

AUGUST 14, 2008

PORTION OF 10088 HIGHWAY 144

ZONE CHANGE

From: B-4 General Business		
To: A-R Rural Agriculture		
Proposed Use: Residential		
Acreage: 0.357		
Applicant: Doris Ann Cecil (0808.1724)		
Property Zone Existing Use	to North B-4, R-1A, A-R Residential, Business	
to West R-1A Residential	Subject B-4 ➔ A-R Residence	to East A-R Vacant
	to South R-1A, A-R 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 A-R Rural Agricultural zone. The subject property is located in a Rural Maintenance Plan Area where rural large-lot residential uses are appropriate in limited locations.

SPECIFIC LAND USE CRITERIA

(a) Separate, large, well-proportioned lots - Each dwelling should be located on its own individual lot that fronts on a public road or street. Lots should be large enough in size and width to avoid the creation of excessive numbers of lots or odd-shaped lots.

(c) Frontage only on existing roads or streets - In Rural Maintenance plan areas, new lots should front upon exiting public roads or streets. Public roads or streets should not be created or extended to provide for new lots.

(d) Coal mining advisory - Prospective lot owners should be advised of the potential for coal mining activity in rural areas.

Applicant's Findings

The proposed zoning map amendment is in compliance with the Comprehensive Plan. The applicant/owner wishes to sever the 0.357 acre tract off the B-4 property and combine with the adjoining A-R (3.60 acre) tract.

Planning Staff Review

The subject property is located in the 10000 blocks of Highway 144. 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 21059CO170 C. Based on the preliminary FIRM maps dated July 7, 2007, the subject property is not located in a special flood hazard area per map 21059CO170 D. 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 not 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 would be accomplished by an on-site septic system.

Development Patterns

The subject property is currently zoned B-4 General Business and was previously used for commercial purposes. At present, there is a residence on the subject property and the majority of the surrounding property is used for residential purposes or is wooded.

The applicant proposes to take the small portion of property and zone it to A-R Rural Agriculture in order to consolidate it with adjoining property that the applicant also owns. Due to the topography of the adjoining property, the 0.357 acre area is the best potential location for a residence. The applicant's surveyor has prepared a plat to consolidate the 0.357 acre tract with the adjoining property that is approximately 3.60 acres in size.

In the vicinity of the subject property, Highway 144 is classified as a minor arterial roadway. The building setback is 75 feet from the road centerline and the roadway buffer is 40 feet from the road centerline.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The portion of the subject property that is proposed for rezoning will be consolidated with an existing tract that is approximately 3.6 acres in size. The existing tract is a large, well-proportioned tract that has road frontage on an existing roadway. No new streets are proposed with this rezoning.

Planning Staff Recommendations

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

Condition: Submission of a division and consolidation plat to consolidate the subject property with the adjoining tract also owned by the applicant.

Findings of Fact:

1. The subject property is located in a Rural Maintenance Plan Area where rural large-lot residential uses are appropriate in limited locations;

2. The subject property will be consolidated with an existing, adjoining tract;
3. Once consolidated, the tract will be a separate, well-proportioned lot; and,
4. The consolidated property will have road frontage on a state maintained roadway and no new streets are proposed as part of this rezoning.