

NOVEMBER 10, 2022

2604 ROY CLARK ROAD

ZONE CHANGE

From:	R-1A Single Family Residential & A-U Urban Agriculture
To:	A-U Urban Agriculture
Proposed Use:	Single Family Residential
Acreage:	24.185
Applicant:	Chris Roby & John Lee Emberton (2211.2235)
Surrounding Zoning Classifications:	
North:	R-1A & A-U South: R-1A
East:	R-1A & A-U West: R-1A & A-U

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 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 map dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Map 21059CO165 D.
- It appears that a portion of the subject property may be 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 the subject property. Sanitary sewage disposal will be accomplished by on-site septic systems.

Development Patterns

The subject property is an existing 24+ acre agricultural property located near the intersection of Roy Clark Road and Highway 144.

The subject property is immediately adjoined on all sides by rural small lot residential uses that are zoned R-1A Single Family Residential and/or A-U Urban Agriculture. The lone exception is to the north, which is a large agricultural property primarily zoned A-U Urban Agriculture.

Much like several adjoining properties, the subject property is currently split-zoned, R-1A Single Family Residential along the Roy Clark Road and A-U Urban Agriculture to the rear. The applicant intends to divide the property to create multiple lots, each for residential purposes. One of the proposed lots is only 3.773 acres in size and will be considered a rural small-lot residential use. The existing split-zoning shall be rectified prior to any divisions of the subject 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. All resulting properties shall be located on an individual lot with road frontage on a public road, Roy Clark Road. At 24+ acres, the subject property is large enough to assure satisfactory operation of a conventional septic tank system on any proposed lots. The proposed A-U Urban Agriculture zoning is a logical expansion of existing A-U zoning and will eliminate existing split-zoning 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 rural small-lot residential uses are appropriate in general locations;
3. All resulting properties shall have road frontage along a public road, Roy Clark Road;
4. At 24+ acres, the subject property is large enough to assure satisfactory operation of a conventional septic tank system located on any proposed lots; and,
5. The proposed A-U Urban Agriculture zone is a logical expansion of existing A-U zoning, and will eliminate existing split-zoning on the subject property.