

JANUARY 14, 2021

3630 HAYDEN ROAD

ZONE CHANGE

From: R-1A Single Family Residential	
To: A-U Urban Agriculture	
Proposed Use: Single Family Residential	
Acreage: 4.068 acres	
Applicant: Robert E. Settles (2101.2146)	
Surrounding Zoning Classifications:	
North: A-U	South: R-1A
East: 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 small-lot residential uses are appropriate in general locations.

SPECIFIC LAND USE CRITERIA

(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 & 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 partially located in a special flood hazard area per FIRM Map 21059CO143D.
- 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 utilities are available to the subject property. Sanitary sewage disposal is existing and is accomplished by an on-site septic system; although an existing sanitary sewer system is located on the subject property if desired or needed.

Development Patterns

The subject property is a narrow 4.068-acre tract of land that is zoned R-1A Single Family Residential and houses one single family residence, which is occupied by the applicant. The property adjoins Meadowlands Elementary School and has road frontage along Hayden Road.

Hayden Road, in this vicinity, is a major collector roadway with a 250-foot spacing standard; as well as a 60-foot building setback and a 30-foot roadway buffer, each measured from the centerline of Hayden Road. The site appears to comply with applicable building setbacks and roadway buffers; however, due to the location of existing driveways across Hayden Road, it is impossible for the subject property to comply with the 250-foot spacing standard. As a result, access to the subject property is limited to a single access point.

The applicant proposes to rezone the subject property from R-1A Single Family Residential to A-U Urban Agriculture. The zoning ordinance states that the A-U zone is “established to provide for agricultural and related open spaces for portions of the Owensboro Urban Service Area projected for urban development,” as is the case for the subject property. Site visits of the property have indicated that the 4+ acre tract of land has historically been utilized for the farming of various crops.

The adjoining property to the east is zoned R-1A Single Family Residential, as are the adjoining properties to the south (across Hayden Road). Meadowlands Elementary, located to the west, is split-zoned R-1A Single Family Residential and A-U Urban Agriculture. The adjoining property to the north, which is vacant and located along the Wendell Ford Expressway, is also zoned A-U.

Due to the residential properties in the area as well as the narrow nature of the subject property, it should be noted that if the proposal is approved, all agricultural activities (including those that are animal related) shall comply with the any applicable ordinances enforced by Daviess County Fiscal Court including, but not limited to, those regarding separation distances between certain agricultural activities and the neighboring residential properties/structures.

Additionally, future changes to the properties shall comply with applicable portions of the Owensboro Metropolitan Zoning Ordinance and Subdivision Regulations. Before any construction activity takes place on the property, the OMPC Building, Electrical and HVAC department shall be contacted regarding any necessary permits, inspections and certificates of occupancy and compliance.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The subject property has frontage on Hayden Road, a public road. At 4.068 acres the subject property is large enough to assure satisfactory operation of conventional septic systems. The proposed A-U zoning is a logical expansion to the existing zoning to the north and west.

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 proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located in an Urban Residential Plan Area, where rural small-lot residential uses are appropriate in general locations;
3. The subject property has frontage along a public road, Hayden Road, with no new streets proposed;
4. At 4.068 acres in size, the subject property is large enough to assure satisfactory operation of conventional septic tank systems; and,
5. The proposed A-U Urban Agriculture zoning is a logical expansion of the existing A-U zoning to the north and west.