

MAY 8, 2003

7700, 7800 BLOCKS HAYDEN LA

ZONE CHANGE

From: EX-1 Coal Mining

To: A-R Rural Agriculture

Acreage: 35.70 acres

Applicant: Robert Carter (0305.1516)

| | | |
|--|---|---------------------------------|
| Property Zone Existing Use | to North EX-1, A-R Woods, <i>pasture/agricultural</i> | |
| to West EX-1 <i>Rural Residential/ agricultural</i> | Subject EX-1 ↔ A-R <i>Pasture /agricultural</i> | to East EX-1 Woods |
| | to South A-R <i>Cropland</i> | |

**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 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 dwelling/tracts should share a single private drive where it connects with a public road.

Applicant's Findings

The subject property is located within a rural agricultural area in Daviess County, Kentucky.

The subject property is bordered by Rural Agriculture zoning.

The applicant proposes to change the zoning to allow for farm divisions.

The subject property has never been mined and there is no current lease on the property.

Planning Staff Review

The subject property is located in the 7700 and 7800 blocks of Hayden La at the intersection of Hayden La and Hobbs Rd. Land use criteria applicable to this request are reviewed below.

GENERAL LAND USE CRITERIA

Environment

No important environmental criteria apply to the subject property.

Urban Services

Electricity and water are available to the site. On-site sanitary septic systems will be required to address sewage disposal.

Development Patterns

The subject property is located in a rural agricultural area. Properties to the north, east and south are zoned EX-1 Coal Mining, but are in agricultural production, pasture or woodlands. There is no evidence of on-going surface mining activities either on the subject property or adjacent to the subject property.

SPECIFIC LAND USE CRITERIA

The subject property is located in an area that supports agricultural and farm residential uses. The property has sufficient road frontage to create large agricultural tracts, with residences having access to the public road via private driveways. The zoning classification for the subject property prior to being zoned EX-1 Coal Mining was A-R Rural Agriculture. The Owensboro Metropolitan Zoning Ordinance, Section 12a.31 requires that the site revert to its original zone after mining. Since there is no evidence to suggest that the owner has any intention to mine this site, the zoning classification should be returned to its original designation.

Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the adopted Comprehensive Plan. Findings in support of this recommendation include:

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 contains sufficient frontage to allow for farm divisions with private drives accessing the public road without the creation of new streets; and,
3. As the owner of the property does not intend for the subject property to be mined, the property should revert to its original zoning classification of A-R Rural Agriculture.