

NOVEMBER 9, 2023

## PORTION OF 4575 US HIGHWAY 60 WEST

## ZONE CHANGE

<b>From:</b>	A-U Urban Agriculture & R-1C Single Family Residential
<b>To:</b>	<b>R-1A Single Family Residential</b>
<b>Proposed Use:</b>	Residential
<b>Acreage:</b>	0.232
<b>Applicant:</b>	Justin Camacho; Deer Valley Subdivision, LLC (2311.2277)
<b>Surrounding Zoning Classifications:</b>	
<b>North: R-1C &amp; A-U</b>	<b>South: R-1C</b>
<b>East: R-1C</b>	<b>West: R-1A</b>

**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 uses 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 is not located in a wetlands area per the US Department of Agriculture Soil Conservation Service map dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Map 21059CO116D.
- It appears that the subject property is partially 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**

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

**Development Patterns**

The subject area is 0.232 acres of land, a portion of the Heatherstone residential development located along Highway 60 W. The proposal is to rezone this portion of land from A-U Urban Agriculture and R-1C Single Family Residential to R-1A Single Family Residential in order to consolidate the land into the rear of 45 Booth Field Road, the residence of the applicant.

The specific land use criteria established within the Comprehensive Plan states that such land uses should only occur in Urban Residential Plan Areas when sanitary sewer systems are available. However, the property located at 45 Booth Field Road currently utilizes a septic system; nevertheless, the proposal is to consolidate the land into an existing residential lot and not to create any additional lots.

Future changes to the subject property and/or to 45 Booth Field Road 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 use conforms the criteria for urban residential development and, although the adjoining property does not currently utilize an existing sanitary sewer system, it is an existing residential lot and no new lots are proposed with this request.

**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 property into the applicant's property located at 45 Booth Field Road.

**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 an Urban Residential Plan Area, where urban low-density residential uses are appropriate in limited locations;
3. The proposed single family residential use conforms to the criteria for Urban Residential Development; and,
4. Although the adjoining property at 45 Booth Field Road does not currently utilize an existing sanitary sewer system, the property is an existing residential lot and no new lots are proposed with this request.