

DECEMBER 13, 2012**9024 SHORT STATION RD****ZONE CHANGE**

From:	EX-1 Coal Mining and A-R Rural Agriculture
To:	A-R Rural Agriculture
Proposed Use:	Residential
Acreage:	3.633
Applicant:	Ralph Scott & Donna Scott (1212.1859)
Surrounding Zoning Classifications:	
North: A-R, 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 partially located in a Rural Maintenance Plan Area, where rural large-lot residential uses are appropriate in limited locations.

SPECIFIC LAND USE CRITERIA

(a) Separate, large, well-proportioned lots – Each dwelling should be located on its own individual lot that fronts on a public road or street. Lots should be large enough in size and width to avoid the creation of excessive numbers of lots or odd-shaped lots.

(c) Frontage only on existing roads or streets – In Rural Maintenance plan areas, new lots should front upon existing public roads or streets. Public roads or streets should not be created or extended to provide for new lots.

(d) Coal mining advisory – Prospective lot owners should be advised of the potential for coal mining activity in rural areas.

Planning Staff Review**GENERAL LAND USE CRITERIA****Environment**

- It appears that the subject property is not located in a wetland 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 21059CO170 D.
- A portion of the 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 or other state and federal agencies as may be applicable.

Urban Services

Electricity, water and gas are existing to the subject property. Sanitary sewage disposal is accomplished by an on-site septic system.

Development Patterns

The subject property is a large tract that is located in an area of scattered rural residences. As stated in the applicant's findings, the property was zoned for mining purposes but has not and will not be mined and is ready to revert to its original zoning.

Under the current EX-1 Coal Mining zoning classification no additions to the single family residential structure or additional residential structures can occur. There is an existing residence on the property, which is nonconforming in its present EX-1 zoning. The requested zoning change will revert the zoning to the original agricultural designation and allow the applicant to obtain appropriate building and electrical permits if desired and will bring the existing residential structure into conformance with the zoning ordinance.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The subject property is a large tract over 3 acres of land. The site has access to Short Station Road. Mining activity has not and will not take place on the property and is ready to revert to its 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 property is located in a Rural Maintenance Plan Area, where rural large-lot residential uses are appropriate in limited locations;
3. The subject property has access to Short Station Road with no new roads proposed;
4. Strip-mining activity has not and will not take place on the subject property; and,
5. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after mining.