

SEPTEMBER 12, 2013

1856 WHISPERING MEADOWS DR

ZONE CHANGE

From: A-R Rural Agriculture	
To: R-1A Single-Family Residential	
Proposed Use: Single-Family Residential	
Acreage: 37.989	
Applicant: Jagoe Land Corp.; LTM Farms, LLC (1309.1885)	
Surrounding Zoning Classifications:	
North: A-R, R-1A	South: A-R
East: A-R, R-1A	West: A-R

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 property 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 dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Map 21059CO115 & 255 D.
- It appears that the subject property is not within the Owensboro Wellhead Protection area per the GRADD map dated March 1999.
- The property appears to be 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

All urban services, including sanitary sewers, are available to the site.

Development Patterns

The subject property is currently in agricultural use and is proposed as a single-family residential expansion of the Whispering Meadows subdivision. The fourth phase of the subdivision adjoins the existing residential development to the north and east. A combination preliminary subdivision plat/final development plan was submitted in conjunction with the rezoning request.

Whispering Meadows has developed in phases with the current proposal being the fourth section. The most recent rezoning for section three took place in 2005 and included 28 lots on 6,490 acres to bring the total for the overall subdivision to 99 lots. This proposed expansion includes 126 lots on approximately 38 acres and meets the minimum requirements of the subdivision regulations in regards to lot size and density requirements of an R-1A Single-Family Residential zone.

The first section of Whispering Meadows was approved in 1998. As part of the initial submittal, a conceptual plan demonstrated how the entire farm could be developed with a road network shown and areas of future development. Although the street network in the vicinity of the current proposal alters slightly from the original, the concept remains the same. Whispering Meadows is extended at the current 60 foot right-of-way and 37 foot improvement width and a street stub is provided to the property to the west. The current proposal is a logical expansion of the existing residential neighborhood and is in keeping with the conceptual plan.

While beyond the scope of the current proposal, the original conceptual plan included a connection to Old Lyddane Bridge Road. Access to large residential developments is an issue that has implication from not only a planning perspective but also emergency access. The OMPC staff has been working with both the city and county engineers and the GRADD transportation planner for the past year to develop a policy on secondary access points for all development within Daviess County. The most recent version submitted to the group in late October 2012, reads as follows:

Any residential development of greater than 75 lots/dwelling units and any commercial/industrial development with a projected AADT greater than 1,000 vehicles per day will be required to have at least two full access points that are open and operable to the public. Larger residential developments (300+ lots/dwelling units) will be reviewed on a case by case basis for additional roadway connections and may require a Traffic Impact Study. Stub streets, while vital for the future connectivity of the transportation network in a developing area, do not count towards the requirement. Stub streets will be required to extend to the property line of adjoining tracts

with the potential for future development. At the time of final platting, the right-of-way shall be dedicated and surety shall be posted for all streets, including stub streets.

Although not formally adopted at this time, the entire development certainly meets the minimum threshold for two access points. Conditions have not been previously placed on the various phases of development requiring a secondary connection due to the existence of the conceptual plan demonstrating how the entire farm parcel could develop. With each phase of development, the need for a secondary access point is growing. The current section will extend Whispering Meadows Drive nearly half way to Old Lyddane Bridge Road. The planning staff will not support future expansion of the subdivision without a secondary access. In order for any future phases of Whispering Meadows to not overburden the capacity of the roadway network in the vicinity, Whispering Meadows Drive should be connected with Old Lyddane Bridge Road.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed R-1A Single-Family Residential zone and use will be residential in nature. The proposal is a new section of Whispering Meadows and is immediately adjacent to R-1A zoning to the north and east. The site will be served by sanitary sewer and plans have been reviewed by RWRA.

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 in an Urban Residential Plan Area where urban low-density residential uses are appropriate in limited locations;
3. The proposed use and zoning meet the land use criteria for urban residential development;
4. The residential development will be served by sanitary sewer service; and,
5. The proposal is an expansion of Whispering Meadows and is in keeping with the conceptual plan for the entire development as proposed in 1998.