

JANUARY 9, 2019

5971, 5975, 5985 & 5987 HIGHWAY 54

ZONE CHANGE

From:	B-4 General Business, R-1A Single Family Residential & A-U Urban Agriculture
To:	R-1A Single Family Residential
Proposed Use:	Residential
Acreage:	5.05
Applicant:	Michael L. Ward, Executor & Dorothy B. Ward (deceased) and Kimberly L. Dant & Edith Hays (deceased) (2001.2110)
Surrounding Zoning Classifications:	
North: A-U	South: B-4, R-1A
East: R-1A, B-4, A-U	West: R-1A, A-U

Proposed Zone & Land Use Plan

The applicant is seeking an R-1A Single Family Residential zone. The subject properties are 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. New subdivision streets should be constructed to urban specifications, including curbs and gutters.

(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 21059CO305D.
- It appears that the subject property may be designated as an Urban and Built-Up Area 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 properties. Sanitary sewage disposal is accomplished by an on-site septic system.

Development Patterns

The subject properties are comprised of 5.05 total acres distributed over four existing lots. The four properties in question are all currently accessed by a 25-foot wide passway that stems off of Highway 54. Through the utilization of this passway, 5975 and 5987 Highway 54 are positioned to the rear of 5971 and 5985 Highway 54, which have road frontage along the highway.

The two front lots, 5971 and 5985 Highway 54, are both vacant lots that are less than 0.75 acres in size and are split zoned R-1A Single Family Residential and B-4 General Business. Meanwhile, the two rear lots, 5975 and 5987 Highway 54, are approximately 2 acre lots, each with a single family residence, and are split zoned A-U Urban Agriculture and R-1A Single Family Residential.

While the final configuration is unknown, the owners are proposing to establish a uniform zoning classification throughout the four subject properties in order to re-configure the existing lot lines through a minor subdivision plat. This is important to note because while not all of the subject properties fully comply with the entirety of the Comprehensive Plan Specific Land Use Criteria, the elimination of split zoning throughout the four subject properties creates the potential for a future minor subdivision plat which may enhance the layout of the subject properties. Regardless of the future lot configurations, direct access to the project area from Highway 54 shall remain limited to the aforementioned passway which serves as the existing single access point to the subject properties because of the high density residential area that is located along the heavily trafficked highway.

Any future changes to the property will have to comply with applicable portions of the Owensboro Metropolitan Zoning Ordinance and Subdivision Regulations, as well as obtain any necessary permits, if required.

SPECIFIC LAND USE CRITERIA

The proposal for rural small-lot residential uses is in compliance with the Comprehensive Plan because it is located in a Rural Community Plan Area where such uses are appropriate in general locations. Two of the subject properties have road frontage along a public road, Highway 54. Additionally, two of the subject properties are large enough to assure satisfactory operation of a conventional septic tank system as required by state law. Although there are two lots that do not have road frontage on a public road and two other lots that are smaller than the typical size for a septic system, all four lots are existing lots of record with an existing access point and are logical expansions of the R-1A Single Family Residential zone that is located in the area, including on all four subject properties.

Planning Staff Recommendations

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

Condition:

Direct access to Highway 54 shall be limited to the passway which serves as the existing single access point for the subject properties.

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 Community Plan Area where Rural Small-lot Residential Uses are appropriate in general locations;
3. Two of the subject properties have existing road frontage along a public road, Highway 54; and although the two remaining subject properties do not have road frontage along a public road, they are existing lots of record with an existing access point along Highway 54;
4. Two of the subject properties are large enough in size to assure satisfactory operation of a conventional septic system; and although the two remaining subject properties are smaller than the typical size for a septic system, they are existing lots of record;
5. The proposed R-1A Single Family Residential zoning is a logical expansion of the R-1A zoning in the area, including on each of the four the subject properties; and
6. The elimination of split zoning throughout the four subject properties creates the potential for a future minor subdivision plat which may enhance the layout of the subject properties.