

AUGUST 12, 2021

1401 BEN FORD ROAD	
ZONE CHANGE	
From:	EX-1 Coal Mining
To:	A-R Rural Agriculture
Proposed Use:	Agricultural/Residential
Acreage:	16.390
Applicant:	LOCO Properties, LLC c/o Larry O'Bryan (2108.2177)
Surrounding Zoning Classifications:	
North: EX-1, A-R	South: EX-1
East: EX-1	West: EX-1, 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 partially located in a special flood hazard area per FIRM Maps 21059CO270D and 21059CO385D.
- It appears that the subject property is 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 will be accomplished by an on-site septic system.

Development Patterns

The subject property, located at the intersection of Ben Ford Road and Highway 1207 is a 16.390 acre farm tract that is zoned EX-1 Coal Mining. There is no active coal mining at the subject property and so the owner intends for the site to revert back to its original agricultural zoning classification.

In the general vicinity, all adjoining properties are large agricultural tracts that are zoned either A-R Rural Agriculture or EX-1 Coal Mining. The only adjoining residence is a single family residence across Old Ben Ford Road, which is zoned A-R Rural Agriculture.

The subject property has road frontage along multiple roads; however, the majority of which is located along Ben Ford Road (over 2,000 feet). As a result, it is recommended that any new access points to this property come from Ben Ford Road as opposed to Highway 1207 where the site's narrow amount of road frontage coupled with the area's existing topography may limit possible access points due to the available sight distance. The County Engineer should be consulted prior to construction of any new access points at the subject property.

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. At 16.390 acres, the subject property is large enough for productive agricultural uses. The subject property has access to public roads, Ben Ford Road and Highway 1207 and, as such, any development on the property will be accessed by a private drive. 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 16.390 acres, the subject property is large enough to provide potential for productive agricultural uses;
4. No new roads are proposed with this request as the subject property has road frontage along multiple public roads, Ben Ford Road and Highway 1207;
5. Any new development on the subject property shall be accessed by a private drive;
6. There is no active coal mining at the subject property; and,
7. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that the property shall revert to the original zoning classification after mining has ceased.