

**AUGUST 12, 2004**

**10791 HAMILTON RD**

## ZONE CHANGE

<b>From:</b> EX-1 Coal Mining		
<b>To:</b> A-R – Rural Agriculture		
<b>Acreage:</b> 1.035 acres		
<b>Applicant:</b> Terry & Shirl Snyder (0408.1566)		
<b>Property Zone Existing Use</b>	<b>to North</b> A-R Wooded	
<b>to West</b> A-R Wooded	<b>Subject</b> EX-1 ➔ A-R Residence, Wooded	<b>to East</b> A-R Wooded
	<b>to South</b> A-R Residence, agricultural	

## 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 large-lot residential uses are appropriate in limited locations.

## SPECIFIC LAND USE CRITERIA

**(a) Separate, large, well-proportioned lots** Each dwelling should be located on its own individual lot that fronts on a public road or street. Lots should be large enough in size and width to avoid the creation of excessive numbers of lots or odd-shaped lots.

**(c) Frontage only on existing roads or streets** In Rural Maintenance plan areas, new lots should front upon existing public roads or streets. Public roads or streets should not be created or extended to provide for new lots.

**(d) Coal mining advisory** Perspective lot owners should be advised of the potential for coal mining activity in rural areas.

## Applicant's Findings

The site shall revert to its original zone after mining.

## Planning Staff Review

The subject property is in the 10700 block of Hamilton 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 in a wetlands area.

The subject property does not appear to be in a special flood hazard area per FIRM Map 21059CO200 C.

It appears that the subject property is outside the Owensboro Wellhead Protection area according to a map created by the GRADD office dated March 1999.

However, 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.

**Urban Services**

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

**Development Patterns**

The subject property is located in a predominately agricultural area with scattered residential uses. The applicant is proposing to raze an existing home on the site and construct a new home. In accordance with Owensboro Metropolitan Zoning Ordinance Article 12a.31, the applicant must return the property to the previous zoning before the changes to the site can be completed.

**SPECIFIC LAND USE CRITERIA**

The tract has frontage on Hamilton Road, a publicly maintained road within the Daviess County roadway system, and no new streets are proposed.

**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 separate well proportioned lot with 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.