

MAY 2, 2019

**8727 & 8781 SHORT STATION ROAD****ZONE CHANGE**

<b>From:</b> EX-1 Coal Mining	
<b>To:</b> A-R Rural Agriculture	
<b>Proposed Use:</b> Residential/ Agricultural	
<b>Acreage:</b> 70.87	
<b>Applicant:</b>	Brandon Lanham; Estate of Gerald Mattingly; Rosemary Meserve, Executor and Joseph M & Patricia Mattingly (1905.2086)
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> EX-1	<b>South:</b> A-R
<b>East:</b> EX-1 & A-R	<b>West:</b> A-R

**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 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 21059C0170D.
- It does not appear 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 and water are existing to the subject properties and Natural Gas is proposed by liquid propane. Sanitary sewage disposal is accomplished by on-site septic systems.

**Development Patterns**

The subject properties, currently zoned EX-1 Coal Mining, consist of two existing tracts with road frontage along Short Station Road. 8727 Short Station Road is a large, 48.763 acre tract containing a single family residence as well as several agricultural accessory structures. 8781 Short Station Road is a large, 22.107 acre tract with an existing single family residence and a residential accessory structure on the site. Land uses in the vicinity are rural residential, agricultural and coal mining. According to the applicant's findings, mining activity has ceased and the properties are ready to revert back to the original zoning classification. The applicant has stated they wish to continue the existing residential use in the future on both properties.

Any future changes to the properties would have to 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. The subject properties are large tracts at 48.763 acres and 22.107 acres. The applicant proposes residential uses on the properties and each property has access to Short Station Road with no new roads proposed. Mining activity has ceased on the property and it is ready to revert back 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 properties are located in a Rural Maintenance Plan Area, where rural large-lot residential uses are appropriate in limited locations;
3. The subject properties are large tracts at 48.763 acres and 22.107 acres;
4. The subject properties have access to Short Station Road with no new roads proposed;
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.