

**JULY 9, 2009**

**5232 LEE RUDY RD**

**ZONE CHANGE**

**From:** P-1 Professional/Service

**To:** A-U Urban Agriculture

**Proposed Use:** Recreation

**Acreage:** 22.415

**Applicant:** Nicholas P. Hayden Trust  
(0907.1754)

<b>Property Zone Existing Use</b>	<b>to North</b> A-U Residential, Farm	
<b>to West</b> R-1A Farm	<b>Subject</b> P-1 ➔ A-U Recreation	<b>to East</b> A-U Residential, Farm
	<b>to South</b> A-U Farm	

**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 partially located in an Urban Residential Plan Area, where rural large-lot residential uses are generally not recommended and partially located in a Professional/Service Plan Area, where rural large-lot residential uses are generally not recommended.

**Applicant's Findings**

The current P-1 zoning is not appropriate for the subject property since it was previously used as the Moose Lodge and is now individually owned. The building on the property has been removed.

The proposed Urban Agriculture Zoning is more appropriate because the surrounding properties are all zoned A-U and the subject property may be used for residential purposes in the future.

**Planning Staff Review**

The subject property is located in the 5200 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 21059CO115 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 an area of agricultural zoning with agricultural and residential uses. At over 22 acres in size, the subject property is a large tract of undeveloped property. Formerly the site of the Moose Lodge, the building on site burned and has left the site vacant except for a large pond.

The applicant proposes to rezone the property from P-1 Professional/Service which was needed when used as a lodge, to an agricultural zone which will be similar to all surrounding zoning. The applicant proposes personal recreational use on the property with the potential for a residence in the future. The use of the property for personal recreational use is appropriate within an A-U Urban Agriculture zoning. Any conversion of the property from personal use to major outdoor recreational use will require a conditional use permit.

The property has a single access point to Lee Rudy Road which is classified as a local roadway. Based on a site visit to the property, sight distance at the existing access point is questionable when looking to the west. For safety purposes, the applicant may wish to explore other locations on site that may be more suitable from a sight distance perspective and should consult with the County Engineer for appropriate access location.

## SPECIFIC LAND USE CRITERIA

The proposed zoning for the subject property is more appropriate than the existing zoning. When used as the Moose Lodge, a Professional/Service zoning was appropriate. However, the Moose Lodge building has been removed from the site and it has been purchased by an individual for personal recreational use and potential future residence. An agricultural zoning for the subject property will be appropriate for the construction of a residence. Agricultural zoning exists on all sides of the subject property.

## Planning Staff Recommendations

Staff recommends approval because the proposed zoning classification 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 partially located in an Urban Residential Plan Area, where rural large-lot residential uses are generally not recommended and partially located in a Professional/Service Plan Area, where rural large-lot residential uses are generally not recommended;

2. The professional/service use on the property has been discontinued;
3. The applicant proposes to use the property for personal recreational use and for a potential future residence; and,
4. The proposed A-U Urban Agriculture zoning is consistent with the zoning on all sides of the subject property.