

JULY 8, 2021

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| 8676 SHORT STATION ROAD | |
| ZONE CHANGE | |
| From: EX-1 Coal Mining | |
| To: A-R Rural Agriculture | |
| Proposed Use: Residential | |
| Acreage: 3.870 | |
| Applicant: Eric & Tiffany Hayden (2107.2175) | |
| Surrounding Zoning Classifications: | |
| North: EX-1 | South: EX-1 |
| East: EX-1 | West: A-R |

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 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 property is not located in a wetlands area per the US Department of Agriculture Soil Conservation Service dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Map 21059CO170D.
- It appears that the subject property is 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 property. Sanitary sewage disposal is accomplished by an on-site septic system.

Development Patterns

The subject property, located along Short Station Road, is a 3.870 acre parcel of land with an existing single family residence on the property. This residential property is part of a 70 acre farm consisting of the subject property and a large agricultural tract surrounding the home.

Both parcels of land are owned by the applicant and share a single driveway. Additionally, both tracts are currently zoned EX-1 Coal Mining. At this time, the applicant proposes to rezone only the smaller, residential tract to A-R Rural Agriculture as mining has not taken place on this parcel.

Additional properties in the area include a farm tract to the north that is zoned EX-1 Coal Mining; as well as single family residential properties across Short Station Road which are zoned A-R Rural Agriculture.

Any future changes to the property shall comply with applicable portions of the Owensboro Metropolitan Zoning Ordinance and Subdivision Regulations. Before any construction activity takes place on the property, 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. While the 3.870 acre subject property may not be large enough for productive agricultural uses, this property is part of a much larger farming operation which is expected to be rezoned back to A-R Rural Agriculture once mining ceases. As the subject property and the remaining farm operation share an existing single access point along a public road, no new roads or access points are expected with this request or in the future. Mining activity has never taken place on the property and so it is ready to revert back to the original agricultural 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 property is located in a Rural Maintenance Plan Area, where rural farm residential uses are appropriate in general locations;
3. At 3.870 acres, the subject property may not be large enough for productive agricultural uses; however, the subject property is part of a much larger farm operation to the rear which is expected to be rezoned back to A-R Rural Agriculture once the mining on the property has ceased;
4. No new roads or access points are proposed with this request as the subject property and the farm remainder share an existing access point along a public road, Short Station Road;
5. Strip-mining activity on the property has never taken place; and,
6. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that the property shall revert to the original zoning classification after mining has ceased.