

AUGUST 11, 2022

11022 & 11036 HIGHWAY 56

ZONE CHANGE

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| From: | R-1A Single Family Residential, A-U Urban Agriculture & B-4 General Business |
| To: | A-U Urban Agriculture |
| Proposed Use: | Agricultural |
| Acreage: | 12.212 |
| Applicant: | Ben A. O'Bryan; Nathaniel Warren (2208.2226) |
| Surrounding Zoning Classifications: | |
| North: R-1A & B-4 | South: A-U & R-1A |
| East: R-1A | West: R-1A |

Proposed Zone & Land Use Plan

The applicant is seeking an A-U Urban Agriculture zone. The subject property is located in a Rural Community Plan Area, where Agriculture/Forestry uses are appropriate in general locations.

SPECIFIC LAND USE CRITERIA

- (a) Conservation of agriculture 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 maps dated March 6, 1990.
- The subject property is located in a special flood hazard area per FIRM Maps 21059CO230D.
- It appears that the subject 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, 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 will be accomplished by an on-site septic system.

Development Patterns

The subject properties combine to total 12.212 acres in size. The first property, 11022 Highway 56, is entirely zoned R-1A Single Family Residential and contains an existing residence. The second property, 11036 Highway 56, is split-zoned B-4 General Business (along Highway 56) and A-U Urban Agriculture (the rear portion of the property). The second property also appears to have a small amount of R-1A zoning along the highway.

In conjunction with property divisions/consolidations, the applicant is proposing to eliminate the split-zoning and utilize the properties for agricultural purposes. With 12.212 acres of agricultural activities, the site shall conserve the existing topsoil and sustain the existing forested areas.

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 Comprehensive Plan. At 12.212 total acres of agricultural land, the proposed activity is expected to conserve the agricultural topsoil and sustain the existing forested areas located on 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 agriculture and forestry uses are appropriate in general locations;
3. At 12.212 total acres total acres of land, the proposed activity is expected to conserve the agricultural topsoil through appropriate farming practices;
4. The proposal will eliminate the existing split-zoning on the subject properties; and,
5. The existing forested areas should be sustained through appropriate forestry practices.