

**MARCH 14, 2013**

**2731 W 2<sup>ND</sup> ST**

**ZONE CHANGE**

<b>From:</b> B-4 General Business	
<b>To:</b> A-U Urban Agriculture	
<b>Proposed Use:</b> Residential	
<b>Acreeage:</b> 3.591	
<b>Applicant:</b> R N A Rental Hosplex, LLC (1303.1869)	
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> A-U	<b>South:</b> B-5
<b>East:</b> I-1	<b>West:</b> B-4

**Proposed Zone & Land Use Plan**

The applicant is seeking an A-U Urban Agriculture zone. The subject property is located partially in a Business Plan Area where Urban Low-density Residential uses are appropriate in very-limited locations and partially in an Urban Residential Plan Area where Urban Low-density Residential uses are appropriate in limited locations.

**SPECIFIC LAND USE CRITERIA**

**(a) Building and lot patterns** – Building and lot patterns should conform to the criteria for “**Urban Residential Development**” (D6).

**(b) Existing, expanded or new sanitary sewers** – Urban Low-density Residential uses should occur only where sanitary sewer systems exist or may be expanded, or where new systems may be properly established.

**(c) Only logical expansions** – In Future Urban, Professional/Service, Business, and Rural Preference plan areas, completely new locations of Urban Low-density Residential use should not be established. However, existing areas of this use may be expanded onto contiguous land.

**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 21059CO119 D.
- It appears that the subject property is not within the Owensboro Wellhead Protection area per the GRADD map dated March 1999.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

**Urban Services**

All urban services, including sanitary sewers, are available to the site; however the site is served by on an onsite septic system.

**Development Patterns**

The structure on the subject property was constructed in 1865 according to PVA records and the existing structure is on the National Historic Registry. Historically, the home has been used as a single family residence and a bed and breakfast. In 1990 the property was rezoned from A-U Urban Agriculture to B-4 General Business to allow for the bed and breakfast use. In 1995 the Zoning Ordinance was changed in regards to bed and breakfast homes and they were no longer permitted in a B-4 zone. The Zoning Ordinance change allowed bed and breakfasts to be Conditionally Permitted in an A-U zone. The applicant states the property will be used as a residential estate which is permitted in the proposed A-U zone.

The subject property was recently divided creating the subject property at 3.591 acres. The plat approved February 20, 2013 limited the access to a single, existing, 40 foot access point.

With B-4 zoned property to the west and I-1 zoned property to the east, landscaping and screening in accordance with the zoning ordinance shall be required if and when the adjacent properties develop.

**SPECIFIC LAND USE CRITERIA**

The proposed zoning for the subject property is more appropriate than the existing zoning. The property has been used as a residence and/or bed and breakfast for nearly 150 years and the current zoning is no longer appropriate since the Zoning Ordinance has changed. Additionally, the request is an expansion of existing A-U zoning to the north.

**Planning Staff Recommendations**

The planning staff recommends approval subject to the condition and findings of fact that follow:

**Condition:** Access shall be limited to a single access point as established on the plat approved February 20, 2013.

**Findings of Fact:**

1. Staff recommends approval because the proposed A-U Urban Agriculture zoning is more appropriate than the current B-4 General Business zone;
2. The subject property is located in a Business Plan Area, where urban low-density residential uses are appropriate in very-limited locations, and in an Urban Residential Plan Area where urban low-density residential uses are appropriate in limited locations;
3. The subject property has been used as a residence and/or bed and breakfast for nearly 150 years;
4. The A-U zoning is an expansion of existing A-U zoning to the north; and,
5. The proposed zoning change will bring the property use that has existed on the site since 1865 into conformance with the zoning ordinance.