

**AUGUST 10, 2006**

**5300 LEE RUDY RD**

**ZONE CHANGE**

<b>From:</b> P-1 Professional/Service		
<b>To:</b> A-U Urban Agriculture		
<b>Proposed Use:</b> Single-Family Residence, Farming		
<b>Acreage:</b> 20.14		
<b>Applicant:</b> Brent A. Ballard; Saltzman Heirs c/o Carl Saltzman (0608.1652)		
<b>Property Zone Existing Use</b>	<b>to North</b> A-U Rural Residential	
<b>to West</b> P-1, A-U Farmland	<b>Subject</b> P-1 → A-U Cropland, Wooded	<b>to East</b> P-1, A-U Moose Club, Farmland
	<b>to South</b> A-U Farmland	

**GENERAL LAND USE CRITERIA  
Apply, if marked below:**

*Described in Comprehensive Plan on pages 445-448*

**Environmental ☒**

- E1** Flood Plains
- E2** Steep Slope
- E3** Historical & Archaeological Sites
- E4** Soils
- E5** Plant & Animal Life

**Urban Services ☒**

- ☒ **U1** Roadway Capacity
- ☒ **U2** Electricity Supply
- ☒ **U3** Water Supply
- U4** Stormwater Disposal
- U5** Sanitary Sewage Disposal

**Development Patterns ❖**

- D1** Land-Use Intensity, Clusters and Buffers
- D2** Land Use versus Street Function
- D3** Intersection & Driveway Spacing
- D4** Roadway Buffer Standards
- D5** Lot Sizes & Proportions
- ❖ **D6** Residential Development
- D7** Non-Residential Development
- D8** Building Quality

**Proposed Zone & Land Use Plan**

The applicant is seeking an A-U Urban Agriculture zone. The subject property is located in a Professional/Service Plan Area where rural farm residential uses are generally not recommended.

**SPECIFIC LAND USE CRITERIA**

**No specific land use criteria apply.**

**Applicant's Findings**

The Comprehensive Plan does not recommend rural farm residential uses in a Professional/Service area. Although the Comprehensive Plan indicates a preference for P-1 Professional/Service use for the site, the tract has continued to be farmed and otherwise continued to enjoy an agricultural use.

The Comprehensive Plan also recommends a major private recreational facility for the site; which appears to have been satisfied by the Loyal Order of the Moose Lodge/Facility situated immediately east of the subject tract.

Inasmuch as the site has been zoned P-1 for several years and never converted for an agricultural land use to a private recreations use the original zoning may have been inappropriate for the farming community.

**Planning Staff Review**

The subject property is located in the 5300 block of Lee Rudy Road. Land use criteria applicable to this proposal are reviewed below.

**GENERAL LAND USE CRITERIA**

**Environment**

According to a study prepared by the US Department of Agriculture Soil Conservation Service dated March 6, 1990, it appears that a portion of the subject property is located in a wetlands area. The subject property is not located in a special flood hazard area per FIRM Map 21059CO115C. It appears that a portion of the subject property is designated as prime agricultural land according to the "Important Farmlands" map created by the US Department of Agriculture Soil Conservation Service dated March 1980. The developer is responsible for obtaining permits as may be required by the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

It appears that the subject property is outside the Owensboro Wellhead Protection area according to a map created by the GRADD office dated March 1999.

### Urban Services

Electricity, water and gas are available to the subject property. Sanitary sewage disposal would be accomplished by an on-site septic system.

### Development Patterns

The subject property is in an area of mixed agricultural, rural residential and professional/service uses. The Loyal Order of Moose lodge is located east of the subject property and is zoned P-1. A portion of the property to the west is also zoned P-1 but both are currently occupied by single-family residences. The balance of the remaining adjoining property is zoned agricultural.

In their findings, the applicant states that the site has historically been used for agricultural production and has never been used for professional/service type uses. The site currently has row crops under cultivation. The Comprehensive Plan likely saw the potential of expanding the professional/service use of the neighboring Moose Lodge property; however, that expansion has not occurred and the site had remained agriculturally productive. With the character of the area being primarily agricultural in nature, an agricultural zoning for the subject property is more appropriate than the existing professional/service zone.

### SPECIFIC LAND USE CRITERIA

The current zoning of the subject property is inappropriate. The 20.14 acre tract of land has historically been farmed and used for agricultural purposes although zoned P-1. The Comprehensive Plan likely anticipated the expansion of the Moose Lodge professional/service use onto surrounding properties which has not occurred. Based on the historical use of the property and the rural, farming nature in the vicinity, an agricultural zoning classification is more appropriate for the subject property than the current professional/service zone.

### Planning Staff Recommendations

Staff recommends approval because the proposed zoning for the subject property is more appropriate than the current zoning classification. The findings of fact that support this recommendation include the following:

#### Findings of Fact:

1. The subject property is located in a Professional/Service Plan Area where rural farm residential uses are generally not recommended;

2. Although zoned professional/service, the site has historically maintained agricultural production; and,
3. Based on the historical agricultural use of the property and rural, agricultural uses in the vicinity of the subject property, an agricultural zoning is more appropriate than the current professional/service zoning classification.