

**MAY 13, 2021**

**3515 RUSSELL ROAD & 11440 HIGHWAY 231**

**ZONE CHANGE**

<b>From:</b> EX-1 Coal Mining	
<b>To:</b> A-R Rural Agriculture	
<b>Proposed Use:</b>	Agricultural/Residential
<b>Acreage:</b>	56.110
<b>Applicant:</b>	Linn K. Taylor (2105.2168)
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> EX-1	<b>South:</b> A-R
<b>East:</b> A-R	<b>West:</b> A-R, EX-1

**Proposed Zone & Land Use Plan**

The applicant is seeking an A-R Rural Agriculture zone. The subject properties are 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 roads 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.

**Planning Staff Review**

**GENERAL LAND USE CRITERIA**

**Environment**

- It appears that the subject properties are not located in a wetlands area per the US Department of Agriculture Soil Conservation Service dated March 6, 1990.
- The subject properties are not located in a special flood hazard area per FIRM Maps 21059CO410D and 21059CO430D.

- It appears that portions of the subject properties are designated as prime agricultural farmland per the US Department of Agriculture Soil Conservation Service map dated March 1980.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA, the EPA, the OMPC building/electrical/HVAC division or other state and federal agencies as may be applicable.

**Urban Services**

Electricity, water and gas are available to the subject properties. Sanitary sewage disposal is accomplished by on-site septic systems.

**Development Patterns**

The subject properties are comprised of two large tracts of land (33.75 acres and 22.36 acres) located near the intersection of Russell Road and Highway 231; both of which are zoned EX-1 Coal Mining, each containing a single family residence. Both parcels of land are existing lots of record with adequate road frontage and existing driveways along public roads, Highway 231 and Russell Road.

The surrounding properties are similarly zoned. There are many single family residential properties in the area that are zoned A-R Rural Agriculture and several large tracts of land that are zoned EX-1 Coal Mining. There is no active coal mining on the subject properties and so the applicant intends for the zoning classification for each property to revert back to the agricultural zone.

Any future changes to the properties shall comply with applicable portions of the Owensboro Metropolitan Zoning Ordinance and Subdivision Regulations. Before any construction activity takes place on the properties, the OMPC Building, Electrical and HVAC department shall be contacted regarding any necessary permits, inspections and certificates of occupancy and compliance.

**SPECIFIC LAND USE CRITERIA**

The applicant's proposal is in compliance with the Comprehensive Plan. At 33.75 acres and 22.36 acres, each subject property is large enough to provide potential for productive agricultural uses. No new roads are proposed with this request as both properties have adequate road frontage and existing driveways along public roads, Highway 231 and Russell Road. Mining activity has ceased on the properties and they are ready to revert back to their original zoning classification.

**Planning Staff Recommendations**

The planning staff recommends approval subject to the findings of fact that follow:

**Findings of Fact:**

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject properties are located in a Rural Maintenance Plan Area, where rural farm residential uses are appropriate in general locations;
3. At 33.75 acres and 22.36 acres, each subject property is large enough in size to provide the potential for productive agricultural uses;
4. No new roads are proposed with this request as both properties have adequate road frontage and existing driveways along public roads, Highway 231 and Russell Road;
5. Strip-mining activity on the properties has ceased; and,
6. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that the property shall revert to its original zoning classification after mining.