

JUNE 14, 2012

10255 HIGHWAY 951

ZONE CHANGE

From:	A-R Rural Agriculture EX-1 Coal Mining
To:	A-R Rural Agriculture
Proposed Use:	Agriculture
Acreage:	34.106
Applicant:	Brian Keith Payne (1206.1842)
Surrounding Zoning Classifications:	
North: EX-1, A-R	South: EX-1
East: A-R, EX-1	West: 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 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.
- 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 located in an area that is primarily agricultural in nature with large-lot residences located along the road frontage. There is existing EX-1 Coal Mining in the immediate vicinity. As stated in the applicants findings, the property was zoned for mining purposes but all mining activity on the subject property has ceased.

At 34.106 acres, the subject property is a large tract with agricultural potential. The subject property has road frontage on Highway 951 which is under state maintenance as a public roadway. No new roadways are proposed as part of this rezoning.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The subject property is a large tract with agricultural potential. The site has access to Highway 951 which is a state maintained roadway. 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 Highway 951 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.