



AUGUST 14, 2003

10867 HAMILTON RD

ZONE CHANGE

From: EX-1 Coal Mining		
To: A-R Rural Agriculture		
Acreage: 70.00 acres		
Applicant: Jerry L. and Janice L. Roberts (0308.1524)		
Property Zone Existing Use	to North A-R Vacant	
to West EX-1, A-R Residence, agricultural	Subject EX-1 ➔ A-R Agricultural	to East I-2, A-R Agricultural, landfill
	to South A-R, I-1 Vacant	

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 that 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, and the property has been reclaimed, and is now ready to be rezoned from EX-1 (Mining) to an A-R (Rural Agriculture) zone.

Planning Staff Review

The subject property is located in the 10801 block of Hamilton Rd. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA

Environment

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

Urban Services

All urban services are available to the site, with the exception of sanitary sewer. A septic system will serve the subject property.

Development Patterns

The subject property is located in a predominantly agricultural area, with scattered residential uses. The Daviess County Flora Road Landfill Transfer Station is located adjacent to the property. The subject property has

been mined and reclaimed. The applicant is proposing to build a home on the property and must return it to its previous zoning classification in accordance with the Owensboro Metropolitan Zoning Ordinance Article 12a.31.

SPECIFIC LAND USE CRITERIA

The subject tract is a large separate tract consisting of 70 acres capable of supporting agricultural production. The tract has frontage on Hamilton Rd, a publicly maintained road within the Daviess County road system. There are no new streets proposed.

Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. Findings of fact 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 frontage on a public road and no new roads or streets are proposed;
3. Mining activities on the subject property have ceased; and,
4. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after mining.