

FEBRUARY 13, 2020

4709, 4719 HIGHWAY 54

ZONE CHANGE

From:	R-1A Single Family Residential & A-U Urban Agriculture
To:	A-U Urban Agriculture
Proposed Use:	Agricultural
Acres:	49.850
Applicant:	Barry Sparks; Cheryl Sparks Peay, ET AL (2002.2112)
Surrounding Zoning Classifications:	
North:	A-U
South:	A-U
East:	A-U, R-1A
West:	A-U, R-1A

Proposed Zone & Land Use Plan

The applicant is seeking an A-U Urban Agriculture zone. The subject property is located in an Urban Residential Plan Area, where Rural Farm Residential uses are not general recommended.

SPECIFIC LAND USE CRITERIA

- (a) **Large tracts with agricultural potential** – Each dwelling should be located on a separate, large tract that has potential for productive agricultural use.
- (b) **Access to existing public road via private drive** – Each dwelling/tract should have access to an existing public road; public roads should not be created or extended to provide access. Access should be provided via private drives. No more than two dwelling/tracts should share a single private drive where it connects with a public road.

Planning Staff Review

GENERAL LAND USE CRITERIA

Environment

- It appears that the subject properties are not located in a wetlands area per the US Department of Agriculture Soil Conservation Service dated March 6, 1990.
- The subject properties are not located in a special flood hazard area per FIRM Maps 21059CO281D and 21059CO285D.
- It appears that the subject properties are partially designated as prime agriculture farmland per the US Department of Agriculture Soil Conservation Service map dated March 1980.
- It appears that the subject properties are 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

Electricity, water and gas are available to the subject properties. Sanitary sewage disposal is accomplished by on-site septic systems.

Development Patterns

The subject properties are two parcels that combine for 49.850 acres; approximately only 2 acres of the total 49.850 acres is currently zoned R-1A Single Family Residential. 4709 Highway 54 is 0.630 acres in size with an existing single-family residence on the property zoned entirely R-1A Single Family Residential. 4719 Highway 54 is 49.220 acres with an existing single-family residence and several accessory agricultural structures, split zoned R-1A Single Family Residential and A-U Urban Agriculture. All adjoining properties are zoned A-U Urban Agriculture and R-1A Single Family Residential and appear to be agricultural and residential in nature.

The applicant proposes to rezone the entirety of the subject properties to A-U Urban Agriculture to create one uniform zoning classification in order to consolidate and re-divide the parcels.

Highway 54 in this location is classified as a principal arterial roadway with a 500 foot spacing standard, 75 foot building setback line and 60 foot roadway buffer. Each parcel currently has an existing access point Highway 54. No new access points shall be permitted to Highway 54 with the consolidation and re-division of the parcels. Any future development of the properties will required conformance with the access management manual.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is not compliance with the Comprehensive Plan. However, the proposed zoning of A-U Urban Agriculture is more appropriate than the current split zoning of R-1A Single Family Residential and A-U Urban Agriculture because approximately only 2 acres of the entire 49.850 acres is zoned R-1A Single Family Residential and the applicant proposes to consolidate and re-divide the parcels. Additionally, each dwelling will be located on a separate, large tract that has potential for productive agricultural use once the consolidation and re-division is finalized. Each dwelling has access to an existing private drive along Highway 54 with no new roads proposed.

Planning Staff Recommendations

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

Conditions:

1. No new access shall be permitted to Highway 54 and any future development of the properties will require conformance with the access management manual; and,
2. Approval of a minor subdivision plat consolidating and re-dividing the parcels.

Findings of Fact:

1. Staff recommends approval because the proposed zoning of A-U Urban Agriculture is more appropriate than the existing zoning of R-1A Single Family Residential and A-U Urban Agriculture;
2. The subject property is located in an Urban Residential Plan Area, where rural farm residential uses are not generally recommended;
3. Each dwelling will be located on a separate, large tract that potential for productive agricultural use once the consolidation and re-division has been finalized; and,
4. Each dwelling has access to an existing private drive along Highway 54 with no new roads proposed.