

APRIL 14, 2011

7720 WINDY HILL RD

ZONE CHANGE

From: EX-1 Coal Mining	
To: A-R Rural Agriculture	
Proposed Use: Farmland, Residence	
Acreeage: 39.35+/- acres	
Applicant: Kevin R. & Gretchen F. Payne (1104.1805)	
Surrounding Zoning Classifications:	
North: EX-1	South: A-R
East: EX-1, A-R	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 road 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 partially located in a wetland 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 Map 21059CO310 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 available to the subject property. Sanitary sewage disposal would be 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 all mining activity on the subject property has ceased and reclamation is complete.

Under the current EX-1 Coal Mining zoning classification any form of residential structure cannot be permitted. The requested zoning change will revert the zoning to the original agricultural designation and allow the application to obtain appropriate building and electrical permits if desired.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The subject property is a large tract over 39 acres with agricultural potential. The site has access to Windy Hill Road via a private drive. Mining activity has ceased 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 farm residential uses are appropriate in general locations;
3. The subject property is a large tract with agricultural and forestry potential;
4. The subject property has access to Windy Hill Road via a private drive with no new roads proposed;
5. All strip-mining activity has ceased on the subject property; and,
6. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after mining.