

OCTOBER 11, 2007

10416, 10420 RED HILL-MAXWELL RD

ZONE CHANGE

From:	B-4 General Business A-R Rural Agriculture	
To:	A-R Rural Agriculture	
Proposed Use:	Residential	
Acreage:	2.372	
Applicant:	Billy J. Young, Donald Saunders (0710.1692)	
Property Zone Existing Use	to North A-R Agriculture	
to West A-R, B-4 Agriculture	Subject B-4, A-R ↔ A-R Vacant	to East A-R Agriculture, Residential
	to South A-R Residential	

**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-R Rural Agriculture zone. The subject property is located in a Rural Maintenance Plan Area where rural large-lot residential uses are appropriate in limited locations.

SPECIFIC LAND USE CRITERIA

- (a) **Separate, large, well-proportioned lots** - Each dwelling should be located on its own individual lot that fronts on a public road or street. Lots should be large enough in size and width to avoid the creating of excessive numbers of lots or odd-shaped lots.
- (c) **Frontage only on existing roads or streets** - In Rural Maintenance plan areas, new lots should front upon existing public roads or streets. Public roads or streets should not be created or extended to provide for new lots.
- (d) **Coal mining advisory** - Prospective lot owners should be advised of the potential for coal mining activity in rural areas.

Applicant's Findings

The subject property is currently split zoned B-4 General Business and A-R Rural Agriculture. The applicant wishes to rezone the entire property to A-R Rural Agriculture. This is in compliance with the Comprehensive Plan because the proposed zone will match the existing A-R zones to the north, east, south and west of the subject property.

Planning Staff Review

The subject property is located in the 10400 block of Red Hill-Maxwell 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 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 21059CO425 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 21059CO410 D. It appears that the subject property is not 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 existing on-site septic system.

Development Patterns

The subject property is located in an area of agricultural and large-lot rural residences. Although a portion of the subject property and a portion of the property to the west is zoned B-4 General Business, no commercial activity is evident in the area. All remaining property in the vicinity is zoned A-R Rural Agriculture.

At present, less than half of the property is zoned B-4 General Business and all but a small portion of the adjoining lot in the vicinity is zoned agricultural. An A-R Rural Agriculture zoning for the entire tract would be more appropriate since there is no commercial activity in the area and it will eliminate split zoning on the tract.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The subject property is an existing, large, well-proportioned lot with frontage on both KY 140 E and Red Hill-Maxwell Road which are both publicly maintained roadways. Although it does not appear that any EX-1 Coal Mining zoning is in the vicinity of the property, this staff report should serve as an advisory to the applicant of the potential of coal mining activities in rural areas.

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 Maintenance Plan Area where Rural Large-lot Residential uses are appropriate in limited locations;
2. The subject property is an existing, well-proportioned lot that is 2.372 acres in size;

3. The subject property has frontage on KY 140 E which is a state maintained road and Red Hill-Maxwell Road which is a county maintained road with no new roads or streets proposed or required; and,
4. The A-R zoning will eliminate split zoning on the property and it is a more appropriate zone based on uses and zoning in the immediate area.