

FEBRUARY 14, 2008

7100 U.S. HIGHWAY 231

ZONE CHANGE

From:	B-4 General Business R-1A Single-Family Residential A-U Urban Agriculture	
To:	A-U Urban Agriculture	
Proposed Use:	Residence, Hobby Farm, Home Business	
Acreage:	7.017	
Applicant:	William T. & Desiree C. Hatfield (0802.1708)	
Property Zone Existing Use	to North A-U Agricultural	
to West R-1A, A-U Residential, Agricultural	Subject B-4, R-1A, A-U ➔ A-U Residence, Hobby Farm, Home Business	to East R-1A, A-U Residence, Agricultural
	to South A-U Agricultural	

**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 Rural Community Plan Area, where agricultural uses are appropriate in general locations.

SPECIFIC LAND USE CRITERIA

(a) Conservation of agricultural topsoil - Agricultural topsoil should be conserved through appropriate farming practices.

Applicant's Findings

The existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate.

There are currently three zonings for the subject property. They are B-4, A-U and R-1A. The majority of the subject property is already zoned A-U.

Current land use is a primary residence, home-based business and a hobby farm. The home based business is a sole proprietorship with no employees, i.e. real estate appraisal company. The hobby farm consists of a variety of animals for personal use, i.e. horses, ducks, chickens, dogs and cats.

Though part of the property is currently zoned B-4, its purpose has never been anything but as listed above. Also, due to an additional land purchase of 0.237 acres, R-1A zoning was added to the subject properties' already split zoning of B-4 and A-U.

The applicant's requested rezoning to consolidate the various zonings is in compliance with the Owensboro Metropolitan Planning Commission's adopted Comprehensive Plan.

Planning Staff Review

The subject property is located in the 7100 block of US 231. 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 the subject property is not located in a wetlands area. The subject property is not located in a special flood hazard area per FIRM Map 21059CO295 C.

Based on the preliminary FIRM maps dated July 7, 2007, the subject property is not located in a special flood hazard area per map 21059CO295 D. 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 is accomplished by an on-site septic system.

Development Patterns

The subject property is located in a rural setting with scattered rural residences and agricultural uses within the rural community of Masonville. The subject property is currently split-zoned B-4 General Business, R-1A Single-Family Residential and A-U Urban Agriculture. The B-4 portion of the property is the only commercially zoned property in the vicinity. All surrounding properties are either zoned R-1A Single-Family Residential or A-U Urban Agriculture. However, the adjoining property to the west has applied for a commercial zoning in order to operate an antique shop.

The subject property is just over seven acres in size and is currently used as a private residence with a home based business and as a hobby farm. Based on the description of the home based business, it appears to meet the zoning ordinance definition and requirements to be classified as a home based occupation. As stated in the applicant's findings, the subject property has historically been used for similar purposes and has not been used for commercial purposes. Based on this, the applicant argues that the current B-4 zoning on the property is inappropriate and an agricultural zoning is more appropriate.

The size of the lot is sufficient to sustain agricultural activity and the majority is currently zoned agricultural. Within a rural community plan area agricultural uses are appropriate in general locations.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The subject property is located in a Rural Community Plan Area where agricultural uses are

appropriate in general locations. The subject property is currently split-zoned with the majority being zoned agricultural. The consolidation of zonings into a single classification is appropriate and an agricultural zoning for the entire tract is more appropriate than multiple zonings on the subject property.

Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The findings of fact that support this recommendation include the following:

Findings of Fact:

1. The subject property is located in a Rural Community Plan Area, where agricultural uses are appropriate in general locations;
2. The subject property has never been used for commercial purpose;
3. The majority of the subject property is currently zoned A-U Urban Agriculture;
4. Based on the historical and current use of the property, a single agricultural zoning for the subject property is more appropriate than the existing split zoning; and,
5. The subject property is sufficient in size to accommodate agricultural activity.