

**Condition:** Submission and approval of a division and consolidation plat by the OMPC.

**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. The subject property will be consolidated with the property located at 1151 KY 279 N which is zoned R-1A;
3. Sewage disposal for the property at 1151 KY 279 N is currently accomplished by an on-site septic system; and,
4. The proposal is a logical expansion of an existing R-1A zone located immediately north and west of the subject property.