

APRIL 12, 2012

PORTION OF 10565 HIGHWAY 81

ZONE CHANGE

From: R-1A Single Family Residential	
To: A-R Rural Agriculture	
Proposed Use: Agriculture	
Acreage: 0.217	
Applicant: Jerry C. Baird (1204.1831)	
Surrounding Zoning Classifications:	
North: R-1A	South: A-R
East: A-R	West: A-R

Proposed Zone & Land Use Plan

The applicant is seeking an A-R Rural Agriculture zone. The subject property is located in a Rural Maintenance Plan Area where agricultural 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 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 21059CO380 D.
- It appears that the subject property is not within the Owensboro Wellhead Protection area per the GRADD map dated March 1999.
- The property is not 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 or other state and federal agencies as may be applicable.

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 a portion of a larger farm tract located in an area with mixed agricultural and large lot residential uses. The subject property is a large agricultural tract that is zoned primarily A-R Rural

Agriculture with a small portion zoned R-1A Single Family Residential.

The applicant is currently operating a vineyard and winery on the subject property and is wishing to expand that operation to include wine tastings and a gift shop. The desired activity requires a Conditional Use Permit in an A-R zone. In order to apply for a Conditional Use Permit, the property needs to have a consistent zoning of A-R Rural Agriculture.

SPECIFIC LAND USE CRITERIA

The applicant’s proposal is in compliance with the Comprehensive Plan. The subject property is an existing split zoned farm tract with road frontage on Highway 81 which is a state maintained road. Rezoning will allow the properties to have a consistent zoning.

Planning Staff Recommendations

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

Findings of Fact:

1. Staff recommends approval because the proposal is in compliance with the community’s adopted Comprehensive Plan;
2. The subject property is located in a Rural Maintenance Plan Area, where agricultural uses are appropriate in general locations;
3. Agriculture practices in place should conserve topsoil;
4. The subject property is split zoned and this will allow a consistent zoning for the entire farm.