

NOVEMBER 12, 2015**6041 AULL RD****ZONE CHANGE**

From: EX-1 Coal Mining	
To: A-R Rural Agriculture	
Proposed Use: Agricultural	
Acreage: 94.3	
Applicant: Charles Randall Martin (1511.1936)	
Surrounding Zoning Classifications:	
North: EX-1 & A-R	South: EX-1
East: EX-1 & 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 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.
- A portion of the subject property is located in a special flood hazard area per FIRM Map 21059CO170D.
- It appears that portions of the subject property are 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 94.3 acre tract at the southeast intersection of Aull Road and Highway 144. The property includes a single-family residential dwelling, two accessory structures and a pond. 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 agriculturally and residentially in the future.

This property was previously rezoned from A-R to EX-1 in 2009 by the current property owner (Martin) and then co-applicant, Western Kentucky Minerals, Inc. 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.

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 94.3 acres and the applicant proposes rural farm residential use on the property. The subject property has access to Aull 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 94.3 acres;
4. The subject property has access to Aull Road;
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.