

NOVEMBER 14, 2019

6705 & 6745 HIGHWAY 144

ZONE CHANGE

From:	R-1A Single Family Residential & A-U Urban Agriculture
To:	A-U Urban Agriculture
Proposed Use:	Residential with Pasture and Woods
Acreage:	15.84
Applicant:	Donald Davis (1911.2103)
Surrounding Zoning Classifications:	
North: A-U	South: R-1A & 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 properties are located in a Rural Community Plan Area, where rural small-lot residential uses are appropriate in general locations and rural large-lot residential uses are not generally recommended.

SPECIFIC LAND USE CRITERIA FOR RURAL SMALL-LOT RESIDENTIAL USES

(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 21059CO165D.
- It appears 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 properties. Sanitary sewage disposal is accomplished by an on-site septic system.

Development Patterns

The subject properties are comprised of two tracts, each with road frontage along Highway 144. One of which, 6745 Highway 144, is a 1 acre tract that was created in 2007 and contains an existing single family residence. The entirety of this property is currently zoned R-1A Single Family Residential and is considered to be a rural small-lot residential use.

The remainder is an existing large rural lot comprised of a 14.84 acre agricultural tract that is currently split-zoned with R-1A Single Family Residential zoning along Highway 144 and A-U Urban Agriculture zoning located at the rear of the property. The applicant intends to create a single zoning classification on the properties in order to enlarge the aforementioned 1 acre tract located at 6745 Highway 144 without creating additional split-zoned lots. The application states that the future lots will consist of both, Rural Small-lot Residential and Rural Large-lot Residential classifications; as is currently the situation on the subject properties.

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 proposed rural small-lot residential use at the existing residential lot is in compliance with the Comprehensive Plan as it is located within a Rural Community Plan Area where such uses are appropriate in general locations. Meanwhile the proposed zone is more appropriate than the existing split-zoning on the large, agricultural tract. Both lots have their own frontage along Highway 144, are large enough assure the satisfactory operation of conventional septic systems, and have historically been used in accordance with the proposed A-U zone. The proposed zone is a logical expansion of the A-U zone located on the subject property.

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 properties are located within a Rural Community Plan Area where Rural Small-lot Residential uses, such as the proposal at 6745 Highway 144, are appropriate in general locations and are in compliance with the community's adopted comprehensive plan;
2. While Rural Large-lot Residential Uses, such as the proposal at 6705 Highway 144, are not generally recommended within a Rural Community Plan Area, the proposed A-U Urban Agriculture zoning classification is more appropriate than the existing split-zoning on the subject property;
3. Both subject properties front along a public road, Highway 144;
4. Both subject properties are large enough in size to assure satisfactory operation of conventional septic systems;
5. Both subject properties have historically been utilized residentially and agriculturally, in accordance with the proposed A-U zone; and
6. The proposed A-U Urban Agriculture zone is a logical expansion of the A-U zone located on the subject property.