



JULY 14, 2005

9519 KY 815

ZONE CHANGE

From: EX-1 - Coal Mining		
To: A-R - Rural Agriculture		
Acreage: 12.337 acres		
Applicant: George & Belinda Hayden (0508.1606)		
Property Zone Existing Use	to North EX-1 Vacant	
to West A-R Vacant	Subject EX-1 ➔ A-R Residential	to East EX-1 Vacant
	to South EX-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 than two dwelling/tracts should share a single private drive where it connects with a public road.

Applicant's Findings

Mining operations and reclamation are complete. The applicant wishes to change zoning back to agriculture.

Planning Staff Review

The subject property is located in the 9501 block of KY 815. 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 21059CO245 C. It appears that the subject property is not 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 outside 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 would be accomplished by an on-site septic system.

Development Patterns

All adjoining property is zoned A-R Rural Agriculture or EX-1 Coal Mining and is primarily vacant. In accordance with Owensboro Metropolitan Zoning Ordinance Article 12a.31, the applicant must return the property to the previous zoning after mining activities have ceased.

SPECIFIC LAND USE CRITERIA

The subject property is a large rural tract approximately 12.337 acres in size which could be used for agricultural purposes. It has frontage on KY 815 which is an existing road within the state roadway network. No new roads or streets are proposed with this application.

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 limited locations;
2. The subject property is a separate, large tract of land;
3. The subject property has frontage on KY 815 which is an existing street with no new street proposed;
4. Mining activities have ceased and reclamation has been completed; and,
5. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after mining.