

JUNE 10, 2021

5728 HIGHWAY 144

ZONE CHANGE

From: B-4 General Business
To: R-1A Single Family Residential
Proposed Use: Residential
Acreage: 1.161
Applicant: William Curl & Denise Curl (2106.2173)
Surrounding Zoning Classifications:
North: R-1A South: R-1A
East: R-1A West: R-1A

Proposed Zone & Land Use Plan

The applicant is seeking an R-1A Single Family Residential zone. The subject property is located in an Urban Residential Plan Area, where urban low-density residential uses are appropriate in limited locations.

SPECIFIC LAND USE CRITERIA

(a) Building and lot patterns – Building and lot patterns should conform to the criteria for “**Urban Residential Development**” (D6).

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

Planning Staff Review

GENERAL LAND USE CRITERIA

Environment

- It appears that the subject property may be located in a wetlands area per the US Department of Agriculture Soil Conservation Service dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Map 21059CO145D.
- It does not appear that the subject property is designated as prime agricultural farmland per the US Department of Agriculture Soil Conservation Service map dated March 1980.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

Urban Services

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

Development Patterns

The subject property, located at the intersection of Graham Lane and Highway 144, is a residential property that is zoned B-4 General Business. All surrounding properties are zoned R-1A Single Family Residential; including the church located across Highway 144 and the cemetery located across Graham Lane.

In this vicinity, Graham Lane is classified as a Major Collector roadway with a 250-foot spacing standard; as well as a 60-foot building setback and a 30-foot roadway buffer, each measured from the centerline of Graham Lane. Meanwhile Highway 144, in this vicinity, is classified as a Minor Arterial roadway with a 500-foot spacing standard; as well as a 75-foot building setback and a 50-foot roadway buffer, each measured from the centerline of Highway 144.

The subject property has several existing site features which do not comply with the aforementioned regulations; however, such features pre-date the zoning ordinance and are considered to be legal non-conforming. These site features include (but may not be limited to) an existing driveway located along Highway 144 that is not in compliance with the access management manual's spacing standards and an existing detached garage that does not comply with building setbacks. Because these items are legal non-conforming, they are allowed to remain; however, in the event that the site ever significantly redevelops, progression towards compliance with current regulations will be required. Such progression shall include the relocation of the existing driveway from Highway 144 to Graham Lane, preferably in alignment with the existing cemetery access point.

At this time, the applicant contends that there is no business activity taking place at the subject property and the property is used solely for residential purposes. As such, the applicant proposes to rezone the property from B-4 General Business to R-1A Single Family Residential in order to expand upon the property's existing residential uses; most notably, for the construction of an accessory structure.

Future changes to the properties shall comply with applicable portions of the Owensboro Metropolitan Zoning Ordinance and Subdivision Regulations. Before any construction activity takes place on the properties, the OMPC Building, Electrical and HVAC department shall be contacted regarding any necessary permits, inspections and certificates of occupancy and compliance.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposal is a logical expansion of existing R-1A Single Family Residential zoning located to the north, south, east, and west. Although the subject property is serviced by an on-site septic system rather than a sanitary sewer system, this is an existing lot of record that has historically been utilized residentially.

Planning Staff Recommendations

The planning staff recommends approval subject to the findings of fact that follow:

Findings of Fact:

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located within an Urban Residential Plan Area where urban low-density residential uses are appropriate in limited locations;
3. The proposed residential use conforms to the criteria for urban residential development;
4. The proposed R-1A Single Family Residential zoning is a logical expansion of existing R-1A zoning to the North, South, East and West; and,
5. Although the subject property is serviced by an on-site septic system rather than a sanitary sewer system, this is an existing lot of record that has historically been utilized residentially.