

OCTOBER 14, 2021

PORTION OF 1125 HIGHWAY 279 N

ZONE CHANGE

From:	A-R Rural Agriculture
To:	R-1A Single Family Residential
Proposed Use:	Single Family Residential
Acreage:	0.135
Applicant:	John & Sharon Rone; Mark & Jill Rone (2110.2190)
Surrounding Zoning Classifications:	
North:	R-1A, A-R
South:	A-R, A-U
East:	A-R
West:	R-1A, A-U, A-R

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 & gutters.

(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 expansions 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 in rural areas.

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 located in a special flood hazard area per FIRM Map 21059CO105D.

- It appears 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, the EPA, the OMPC building/electrical/HVAC division or other state and federal agencies as may be applicable.

Urban Services

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

Development Patterns

The subject property is an existing 41+ acre farm that is zoned agricultural and located near the intersection of Griffith Station Road and Highway 279 N.

At this time the neighboring property at 1151 Highway 279 N (zoned R-1A Single Family Residential) intends to purchase land from the farm (zoned A-R) in order to add roughly 30-feet of depth to the residential property. In order to do so, the applicant has requested to rezone the subject property from A-R Rural Agriculture to R-1A Single Family Residential.

In conjunction with this rezoning request, the applicant has submitted a minor subdivision plat illustrating the proposed property transfer. The resulting lot at 1151 Highway 279 N will be less than 0.75 acres in size and, as such, is still smaller than the required lot size for properties on septic systems. However, this is an existing lot of record with an existing home on the property and this request is adding acreage to the property which, as a result, is progressing towards compliance.

Other properties in the immediate vicinity include large farms zoned A-R Rural Agriculture, as well as a few smaller residential lots zoned A-U Urban Agriculture. As is the case with the neighboring property at 1151 Highway 279 N, pockets of very small residential lots zoned R-1A Single Family Residential can be found along the Highway.

Future changes to the property shall comply with applicable portions of the Owensboro Metropolitan Zoning Ordinance and Subdivision Regulations. Before any construction activity takes place on the property, 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 subject property has frontage on Highway 279 N, a public road, with no new roads proposed. Following the intended subdivision, the subject property will remain large enough to assure satisfactory operation of a conventional septic tank system and the adjoining lot at 1151 Highway 279 N will be progressing towards compliance. The proposal is a logical expansion of existing R-1A Single Family Residential zoning located at 1151 Highway 279 N; which the subject area shall be consolidated into.

Planning Staff Recommendations

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

Condition:

1. Obtain approval of a minor subdivision plat consolidating the subject area into the neighboring property located at 1151 Highway 279 N.

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 Rural Preference Plan Area, where rural small lot residential uses are appropriate in very-limited locations;
3. The subject property and the involved adjoining property both have frontage on Highway 279 N, a public road, with no new roads proposed;
4. The subject property is large enough to assure satisfactory operation of a conventional septic tank system, and the adjoining property at 1151 Highway 279 N will be progressing towards compliance as a result from this application; and,
5. The proposed R-1A Single Family Residential zoning is a logical expansion of the existing R-1A zoning to the west located at 1151 Highway 279 N, which the subject area shall be consolidated into.