

**MAY 14, 2020****9906 HIGHWAY 951****ZONE CHANGE**

<b>From:</b> EX-1 Coal Mining	
<b>To:</b> A-R Rural Agriculture	
<b>Proposed Use:</b>	Agricultural/Residential
<b>Acreage:</b>	20.15
<b>Applicant:</b>	Pup Creek Farms, LLC c/o Jim Higdon (2005.2120)
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> A-R	<b>South:</b> A-R
<b>East:</b> EX-1	<b>West:</b> 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 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 21059CO170D.
- It appears that a portion of the subject property is 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 is a 20.15-acre tract with a single family residence and road frontage on Highway 951. 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 this property agriculturally and residentially in the future.

Any future changes to the property would have to comply with applicable portions of the Owensboro Metropolitan Zoning Ordinance and Subdivision Regulations. Before any construction activity takes place on the property, 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 property is a 20.15-acre tract and the applicant proposes agricultural and residential use on the property. The subject property has access to Highway 951 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 property;
4. The subject property has road frontage on a public road, Highway 951, with no new roads proposed;
5. Strip-mining activity on the property 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.