

APRIL 12, 2012

**10808, 10810, 10814-10822, 10826-10836,
10902 HIGHWAY 144**

ZONE CHANGE

From: EX-1 Coal Mining	
To: A-R Rural Agriculture	
Proposed Use: Agriculture/Residential	
Acreage: 154	
Applicant:	United Minerals CO., LLC; Francis & Michelle Carrico; Judy Bielfield; Gregory & Karen Gilmore; Robert Carrico, Sr.; Thomas Goetz; Carol Carrico; Phillip Carrico; Janice Walker; Charles & Mary J. Smith; William & Janice Walker; Charles & Jeanett Smith; Chris & Jamie Carrico; Mark Carrico; Jerry & Tamara Howard; Frank Carrico (1204.1832)
Surrounding Zoning Classifications:	
North: EX-1, A-R	South: EX-1
East: A-R	West: 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 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 not located in a wetlands 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 Maps 21059CO170 D, 21059CO190 D, 21059CO310 D and 21059CO330 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 properties are large tracts that are 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 properties has ceased and reclamation is complete.

The proposed rezoning includes 14 tracts containing 154 acres. The subject properties are large tracts with agricultural potential. A plat was approved in 1984 creating these lots showing a 50 foot access easement. The subject properties have access to Highway 144 via this 50 foot access easement. No new roadways are proposed as part of this rezoning.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is substantially in compliance with the Comprehensive Plan. The subject properties are large tracts with agricultural potential. The site has access to Highway 144 via a private drive. Although the Comprehensive Plan indicates that no more than 2 tracts should share a private drive, the properties were created by plat in 1984 with a shared access easement. 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 substantially 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 consists of 14 large tracts with agricultural and forestry potential;
4. The subject properties have access to Highway 144 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.