

JULY 14, 2022

4161 HAYDEN RD

ZONE CHANGE

From:	R-1A Single Family Residential & A-U Urban Agriculture
To:	A-U Urban Agriculture
Proposed Use:	Single Family Residential
Acreage:	38.652
Applicant:	Gary M & Margaret L Boswell (2207.2214)
Surrounding Zoning Classifications:	
North: A-U, R-1A	South: R-1A, A-U
East: R-1A, A-U	West: 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 on 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 Map 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

All urban services are available to the subject property. Sanitary sewage disposal is accomplished by an on-site septic system.

Development Patterns

The subject property is a 38.652-acre parcel with approximately 1,800-feet of road frontage on Hayden Road. The property is largely zoned A-U Urban Agriculture with R-1A zoning located along the road frontage. The property contains an existing residence, access point, and accessory structure. At this time, the applicant has requested to

eliminate the split-zoning on the subject property in order to establish a single zoning classification to subdivide the property. With the absence of sanitary sewer service available to the subject property, the A-U Urban Agriculture zoning is more appropriate than R-1A Single Family Residential zoning.

Similar split-zoning exists in the immediate vicinity as properties to the north and east are zoned residential along the road frontage with agriculture zoning on the remainder of those properties. To the south and west are residential neighborhoods, one zoned R-1A Single Family Residential and the other zoned A-U Urban Agriculture.

Hayden Road, in this vicinity, is classified as a major collector roadway with a 60-foot building setback and 30-foot roadway buffer both measured from the centerline of the road and 250-foot access spacing standard.

Any future changes to the property shall comply with applicable portions of the Owensboro Metropolitan Zoning Ordinance, Subdivision Regulations and access management manual. 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 that may be required.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed A-U Urban Agriculture zoning is a logical expansion of existing A-U Urban Agriculture zoning which encompasses a majority of the subject property and adjoining properties to the north, south and east. With approximately 1,800 feet of road frontage, the subject property is large enough to ensure that the existing dwelling will remain on its own independent lot with adequate road frontage along a public road, Hayden Road. At 38.652 acres the subject property is large enough in size to assure satisfactory operation of conventional septic tank systems.

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 approximately 1,800 feet of road frontage on a public road, Hayden Road;
4. At 38.652 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 existing A-U zoning to the north, south and east; including A-U zoning already located on the subject property.