

FEBRUARY 9, 2006

3545 MEDLEY RD

ZONE CHANGE

From: EX-1 Coal Mining		
To: A-U Urban Agriculture		
Proposed Use: Single-Family Home		
Acreage: 5.064 +/- acres		
Applicant: James C. Ellis III (0602.1629)		
Property Zone Existing Use	to North EX-1 Wooded/Pasture	
to West EX-1 Wooded/Pasture	Subject EX-1 ➔ A-U Vacant/Wooded	to East EX-1, A-U Wooded/Home Site
	to South P-1 Mental Health Care Facility	




GENERAL LAND USE CRITERIA Apply, if marked below:

Described in Comprehensive Plan on pages 445-448

Environmental

- E1** Flood Plains
- E2** Steep Slope
- E3** Historical & Archaeological Sites
- E4** Soils
- E5** Plant & Animal Life

Urban Services

- U1** Roadway Capacity 
-  **U2** Electricity Supply
-  **U3** Water Supply
- U4** Stormwater Disposal
- U5** Sanitary Sewage Disposal

Development Patterns

- D1** Land-Use Intensity, Clusters and Buffers
- D2** Land Use versus Street Function
-  **D3** Intersection & Driveway Spacing
- D4** Roadway Buffer Standards
- D5** Lot Sizes & Proportions
-  **D6** Residential Development
- D7** Non-Residential Development
- D8** Building Quality

Proposed Zone & Land Use Plan

The applicant is seeking an A-U Urban Agriculture zone. The subject property is located in a Future Urban Plan Area where rural small-lot residential uses are appropriate in general locations.

SPECIFIC LAND USE CRITERIA

- (a) Separate lots fronting on public roads or streets -**
Each dwelling unit should be located on its own individual lot that fronts on a public road or street.
- (b) Lot sizes adequate for septic tank systems -** Lots should be large enough in size to assure satisfactory operation of conventional septic tank systems as regulated by state law.

Applicant's Findings

The site is located in a Future Urban Plan Area as defined by the Generalized Land Use Plan Map. The Comprehensive Plan recommends rural small-lot residential uses as appropriate in general locations. The site will be used for a rural home site; located within the family owned property.

All urban services are available to serve the lot. Sanitary sewage service will be provided by an on-site disposal system. The site is large, 5.0 +/- acres, with adequate space for a septic system.

The site has adequate road frontage. Rezoning for use as a single-family residence on a large tract layout will not overburden the capacity of the existing roadway. The site meets specific land use criteria.

Applicant is aware of the potential for coal mining activities in the area; however, all mining activity on the family farm is completed with reclamation work completed.

No other important environmental criteria apply to the subject tract.

Planning Staff Review

The subject property is located in the 3501 block of Medley Road. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA**Environment**

According to a study prepared by the US Department of Agriculture Soil Conservation Service dated March 6, 1990, it appears that the subject property is not located in a wetlands area. The subject property is not located in a special flood hazard area per FIRM Map 21059CO120 C. It appears that a portion of the subject property is designated as prime agricultural land according to the "Important Farmlands" map created by the US Department of Agriculture Soil Conservation Service dated March 1980. The developer is responsible for obtaining permits as may be required by the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

It appears that the subject property is outside the Owensboro Wellhead Protection area according to a map created by the GRADD office dated March 1999.

Urban Services

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

Development Patterns

All adjoining property is zoned either EX-1 or A-U with the exception of the Green River Mental Health Care facility located across Medley Road which is zoned P-1. The tract has extensive frontage along Medley Road which, in the vicinity of the subject property, is classified as a collector roadway with a 250 foot spacing standard. The minor subdivision plat submitted to the OMPC office for the subject property identifies an access easement for access to the proposed residence. Any additional future access will be required to meet the requirements of the Access Management Manual. At just over five acres, the site should have sufficient area to properly install a septic system.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The 5.046 +/- acre tract of land has frontage on an existing road that is publicly maintained and is sufficient in size to accommodate a septic system.

Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive

Plan. The condition and findings of fact that support this recommendation include the following:

Condition: Any future access to the subject property will be required to meet the requirements of the Access Management Manual.

Findings of Fact:

1. The subject property is located in a Future Urban Plan Area where rural small-lot residential uses are appropriate in general locations;
2. The subject property has frontage on Medley Road which is an existing, publicly maintained road;
3. The five plus acre tract of land is sufficient in size to accommodate a septic system;
4. Mining activities have ceased and reclamation has been completed; and,
5. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after mining.