

DECEMBER 9, 2010

10812 HIGHWAY 144

ZONE CHANGE

From: EX-1 Coal Mining	
To: A-R Rural Agriculture	
Proposed Use: Cabin	
Acreage: 10.1 acres	
Applicant: Charles David Carrico (1012.1792)	
Surrounding Zoning Classifications:	
North: EX-1	South: EX-1
East: EX-1	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 agriculture/forestry 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 not located in a special flood hazard area per FIRM Map 21059CO190 D.
- 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 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, landlocked tract that is located in an area of scattered rural residences. EX-1 Coal Mining zoning surrounds the subject property on all sides. As stated in the applicant's findings, all mining activity on the subject property ceased 12 years ago and reclamation is complete.

The applicant proposes to construct a cabin on the subject property but cannot under the current EX-1 Coal Mining zoning classification. The requested zoning change will revert the zoning to the original agricultural designation and allow the application to obtain appropriate building and electrical permits for the cabin.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The subject property is a large tract over 10 acres with agricultural potential. The site has access to a public road via a private drive. 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 agriculture/forestry uses are appropriate in general locations;
3. The subject property is a large tract with agricultural and forestry potential;
4. All strip-mining activity has ceased on the subject property; and,
5. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after mining.