

**JANUARY 10, 2008**

**7200-7230 BLK US 431**

**ZONE CHANGE**

<b>From:</b>	A-R Rural Agriculture R-1A Single-Family Residential	
<b>To:</b>	<b>A-R Rural Agriculture</b>	
<b>Proposed Use:</b>	Agriculture	
<b>Acreage:</b>	53	
<b>Applicant:</b>	Mike & Larry Hayden (0801.1704)	
<b>Property Zone Existing Use</b>	<b>to North</b> I-1, R-1A Church, Excavation Contractor	
<b>to West</b> A-R Agriculture	<b>Subject</b> A-R, R-1A ➔ A-R Agriculture	<b>to East</b> A-R Agriculture
	<b>to South</b> A-R Agriculture	

**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 Agricultural 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 proposed zoning map amendment is in compliance with the Comprehensive Plan. The subject property has been used for agricultural purposes for many years. The low level of the property located in the floodplain is not suitable for residential use.

**Planning Staff Review**

The subject property is located in the 7200 block of US 431. 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 may be located in a wetlands area and that a portion of the property is considered to be prior wetlands converted prior to December 31, 1985. The subject property is located in a special flood hazard area per FIRM Map 21059CO270 C. Based on the preliminary FIRM maps dated July 7, 2007, the subject property is located in a special flood hazard area per map 21059CO270 D. It appears that 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 a portion of 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 located in a rural setting with the majority of surrounding land uses being agricultural in nature. A church and excavation contractor are located north of the subject property but all other surrounding properties are zoned agricultural and are used for agricultural or rural large-lot residential purposes.

As stated by the applicant, the subject property has historically been used for agricultural purposes. A portion of the property road frontage is currently zoned R-1A Single-Family Residential. This rezoning is submitted in conjunction with another rezoning on the Planning Commission agenda to rezone the entire tract to an A-R Rural Agriculture except for an eight acre tract that will be used for a farm equipment sales business.

In the vicinity of the subject property US 431 is classified as a principal arterial roadway with a 75' building setback and 50' roadway buffer from the street centerline. Although outside of the urban service area and access management requirements, staff would recommend that access to US 431 be established in a manner that will not have a detrimental impact on US 431 traffic. US 431 is a heavily traveled corridor and conflict points such as driveways increase the potential of crashes. The same street classification within the Urban Service Area would require 500 foot spacing between drives. The entire road frontage of the parent tract is approximately 1000 feet. Based on the street classification and traffic in US 431, staff would recommend that the parent tract, which would include the entire road frontage for the A-R and I-1 zonings, be limited to two access points. Any proposed access to the subject property will require approval from the Kentucky Transportation Cabinet.

## SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The subject property is a large tract that is capable of agricultural production. As stated by the applicant, the site has historically been used for agricultural production and other than the church and excavation operation to the north, the remaining property in the vicinity is zoned agricultural and used for agricultural purposes.

## Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive

Plan. The condition and findings of fact that support this recommendation include the following:

**Condition:** The parent tract, which would include the entire road frontage for the 53 acre A-R zoning and the eight acre I-1 zoning, shall be limited to two access points on US 431.

## 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 is designated as prime agricultural farmland according to the "Important Farmlands" map created by the US Department of Agriculture Soil Conservation Service dated March 1980;
3. With the prevalence of floodplain on the subject property, the agricultural use of the subject property is appropriate; and,
4. The subject property is a large tract capable of agricultural production.