

MAY 14, 2020**9700-9800 BLKS MULLIGAN RD****ZONE CHANGE**

From: EX-1 Coal Mining	
To: A-R Rural Agriculture	
Proposed Use:	Agricultural/Residential
Acreage:	95
Applicant: Cindy Fulkerson (2005.2116)	
Surrounding Zoning Classifications:	
North: A-R, EX-1	South: EX-1
East: 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 roads 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 properties are not located in a wetlands area per the US Department of Agriculture Soil Conservation Service dated March 6, 1990.
- The subject properties are not located in a special flood hazard area per FIRM Maps 21059CO240D and 21059CO245D.
- It appears that portions of the subject properties 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, 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 properties. Sanitary sewage disposal will be accomplished by an on-site septic system.

Development Patterns

The subject properties are 3 tracts totaling 95 acres. The tracts are vacant/wooded and have road frontage on Mulligan Road. Land uses in the vicinity are rural residential, agricultural and coal mining. According to the applicant's findings, mining activity has ceased and the site is ready to revert back to the original zoning classification. The applicant has stated they wish to use these properties agriculturally and residentially in the future.

Any future changes to the properties would have to comply with applicable portions of the Owensboro Metropolitan Zoning Ordinance and Subdivision Regulations. Before any construction activity takes place on the properties, the OMPC Building, Electrical and HVAC department shall be contacted regarding any necessary permits, inspections and certificates of occupancy and compliance.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The subject properties are 3 tracts totaling 95 acres and the applicant proposes agricultural and residential use on the property. The subject properties have access to Mulligan Road with no new roads 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 uses are appropriate in general locations;
3. The applicant proposes agricultural and residential use on the subject properties;
4. The subject properties have road frontage on a public road, Mulligan Road, with no new roads proposed;
5. Strip-mining activity on the properties has ceased; and,
6. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that the property shall revert to its original zoning classification after mining.