

JULY 12, 2012**7232, 7244 HIGHWAY 56****ZONE CHANGE**

From:	A-U Urban Agriculture, R-1A Single Family Residential
To:	A-U Urban Agriculture
Proposed Use:	Church
Acreage:	5.8+/- acres
Applicant:	St. Mary Magdalene's Parish of Sorgho, KY, Inc. (1207.1844)
Surrounding Zoning Classifications:	
North: R-1A, B-4	South: A-U
East: R-1A, A-U	West: R-1A, A-U

Proposed Zone & Land Use Plan

The applicant is seeking an A-U Urban Agriculture zone. The subject property is located in a Rural Community Plan Area, where agriculture/forestry uses are appropriate in general locations.

SPECIFIC LAND USE CRITERIA

(a) Conservation of agricultural topsoil – Agricultural topsoil should be conserved through appropriate farming practices.

(b) Sustain forests – Forested areas should be sustained through appropriate forestry practices.

Planning Staff Review**GENERAL LAND USE CRITERIA****Environment**

- It appears that the subject property is not located in a wetland 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 21059CO095 D and 21059CO235 D.
- The property is designated as prime agricultural farmland per the US Department of Agriculture Soil Conservation Service map dated March 1980.
- It appears that the subject property is not within the Owensboro Wellhead Protection area per the GRADD map dated March 1999.

Urban Services

Electricity, water and gas are available to the subject property. Sanitary sewage disposal would be accomplished by an on-site septic system.

Development Patterns

The subject property is currently split zoned R-1A Single Family Residential and A-U Urban Agriculture. There is an existing church and related facilities in operation on the subject property that have been there since before the current zoning regulations. A church is conditionally permitted in an A-U and an R-1A zone. Even though the subject property is designated as prime

agricultural farmland, urban development took place in the area before the establishment of the zoning ordinance and it is anticipated that some prime agricultural land will be developed.

A Conditional Use Permit application was submitted in May, 2012 to the Owensboro Metropolitan Board of Adjustment to bring the church into compliance with the zoning ordinance and to construct accessory structures. It was brought to the staff's attention with the CUP application that an existing gravel parking area was located on the portion of the subject property zoned R-1A. Gravel parking is not permitted for a non-residential use in any zone except for agriculture zones. The applicant was advised the parking area would need to be paved and a violation notice was issued. At the June 7, 2012 OMBA meeting the applicant argued the gravel parking area was non-conforming; therefore it should be able to continue with its non-conformity. The OMBA approved the CUP application with a condition that the property be rezoned to A-U in order to continue to use the gravel parking area as is and bring the property into compliance or file an administrative appeal and demonstrate the non-conformity.

SPECIFIC LAND USE CRITERIA

The subject property abuts A-U Urban Agriculture zoning the south and partially to the east and west as well. It is more desirable for a property to be a single zone rather than split zoned. Since there is not a residence located on the property, and it abuts other properties zoned A-U, it is as appropriate to rezone the entire property to A-U as it would be to rezone it to R-1A. Rezoning the property to A-U will allow the applicant to continue to use the existing gravel parking as pavements is excepted in agriculture zones.

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 subject property is located in a Rural Community Plan Area, where agriculture/forestry uses are appropriate in general locations and the church is conditionally permitted within an agriculture zone;
2. The A-U zone is more appropriate than the R-1A zone for the current site conditions on the property;
3. The subject property is an existing church with an existing gravel parking area and gravel parking areas are permitted in agriculture zones;
4. Rezoning the property will eliminate split zoning on the property; and
5. Rezoning the property will bring the property into conformance with the zoning ordinance.