

**NOVEMBER 8, 2018**

**824 HIGDON ROAD**

**ZONE CHANGE**

<b>From:</b> A-U Urban Agriculture	
<b>To:</b> R-1A Single Family Residential	
<b>Proposed Use:</b> Residential	
<b>Acreage:</b> 0.460	
<b>Applicant:</b> Sheryl Evans, Troy J. Faught (1811.2065)	
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> A-U	<b>South:</b> A-U
<b>East:</b> A-U	<b>West:</b> A-U

### 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 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. New subdivision streets should be constructed to urban specifications, including curbs and gutters.

**(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 dated March 6, 1990.
- The subject property is located in a special flood hazard area per FIRM Map 21059CO276 D.
- It appears that the subject property is not located within the Owensboro Wellhead Protection area per the OMU map dated 2015.
- 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 0.460 acre triangular-shaped lot with a manufactured home. The property is currently zoned A-U Urban Agriculture, which allows for manufactured homes as a principally permitted use. The 2010 aerial images indicate that there was previously a second single-wide manufactured home on the property that has since been removed.

Adjoining properties in all directions are zoned A-U Urban Agriculture. Those adjoining to the west are utilized residentially. There are two properties to the north, across Higdon Road. One is a large farm that is utilized agriculturally, while the other is an RWRA plant. All of the properties to the west and south appear residential in nature and are located on the opposite site of the Wendell Ford Expressway. It should be noted that while all adjoining properties are zoned A-U Urban Agriculture, the subject property is one of three lots along the south side of Higdon Road that is not zoned R-1A Single Family Residential as the other thirteen are.

The applicant desires to place a second residence on the subject property. However, on a lot of this size, the zoning ordinance does not allow two residences on one parcel. Consequentially, the applicant will need to subdivide the property into two separate tracts. However, the minimum lot size for a property in the current zoning classification is 0.5 acres. The subject property, which was created prior to the current regulations, is only 0.460 acres in size so such a division is not possible in the current zoning classification.

The minimum lot size in an R-1A Single Family Residential zoning classification is 10,000 square feet, and so such a division is possible in the proposed zoning classification. It should be noted that while Class 2 Manufactured Homes are principally permitted within an A-U Urban Agriculture zone, they are only conditionally permitted in an R-1A Single Family Residential zoning classification. So, if this proposal is approved and if the desired second residence is a Class 2 Manufactured Home, the applicant will be required to obtain approval of a Conditional Use Permit in addition to the completion of a Minor Subdivision Plat before any building permits will be issued.

### 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 Higdon Road, a public street. The proposal will allow the continued residential use of an existing parcel that has been adequately served by existing sanitary sewer systems.

**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 general locations;
3. The proposal is on an existing parcel with frontage directly on Higdon Road, a public street;
4. The proposal will allow the continued residential use of an existing parcel that has been adequately served by existing sanitary sewer systems.
5. The proposed R-1A Single Family Residential zoning classification is a logical expansion of R-1A zoning to west, along Higdon Road; and
6. The subject property, created before current regulations, does not meet the minimum lot size requirements for the current zoning and so the proposed R-1A Single Family Residential zoning classification is more appropriate.