

**NOVEMBER 9, 2006**

**2968 SETTLES RD**

**ZONE CHANGE**

<b>From:</b>	R-1A Single-Family Residential A-U Urban Agriculture	
<b>To:</b>	<b>A-U Urban Agriculture</b>	
<b>Proposed Use:</b>	Residential and Nursery	
<b>Acreage:</b>	1.5	
<b>Applicant:</b>	Ramona Rhodes (0611.1663)	
<b>Property Zone Existing Use</b>	<b>to North</b> R-1C Residential	
<b>to West</b> R-1A Residential	<b>Subject</b> R-1A, A-U ↔ A-U Residential and Nursery	<b>to East</b> R-1A, A-U Agricultural and Residential
	<b>to South</b> R-1A, A-U Residential	

**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 A-U Urban Agricultural zone. The subject property is located in a Future Urban 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 gutter.
- (b) Lots 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**

The proposed zone change amendment is in compliance with the Comprehensive Plan. The land use plan allows rural small-lot residential use in areas without sanitary sewer systems. The proposed amendment is an extension of an existing Urban-Agricultural Zone.

**Planning Staff Review**

The subject property is located in the 2900 block of Settles Road. 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 21059CO285C. It appears that the subject property is not 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 in the vicinity of 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 developing small-lot urban residential lots with some existing small-lot rural residential uses. The property to the north is zoned R-1C single-family residential and is part of the Lake Forest subdivision. The properties to the east and south are split zoned R-1A and A-U with residential and agricultural uses. The property to the west is zoned R-1A and is residential in use.

The site currently has a single-family residence with several additional structures which are used as part of a nursery business. The applicant proposes to continue the use of the property as a nursery which is currently a zoning violation since the use is not permitted in an R-1A single-family residential zone.

The subject property has frontage on Settles Road which is classified as a major collector roadway. Driveway spacing should be a minimum of 250 feet apart and a roadway buffer of 30 feet from the street centerline is required. If the rezoning is approved, access to the site should be brought into compliance with the current access management requirements.

## SPECIFIC LAND USE CRITERIA

According to the Comprehensive Plan, rural small-lot residential uses consist of single-family dwellings located in areas without sanitary sewer systems where development densities approach urban levels due to concentrations of small lots. The use of the property for agricultural purposes does not fit into the definition of rural small-lot residential uses and the minimum lot size for agricultural subdivisions is 10 acres. Although sanitary sewer does not currently serve the property, it is available in the vicinity based on the development of the Lake Forest subdivision located across Settles Road. Additionally, the development pattern along this portion of Settles Road is primarily single-family residential development. The area has development as described in the rural small-lot residential definition and with the availability of sanitary sewer service in the vicinity, the current zoning for the property is more appropriate than an agricultural zoning classification.

The subject property is located within a Future Urban Plan Area, inside the Urban Service Area. The Comprehensive Plan anticipates the ultimate full urbanization of future

urban plan areas within the Urban Service Area. Therefore, an R-1A single-family residential zoning classification, especially with sanitary sewer service available in the vicinity, that would allow urban small-lot residential development consistent with the type of development located across Settles Road is more appropriate than an agricultural zone.

The intent of the rural small-lot criteria in the Comprehensive Plan is to allow residential lots to be divided from parent tracts for the purpose of building a residence served by a septic system. Each lot is required to have sufficient road frontage on a public street and be large enough in size to be served by a septic system. The lot size intended for rural small-lot residential uses is not large enough to sustain agricultural activity and there is no provision in the definition for agricultural uses. The sole purpose of this application is to allow the continued use of an agricultural use that is prohibited under the current zoning classification of the property. An R-1A single-family zoning classification which is consistent with other zoning in the area and appropriate as the area continues to urbanize with the expansion of sanitary sewer service.

## Planning Staff Recommendations

Staff recommends denial because the proposal is not in compliance with the community's adopted Comprehensive Plan. The findings of fact that support this recommendation include the following:

### Findings of Fact:

1. The subject property is located in a Future Urban Plan Area, where rural small-lot residential uses are appropriate in general locations;
2. The intent of the rural small-lot criteria in the Comprehensive Plan is for residential homes on lots with septic systems with no mention of agricultural production;
3. With sanitary sewer service available in the vicinity, the R-1A zoning is more appropriate for future urban small-lot residential development; and,
4. Within a Future Urban Plan Area, the current R-1A Single-Family Residential zoning is more appropriate than an agricultural zoning.