

JUNE 10, 2021

3300 RUSSELL ROAD & 3300 BLOCK OF RUSSELL ROAD

ZONE CHANGE

From: EX-1 Coal Mining	
To: A-R Rural Agriculture	
Proposed Use: Agricultural and Residential	
Acreage: 103.800	
Applicant: Shirley Gene Taylor (2106.2172)	
Surrounding Zoning Classifications:	
North: A-R, EX-1	South: EX-1
East: EX-1	West: 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 Map 21059CO410D.
- It appears that the subject properties are not 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 an on-site septic system.

Development Patterns

The subject properties are comprised of three tracts of land all currently zoned EX-1 Coal Mining. The first of which, 3300 Russell Road, is a 1-acre tract of land containing an existing residence. The remaining 102-acres consist of a large farm operation that is located on both sides of Russell Road. All three parcels of land are existing lots of record with adequate road frontage and existing access points along a public road, 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 103.800 total acres, the subject properties are large enough to provide potential for productive agricultural uses. No new roads are proposed with this request as all three properties have adequate road frontage and existing access points along a public road, 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 103.800 total acres, each of the subject properties are large enough in size to provide the potential for productive agricultural uses;
4. No new roads are proposed with this request as all three properties have adequate road frontage and existing access points along a public road, Russell Road;
5. Strip-mining activity on the properties has ceased; and,
6. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that the properties shall revert to their original zoning classification after mining has ceased.