

**JULY 11, 2013**

**5975 MAY RD**

**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> 27.166	
<b>Applicant:</b> Retus May (1307.1878)	
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> EX-1	<b>South:</b> EX-1
<b>East:</b> A-R, EX-1	<b>West:</b> EX-1

**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 dwelling/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 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 21059CO245D.
- 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 a large tract with frontage on May Road. Land uses in the vicinity are primarily rural residential with some agriculture and timber potential. Per phone conversations with the property owner the site was

never mined but a coal haul road did run across the property. The property is currently for sale and the prospective buyer plans to construct a residence on the property. Under the coal mining zoning, a residence cannot be constructed.

**SPECIFIC LAND USE CRITERIA**

The applicant’s proposal is in compliance with the Comprehensive Plan. The subject property is a large tract at 27.166 acres and the applicant proposes residential/agricultural use on the property. The subject property has access to May Road 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 farm residential uses are appropriate in general locations;
3. The subject property is a large tract at 27.166 acres;
4. The subject property has access to May Road;
5. Strip-mining activity never took place 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.