



DECEMBER 11, 2008

6595 STEVENS SCHOOL RD

ZONE CHANGE

From: EX-1 Coal Mining		
To: A-R Rural Agriculture		
Proposed Use: Residential		
Acreage: 10.015+/-		
Applicant: Troy Edge (0812.1732)		
Property Zone <i>Existing Use</i>	to North EX-1 Wooded, Pasture	
to West EX-1 Wooded, Pasture	Subject EX-1 ➔ A-R Vacant	to East A-R Wooded, Residence
	to South EX-1 Wooded, Pasture	

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 Agricultural 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 dwellings/tracts should share a single private drive where it connects with a public road.

Applicant's Findings

The site is located within the rural maintenance area as defined by the Generalized Land Use Plan Map. The Comprehensive Plan recommends rural large-lot residential uses as appropriate in general locations. The site will be used for a rural home site; located within the owner's property.

All urban services are available to serve the lot. Sanitary sewage service will be provided by an on-site disposal system. The site is large, 10.0+/- acres, with adequate space for a septic system.

The site has a 50-foot right-of-way entrance and additional road frontage for the remainder of the farm. Rezoning for use as a single-family residence on a large tract layout will not overburden the capacity of the existing roadway. The site meets specific land use criteria.

Applicant is aware of past coal mining activities in the area; however, all mining activity on said farm is completed with reclamation work completed.

No other important environmental criteria apply to the subject tract.

Planning Staff Review

The subject property is located in the 6501 block of Stevens School 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 located in a wetlands area. The subject property is not located in a special flood hazard area per FIRM Map 21059CO320 C. Based on the preliminary FIRM maps dated July 7, 2007, the subject property is not located in a special flood hazard area per map 21059CO320 D. 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 not in the vicinity of 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 is accomplished by an on-site septic system.

Development Patterns

The subject property is located in an area of primarily mixed large-lot rural residences and agricultural land. The 10.015+/- acre tract was recently created out of a larger parent tract that the applicant owns. The remainder of the parent tract is still zoned EX-1 Coal Mining to the north, west and south. The property to the east is zoned A-R Rural Agriculture.

The applicant proposes to construct a residence on the subject property but cannot under the current EX-1 Coal Mining zoning classification. As the applicant stated, the coal mining activity that was present in the vicinity has been discontinued and the applicant would like the property to revert to the original zoning classification of A-R Rural Agriculture.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The subject property is a large tract over 10 acres with agricultural potential. The site has access to a public road via a private drive. Mining activity has ceased and is ready to revert to its original zoning classification.

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 large tract over 10 acres in size with agricultural potential;
3. The subject property has access to a public street via a private drive;
4. All strip-mining activity has been completed and all disturbed areas have been reclaimed; and,
5. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after mining.