

**JULY 14, 2016****6151 HIGHWAY 54****ZONE CHANGE**

<b>From:</b>	B-4 General Business & R-1A Single-Family Residential
<b>To:</b>	<b>R-1A Single Family Residential</b>
<b>Proposed Use:</b>	Residential
<b>Acreage:</b>	0.526
<b>Applicant:</b>	Chad G. Davis & Bridgett A. McCarty (1607.1965)
<b>Surrounding Zoning Classifications:</b>	
<b>North: A-U</b>	<b>South: I-1 &amp; I-2</b>
<b>East: R-1A</b>	<b>West: B-4</b>

**Proposed Zone & Land Use Plan**

The applicant is seeking an R-1A Single Family Residential zone. The subject property is located in a Rural Community Plan Area where rural small-lot residential uses are appropriate in general 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.

**(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.

**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 21059CO305 D.
- The property is not 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**

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

**Development Patterns**

The subject property is a 0.526 acre tract. There is a log cabin-style single-family residence on the property. The home was originally built and used as a log cabin home sales business. However, the property has been used residentially for over twenty years and the property owner wishes to remove the B-4 zoning classification from a portion of the parcel.

Properties in this area are zoned commercial, industrial, agricultural and residential. To the east is the Norman MacDonald restaurant, zoned R-1A (legal non-conforming). To the west is another B-4 zoned single-family residential property. To the north is the Daviess County Fairgrounds, zoned A-R. To the south across Highway 54 is an industrial property, zoned I-1 & I-2.

If the rezoning is approved, the applicant will be required to provide landscape buffer screening in compliance with Article 17 of the zoning ordinance along the western property boundary where adjacent to the B-4 zoned property. The screening shall consist of a 10' landscape easement with a 6' tall continuous element such as a fence, wall, plantings, hedge or earth mound plus one tree per 40 linear feet.

Highway 54 in this location is classified as a principal arterial with a 75 foot building setback line, a 60 foot roadway buffer and a 500 foot access spacing standard. Access to the property shall be limited to the single existing access point.

**SPECIFIC LAND USE CRITERIA**

The applicant's proposal is in compliance with the Comprehensive Plan. The proposal is on an existing parcel with frontage directly on Highway 54, a public street. The proposal will allow the continued residential use of an existing parcel that has been adequately served by a conventional septic tank system for several years.

**Planning Staff Recommendations**

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

**Condition:**

The applicant shall provide screening along the western property line. The screening shall consist of a 10' landscape easement with a 6' tall continuous element such as a fence, wall, plantings, hedge or earth mound plus one tree per 40 linear feet.

**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 Community Plan Area where rural small-lot residential uses are appropriate in general locations;
3. The proposal is on an existing parcel with frontage directly on Highway 54, a public street; and
4. The proposal will allow the continued residential use of an existing parcel that has been adequately served by a conventional septic tank system for several years.