

DECEMBER 8, 2016

9433 MORGANTOWN RD, 9866 HIGHWAY 764

ZONE CHANGE

From:	R-1A Single Family Residential & A-R Rural Agriculture
To:	A-R Rural Agriculture
Proposed Use:	Residential
Acreage:	7.288 acres
Applicant:	Jason W. Brant; Eric K. Aud (1612.1980)
Surrounding Zoning Classifications:	
North:	R-1A, A-R
South:	A-R
East:	A-R
West:	R-1A, A-R

Proposed Zone & Land Use Plan

The applicant is seeking an A-R Rural Agriculture zone. The subject properties are 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 existing 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 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 Maps 21059CO320D and 21059CO340D
- It does not appear 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 existing to the subject property. Sanitary sewage disposal is accomplished by an on-site septic system.

Development Patterns

The subject properties are two tracts totaling 7.288 acres. 9866 Highway 764 is 0.539 acre parcel zoned R-1A Single Family Residential and 9433 Morgantown Road is a 6.686 acres parcel split zoned R-1A Single Family Residential and A-R Rural Agriculture. There are existing single family residential structures on both properties. Land uses in the vicinity are rural residential and agricultural.

The applicants have submitted a minor subdivision plat to divide and consolidate the two parcels resulting in two fairly equal tracts. Since the properties currently have different zoning classifications, the minor subdivision plat cannot be approved unless the rezoning is approved. The plat submitted does exceed the 3:1 requirement for road frontage for the property at 9866 Highway 764 and therefore must be approved by the full Planning Commission should the rezoning be approved.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The subject properties are proposed to be two large tracts at 3.331 and 3.977 acres respectively. The applicants propose to continue the residential uses on the properties. The subject properties have access to Morgantown Road and Highway 764 with no new roads proposed.

Planning Staff Recommendations

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

Condition: Approval of a minor subdivision plat reconfiguring the size the subject properties to meet the minimum lot size in an A-R zone.

Findings of Fact:

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject properties are located in a Rural Maintenance Plan Area, where rural large-lot residential uses are appropriate in limited locations;
3. The subject properties are proposed to be two large tracts at 3.331 and 3.977 acres respectively;
4. The applicants propose to continue the residential uses of the properties; and,
5. The subject properties have access to Morgantown Road and Highway 764 with no new roads proposed.