

MAY 13, 2021

4771 MILLERS MILL ROAD

ZONE CHANGE

From:	R-1A Single Family Residential & A-U Urban Agriculture
To:	A-U Urban Agriculture
Proposed Use:	Residential
Acreage:	49.208
Applicant:	Professional Properties, LLC; Barbara Z. Warren Revocable Trust & George Warren Jr. (2105.2166)
Surrounding Zoning Classifications:	
North: R-1C, A-U	South: R-1A, A-U
East: A-U	West: R-1B

Proposed Zone & Land Use Plan

The applicant is seeking an A-U Urban Agriculture zone. The subject property is partially located in an Urban Residential Plan Area where urban low-density residential uses are appropriate in limited locations, and partially located in a Professional/Service Plan Area where urban low-density residential uses are appropriate in very limited locations.

SPECIFIC LAND USE CRITERIA

- (a) Building and lot patterns** – Building and lot patterns should conform to the criteria for “**Urban Residential Development**” (D6).
- (b) Existing, expanded or new sanitary sewers** – Urban low-density residential use should occur only where sanitary sewer systems exist or may be expanded, or where new systems may be property established.
- (c) Only logical expansions** – In Future Urban, Professional/Service, Business, and Rural Preference plan areas, completely new locations of Urban Low-density Residential uses should not be established. However, existing areas of this use may be expanded onto contiguous land.

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 21059CO281D.
- It appears that the subject property is partially 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 available to the subject property. Sanitary sewage disposal is accomplished by an on-site septic system; although sanitary sewer systems are available to the subject property.

Development Patterns

The subject property is an existing 49.208 acre farm tract with an existing single family residence on property. This property, located across from the Steeplechase neighborhood, has a large amount of road frontage along Millers Mill Road.

Millers Mill Road, in this vicinity, is classified as 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 Millers Mill Road.

The subject property is split-zoned. The vast majority of the property is zoned A-U Urban Agriculture. However, there is a 0.320 acre portion of the property, located to the rear of Macedonia Baptist Church, that is zoned R-1A Single Family Residential. Nearly all adjoining properties are zoned for single family residential uses; this includes properties located within Steeplechase, the Old Mill development, and the single family residential homes along Millers Mill Road. The adjoining church operation is split zoned R-1A and A-U; meanwhile there are two residential homes located within the original farm operation that are zoned A-U Urban Agriculture. The adjoining farm to the east is also zoned A-U Urban Agriculture.

The applicant proposes to eliminate the split-zoning on the subject property by rezoning the entirety of the property to A-U Urban Agriculture. While the application does not indicate any future plans for this property, it should be noted that any future development of this site shall comply with access management regulations along Millers Mill Road.

Future changes to the property 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 proposed residential use conforms to the criteria for urban residential development and the subject property has access to an existing sanitary sewer system. The proposed A-U Urban Agriculture zone is a logical expansion of existing A-U zoning to the east and the proposed rezoning will eliminate the existing split-zoning on the subject property.

Planning Staff Recommendations

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

Condition:

1. Future development of the subject property shall maintain compliance with access management regulations along Millers Mill Road.

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 partially located in an Urban Residential Plan Area, where urban low-density residential uses are appropriate in limited locations, and partially located in a Professional/Service Plan Area where urban low-density residential uses are appropriate in very limited locations;
3. The proposed residential use conforms to the criteria for urban residential development;
4. The subject property currently utilizes an on-site septic system; however, an existing sanitary sewer system is available to the subject property;
5. The proposed A-U Urban Agriculture zoning is a logical expansion of the existing A-U zoning to the east, including existing A-U zoning located on the majority of the subject property; and,
6. Rezoning the subject property from A-U Urban Agriculture and R-1A Single Family Residential to A-U Urban Agriculture will eliminate the split-zoning on the subject property.