

**APRIL 9, 2009**

**4150 RIDGE RD**

**ZONE CHANGE**

<b>From:</b> EX-1 Coal Mining		
<b>To:</b> A-R Rural Agriculture		
<b>Proposed Use:</b> Agricultural & Residential		
<b>Acreage:</b> 10.783		
<b>Applicant:</b> William Zachary Callery (0904.1746)		
<b>Property Zone Existing Use</b>	<b>to North</b> EX-1 Agriculture	
<b>to West</b> EX-1 Agriculture	<b>Subject</b> EX-1 ➔ A-R Agricultural	<b>to East</b> EX-1 Agriculture
	<b>to South</b> A-R Agriculture, 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 Agricultural zone. The subject property is located in a Rural Maintenance Plan Area where rural farm residential uses are appropriate in general locations.

## SPECIFIC LAND USE CRITERIA

**(a) Large tracts with agricultural potential** - Each dwelling should be located on a separate, large tract that has potential for productive agricultural use.

**(b) Access to existing public road via private drive** - Each dwelling/tract should have access to an existing public road; public roads should not be created or extended to provide access. Access should be provided via private drives. No more than two dwellings/tracts should share a single private drive where it connects with a public road.

## Applicant's Findings

Mining operations have been completed and property is ready to be zoned back to agriculture.

## Planning Staff Review

The subject property is located in the 4100 block of Ridge 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 21059CO170 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 21059CO170 D. It appears that a portion of the subject property may be 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 not in the vicinity of 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 primarily mixed large-lot rural residences and agricultural land. The 10.783 acre tract was recently created out of a larger parent tract. The tract received approval from the Planning Commission since it does not have road frontage but an access easement to Ridge Road.

The applicant proposes to construct a residence on the subject property but cannot under the current EX-1 Coal Mining zoning classification. As the applicant stated, the coal mining activity that was present in the vicinity has been discontinued and the applicant would like the property to revert to the original zoning classification of A-R Rural Agriculture.

**SPECIFIC LAND USE CRITERIA**

The applicant's proposal is in compliance with the Comprehensive Plan. The subject property is a large tract over 10 acres with agricultural potential. The site has access to a public road via a private drive. Mining activity has ceased and is ready to revert to its original zoning classification.

**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 farm residential uses are appropriate in general locations;
2. The subject property is a large tract over 10 acres in size with agricultural potential;
3. The subject property has access to a public street via a private drive;
4. All strip-mining activity has been completed and all disturbed areas have been reclaimed; and,
5. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after mining.