

APRIL 13, 2017**5600-5900 BLOCK, 5760 LITTLE HICKORY RD
& 7800 TEXAS GAS RD****ZONE CHANGE**

From: EX-1 Coal Mining	
To: A-R Rural Agriculture	
Proposed Use: Agricultural	
Acreage: 283.47	
Applicant: Kenneth A. & Rebecca J. Fischer; Kenneth & Rebecca Fischer, LLC (1704.1995)	
Surrounding Zoning Classifications:	
North: EX-1	South: EX-1 & A-R
East: A-R	West: EX-1 & 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 land 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 21059CO315D & 21059CO320D.
- It appears that 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, the EPA, the OMPC building/electrical/HVAC division 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 is accomplished by an on-site septic system.

Development Patterns

The subject property consists of three tracts that total 283.47 acres with frontage on Little Hickory Road and Texas Gas Road. The property includes a single-family residential dwelling and multiple farm accessory structures. Land uses in the vicinity include rural residential, agricultural and coal mining. 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.

The applicant also will have a Conditional Use Permit request for an outdoor recreational activity (guided horseback tours) considered by the Owensboro Metropolitan Board of Adjustment at their April 13, 2017 meeting, which will be just prior to the Planning Commission meeting the same evening.

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 consists of three tracts totaling 283.47 acres and the applicant proposes rural farm residential land uses on the property. The subject property has access to Little Hickory Road and Texas Gas Road with no new streets proposed. Mining activity has ceased on the property and it is ready to revert back 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 land uses are appropriate in general locations;
3. The subject property consists of three tracts totaling 283.47 acres;
4. The subject property has access to Little Hickory Road and Texas Gas Road;
5. Mining activity has ceased on the property and it is ready to revert back to its original zoning classification; and
6. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after mining.