

MAY 14, 2015

10557 HIGHWAY 144

ZONE CHANGE

From: EX-1 Coal Mining	
To: A-R Rural Agriculture	
Proposed Use: Residential	
Acreage: 16.907	
Applicant: Imogene Loyd (1505.1926)	
Surrounding Zoning Classifications:	
North: A-R	South: A-R
East: A-R	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 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 Maps 21059CO170D and 21059CO190D.
- 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 16.907 acre tract with 760 feet of road frontage on Highway 144. The property includes a single-family residential dwelling, a few accessory structures, two ponds and pasture. Land uses in

the vicinity are primarily rural residential with some agricultural and coal mining activities. According to the applicant's findings, mining activity has ceased and the site is ready to revert to the original zoning classification. The applicant has stated they wish to use this property residentially and possibly agriculturally in the future.

This property was originally rezoned from A-1 to EX-1 in 1977 by the current property owner (Loyd) and then co-applicant, King Cole Coal Company. Several properties in this area that were previously used for coal mining activities have since completed the rezoning process to revert back to their original zoning classification. The property directly to the west (10445 Highway 144) was rezoned from EX-1 to A-R in 1995 and the property directly to the east (10635 & 10651 Highway 144) was rezoned from EX-1 to A-R in 2002.

Any future changes to the property would have to comply with applicable portions of the Owensboro Metropolitan Zoning Ordinance and Subdivision Regulations, as well as obtain any necessary permits, if required.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The subject property is a large tract at 16.907 acres and the applicant proposes rural farm residential use on the property. The subject property has access to Highway 144 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 16.907 acres;
4. The subject property has access to Highway 144;
5. Strip-mining activity has ceased; and,
6. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after mining.