

JUNE 12, 2003

10361 US 231

ZONE CHANGE

From:	EX-1 Coal Mining, B-4 General Business	
To:	A-R Rural Agriculture	
Acreage:	27.880 acres	
Applicant:	John D. and Deborah W. Dalton (0306.1520)	
Property Zone <i>Existing Use</i>	to North B-4, R-1A, A-R <i>Agriculture & Residence</i>	
to West A-U, A-R, EX-1 <i>Residential, Church, Agriculture</i>	Subject EX-1, B-4 ➡ A-R <i>Vacant, partially wooded</i>	to East EX-1 <i>Vacant</i>
	to South Ex-1 <i>Vacant</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. No more than two dwelling/tracts should share a single private drive where it connects with a public road.

Applicant's Findings

The proposed rezoning amendment is in compliance with the Comprehensive Plan. Mining operations have ceased, the property has been reclaimed, and is ready to be rezoned from an EX-1 Coal Mining to an A-R Rural Agriculture zone.

Planning Staff Review

The subject property is located in the 10301 block of US 231. Land use criteria applicable to this request are reviewed below.

GENERAL LAND USE CRITERIA

Environment

The subject property contains some steep slopes. No other important environmental criteria apply to the subject property.

Urban Services

Water and electricity are available to the site. Sanitary sewage disposal must be provided onsite by septic tank.

Development Patterns

The predominant land use within the area is agricultural-related activities. A church, fire station and scattered residential housing are located within the immediate area. The applicant plans to use the property for agricultural activities and a residence. The applicants have no plans to further subdivide the property.

SPECIFIC LAND USE CRITERIA

The rezoning request meets the specific criteria. The subject property has sufficient road frontage for access to a public maintained road without the creation of new public roads. The subject property is a large tract of 27.880 acres with potential for agricultural production. Additionally, the Zoning Ordinance requires that property be zoned back to its original zoning designation once mining activities have ceased. (Section 12a.31)

Planning Staff Recommendations

Staff recommends approval because the request 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 has access to an existing public road via a private drive without the creation of new public roads;
3. The subject property is a large, separate tract capable of supporting agricultural activities; and,
4. Mining activities have ceased and the property should revert to its original zoning classification of A-R in accordance with Section 12a.31 of the Owensboro Metropolitan Zoning Ordinance.