

AUGUST 12, 2021

5369 OLD HARTFORD ROAD

ZONE CHANGE

From: A-U Urban Agriculture

To: R-1B Single Family Residential

Proposed Use: Residential Development

Acres: 43.988

Applicant: Deer Valley Subdivision, LLC;
Robert L. Wilson, Mary M.
Reynolds & Sam C. Wilson
(2108.2182)

Surrounding Zoning Classifications:

North: A-U	South: A-U
East: A-U	West: R-1A

Proposed Zone & Land Use Plan

The applicant is seeking an R-1B Single Family Residential zone. The subject property is located in a Future Urban Plan Area, where urban low-density residential uses are appropriate in very 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 uses should occur only when sanitary sewer systems exist or may be expanded, or where new systems may be properly established.

(c) Only logical expansions – In Future Urban, Professional/Service, Business, and 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.

Planning Staff Review

GENERAL LAND USE CRITERIA

Environment

- It appears that the subject property is not 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 Maps 21059CO277D and 21059CO281D.
- It appears that the subject property is designated as prime agricultural farm land 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, the EPA, the OMPC building/electrical/HVAC division or other state and federal agencies as may be applicable.

Urban Services

All urban services, including sanitary sewer, are available to the subject property.

Development Patterns

The subject property is a 43.988 acre farm tract that is located along Old Hartford Road and can also be accessed from the eastern terminus of Jessica Lane. The applicant’s intent is to develop this property to create a 137 lot residential subdivision. The Major Subdivision Preliminary Plat was submitted in conjunction with this rezoning request as a related item.

This proposed development lies immediately east of the existing Stoney Brook neighborhood (zoned R-1A Single Family Residential), and near the Stone Crest development (zoned R-1B Single Family Residential) which is currently being constructed. As illustrated on the preliminary subdivision plat, connectivity between Stone Crest, Stoney Brook, and the proposed development shall be accomplished through the utilization of Jessica Lane, which runs along the rear of the two aforementioned neighborhoods and parallel to the William H. Natcher Parkway. The proposed development also allows for possible connectivity to future developments in the area by constructing a stub street at the eastern most point of the property, where the subject property adjoins a 33 acre farm tract currently zoned A-U Urban Agriculture.

In addition to the interconnectivity between neighborhoods, the preliminary plat also indicates that this proposed development will have a single access point to Old Hartford Road, which appears to be in compliance with the access management manual and is illustrated on a prepared Traffic Impact Study. Based on the number of lots and expected traffic generation, the Traffic Impact Study does not anticipate the need for any off-site roadway improvements to be necessary for this development.

However, at the time of the creation of this report, the aforementioned Traffic Impact Study is under review and has not yet been approved. This development is currently located within unincorporated Daviess County, but plans to be annexed into the City Limits. As a result, this Traffic Impact Study is currently being reviewed by both the City Engineer and the County Engineer as well as by the Kentucky Transportation Cabinet (KYTC).

Prior to the approval of any Major Subdivision Preliminary Plats for this property, the Traffic Impact Study shall be approved by all necessary entities; including the City Engineering Office and/or the County Engineering Office, in addition to the Kentucky Transportation Cabinet and the OMPC Planning Staff. If the approved Traffic Impact Study requires any improvements, then:

- The Preliminary Plat shall illustrate such improvements. The Preliminary Plat shall be approved by the full Planning Commission prior to the issuance of any building permits; and,
- All necessary off-site improvements shall be installed and approved prior the issuance of a Certificate of Occupancy for any residential use within the development.

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 proposed single family residential uses conform the criteria for urban residential development and are a logical expansion of existing single family residential uses to the west. The subject property has access to a sanitary sewer system, and compliance with an approved Traffic Impact Study will ensure that the proposed development will not overburden the capacity of roadways and other necessary urban services that area available in the affected area.

Planning Staff Recommendations

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

Conditions:

1. A Traffic Impact Study shall be approved by the City Engineering Office and/or the County Engineering Office, in addition to the Kentucky Transportation Cabinet and the OMPC Planning Staff. The Traffic Impact Study shall be approved prior to the approval of a Major Subdivision Preliminary Plat which shall reflect all necessary improvements; and,
2. If the Traffic Impact Study that is approved in conjunction with the Preliminary Plat states that any off-site roadway improvements are necessary, such improvements shall be installed and approved prior to the issuance of a Certificate of Occupancy for any residential use within the development.

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 in a Future Urban Plan Area, where urban low-density residential uses are appropriate in very limited locations;
3. While the proposed R-1B Single Family Residential zoning is not a logical expansion of existing R-1B zoning in the immediate vicinity, the proposed urban low-density residential use is a logical expansion of existing single family residential developments to the west;
4. The proposed single family residential uses conform to the criteria for Urban Residential Development;
5. The subject property has access to an existing sanitary sewer system; and,
6. Compliance with an approved Traffic Impact Study shall ensure that the proposed development will not overburden the capacity of roadways or other necessary urban services that are available within the affected area.