

**AUGUST 9, 2012****PORTION OF 10088 HIGHWAY 144****ZONE CHANGE**

<b>From:</b> B-4 General Business	
<b>To:</b> A-R Rural Agriculture	
<b>Proposed Use:</b> Residential	
<b>Acreage:</b> 0.036	
<b>Applicant:</b> Thomas E. Bickett; Everett L. Padgett (1208.1848)	
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> B-4	<b>South:</b> A-R, R-1A
<b>East:</b> A-R	<b>West:</b> B-4, R-1A

**Proposed Zone & Land Use Plan**

The applicant is seeking an A-R Rural Agriculture 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.

**Planning Staff Review****GENERAL LAND USE CRITERIA****Environment**

- It appears that the subject property is not located in a wetland 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 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.

**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 commercial looking structure in use as a residence on the subject property and the majority of the surrounding property is used for residential purposes or is wooded.

The proposal is to take the small portion of property and zone it to A-R Rural Agriculture in order to consolidate it with adjoining property. A manufactured home sits on the adjoining property at 10122 Highway 144. The driveway for this property crosses over the property line between 10088 and 10122 Highway 144. The rezoning and consolidation will place the driveway entirely on one property under like zoning. A plat has been prepared consolidating the 0.036 acre tract with the adjoining property at 10122 Highway 144 resulting in a 3.995 acre tract.

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 3.9 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**

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

**Condition:** Submission of a division and consolidation plat to consolidate the subject property with the adjoining tract.

**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 Maintenance Plan Area where rural large-lot residential uses are appropriate in limited locations;
3. The subject property will be consolidated with an existing, adjoining tract;
4. Once consolidated, the tract will be a separate, well-proportioned lot; and,
5. The consolidated property will have road frontage on a state maintained roadway and no new streets are proposed as part of this rezoning.