

MAY 9, 2013**9435, 9471 HIGHWAY 815****ZONE CHANGE**

From: EX-1 Coal Mining	
To: A-R Rural Agriculture	
Proposed Use: Agricultural & Rural Residential	
Acreage: 24.802	
Applicant: Jared M. & Galadrea E. Vanover (1305.1875)	
Surrounding Zoning Classifications:	
North: EX-1, A-R	South: EX-1, A-R
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 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 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 21059CO245 & 256 D.
- The 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 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 would be accomplished by an on-site septic system.

Development Patterns

The subject property consists of two large tracts that are located in an area of scattered rural residences and former mining activity. As stated in the applicant's findings, the property was zoned for mining purposes but mining ceased several decades ago. The applicants propose to use the site for both rural residential and agricultural purposes.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The subject property consists of two large tracts of 12.087 and 12.715 acres. Both parcels have frontage on Highway 815 which is a state maintained roadway with no new streets proposed.

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 two parcels totaling 24.802 acres are both large, well-proportioned lots;
4. The subject property has access to Highway 815 with no new roads proposed;
5. Strip-mining activity has ceased; and,
6. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after mining.