

**NOVEMBER 14, 2019**

**PORTION OF 6264 OLD HIGHWAY 54 &  
PORTION OF 6320 OLD HIGHWAY 54**

**ZONE CHANGE**

<b>From:</b>	R-1A Single Family Residential & B-4 General Business
<b>To:</b>	<b>B-4 General Business &amp; A-U Urban Agriculture</b>
<b>Proposed Use:</b>	Nursery & Agricultural
<b>Acreage:</b>	10.835
<b>Applicant:</b>	Michael W. & Marlene Hamilton; Grace Chapel (1911.2100)
<b>Surrounding Zoning Classifications:</b>	
<b>North: R-1A &amp; B-4</b>	<b>South: A-R</b>
<b>East: R-1A</b>	<b>West: R-1A</b>

**Proposed Zone & Land Use Plan**

The applicant is seeking a B-4 General Business and an A-U Urban Agriculture zone. The subject properties are located in a Rural Community Plan Area, where general business uses are appropriate in limited locations and rural large-lot residential uses are not generally recommended.

**SPECIFIC LAND USE CRITERIA FOR GENERAL BUSINESS USES**

**(a) Building and lot patterns; outdoor storage yards** – Building and lot patterns should conform to the criteria for “Nonresidential Development” (D7), and outdoor storage yards, with “Buffers for Outdoor Storage Yards” (D1).

**(b) Logical zoning expansions of proportional scope** – Existing General Business zones may be expanded onto contiguous land that generally abuts the same street(s). The expansion of a General Business zone should not significantly increase the extent of the zone in the vicinity of the expansion and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

**(f) New Locations in Rural Communities** – In Rural Community plan areas, new locations of General Business zones should be “major-street oriented” (D2) and should be sited at the corners of intersecting streets if located in close proximity to existing dwellings.

**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 partially located in a special flood hazard area per FIRM Map 21059CO305D.
- It appears that the subject property is designated as an approximate 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**

This rezoning proposal involves two separate property consolidations and divisions on the subject property; 6424 Old Highway 54. The subject property is a land-locked tract that is primarily zoned R-1A Single Family Residential and adjoins a commercial nursery that fronts along Old Highway 54. The commercial nursery is primarily zoned B-4 General Business.

There is a small portion of the land-locked subject property that was rezoned to B-4 General Business in 1999 in order to expand the commercial nursery, but was never consolidated with the property that the business is located on. At this time, the property owner is proposing to rezone additional property to B-4 General Business in order to expand the zone for future growth of the nursery.

In regards to the proposed zoning change from R-1A Single Family Residential to A-U Urban Agriculture, the owner of the land-locked parcel intends to purchase property from the Grace Chapel Church, located at 6230 Old Highway 54, in order to create a 10.001 acre lot as shown on the submitted Project Identification Map. In conjunction with this desired consolidation, the owner would like the 10.001 acre tract to be zoned A-U Urban Agriculture as opposed to the existing R-1A Single Family Residential zone.

Should the proposed zoning changes be approved, a minor subdivision plat shall be required to place the entirety of the B-4 General Business zoning on one parcel and the entirety of the A-U Urban Agriculture zoning on a separate parcel. Additionally, prior to any changes regarding the nursery operation, the applicant must obtain approval of an amended final development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, and signage. The OMPC building and electrical division should be contacted prior to any construction activity or changes.

**SPECIFIC LAND USE CRITERIA**

The proposed B-4 General Business zoning is in compliance with the Comprehensive Plan as it is located in a Rural Community Plan Area where General Business uses are appropriate in limited locations. The proposed use is non-residential in nature and is a logical expansion of the existing B-4 operation to the north.

The proposed agricultural use on the 10-acre tract of land, while non-residential in nature, is considered to be a Rural Large-lot Residential Use because the A-U zone does allow for single-family residential uses. Although Rural Large-lot Residential uses are not generally recommended in Rural Community Plan Areas, this subject area that is being proposed to be zoned A-U Urban Agriculture is a large piece of land that has historically been utilized primarily for farming and/or as woodlands. Consequentially, the proposed A-U zone is more appropriate than the existing R-1A zone.

**Planning Staff Recommendations**

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

**Conditions:**

1. Obtain Approval of a Minor Subdivision Plat that will consolidate the entirety of the B-4 General Business Zone to one parcel and will consolidate the entirety of the A-U Urban Agriculture zone to a separate parcel; and
2. Obtain Approval of an Amended Final Development Plan for the B-4 General Business operation.

**Findings of Fact:**

1. Staff recommends approval of the B-4 General Business zone 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 General Business Uses are appropriate in limited locations;
3. The proposed use in conjunction with the B-4 General Business zoning, a nursery, is non-residential in nature;
4. The proposed B-4 General Business zone is a logical expansion of the existing B-4 General Business zoning to the north, including on the subject property;
5. The proposal to rezone 0.834 acres to B-4 General Business will not significantly increase the extent of general business zoning in the vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.
6. While the Rural Large-lot Residential use, as classified with the area proposed to be rezoned to A-U Urban Agriculture, is not generally recommended in the Rural Community Plan Area, the proposed zoning is more appropriate than the existing R-1A Single Family Residential zone; and
7. The subject area that is proposed to be zoned A-U Urban Agriculture is a 10-acre, land-locked area that has historically been utilized agriculturally.