

JULY 14, 2022

5872 HIGHWAY 1389

ZONE CHANGE

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|--|------------------------|
| From: P-1 Professional/Service | |
| To: A-R Rural Agriculture | |
| Proposed Use: Residential | |
| Acreage: 3.650 | |
| Applicant: AVSG Properties, LLC c/o Tid Griffin (2207.2219) | |
| Surrounding Zoning Classifications: | |
| North: A-R, R-1A | South: A-R |
| East: A-R | West: A-R, R-1A |

Proposed Zone & Land Use Plan

The applicant is seeking an A-R Rural Agriculture zone. The subject property is located in a Rural Community 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 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 dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Map 21059CO145 D.
- It does not appear 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 and water are available to subject property. Sanitary sewage disposal shall be accomplished by an existing on-site septic system.

Development Patterns

The subject property is a 3.650-acre parcel of land that is currently zoned P-1 Professional/Service. The applicant rezoned the property to its current P-1 zoning in March 2021 with the intent to utilize the existing facilities on the subject property in order to operate a professional office use with accessory lodging. The applicant now proposes to rezone

the property back the A-R Rural Agriculture zone so the property can be used residentially.

All adjoining properties (and all other properties in the general vicinity) are zoned R-1A Single Family Residential and/or A-R Rural Agriculture. The 20-foot wide access point and driveway is located between two single family residences along Highway 1389; each mostly zoned R-1A Single Family Residential. The access drive leads back to the remainder of the property, which is surrounded on three sides by wooded lands that are currently undeveloped and zoned A-R Rural Agriculture. On the fourth side (to the north) is a series of single-family residential homes that front along Highway 1389 and are split-zoned R-1A in the front and A-R in the rear.

Highway 1389 is classified as a local roadway with a 25-foot front building setback. The property is uniquely shaped as a flag-lot with a 20-foot wide stem that provides access from Highway 1389 leading back to the bulk of the property. Due to the unique shape of the lot, the building setback shall be measured from where the 20-foot wide stem reaches the bulk of the property.

Any 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 community's adopted Comprehensive Plan. The subject property is a separate lot with road frontage on an existing public road, Highway 1389. At 3.650 acres, the subject property is large enough to assure satisfactory operation of a conventional septic tank system. The proposed A-R Rural Agriculture zoning is a logical expansion of existing A-R zoning surrounding the subject property.

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 a Rural Community Plan Area, where rural small-lot residential uses are appropriate in general locations;
3. The subject property has road frontage on an existing public road, Highway 1389;
4. At 3.650 acres, the subject property is large enough to assure satisfactory operation of a conventional septic tank system; and,
5. The proposed A-R Rural Agriculture zone is a logical expansion of existing A-R zoning surrounding the subject property.