

JUNE 11, 2020**9549 HWY 815****ZONE CHANGE**

From: EX-1 Coal Mining	
To: A-R Rural Agriculture	
Proposed Use: Rural Residential	
Acreage: 10.117	
Applicant: Richard and Amy Kohler (2006.2122)	
Surrounding Zoning Classifications:	
North: A-R	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 large lot residential uses are appropriate in limited locations.

SPECIFIC LAND USE CRITERIA

(a) Separate, large, well-proportioned lots – Each dwelling should be located on its own individual lot that fronts on a public road or street. Lots should be large enough in size and width to avoid the creation of excessive numbers of lots or odd-shaped lots.

(c) Frontage only on existing roads or streets – In Rural Maintenance plan areas, new lots should front upon existing public roads or streets. Public roads or streets should not be created or extended to provide for new lots.

(d) Coal mining advisory – Prospective lot owners should be advised of the potential for coal mining activity in rural areas.

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 21059C0245D and 21059C0265D.
- It appears that subject 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 subject property. Sanitary sewage disposal will be accomplished by an on-site septic system.

Development Patterns

The subject property is a 10.117 acre parcel that is zoned EX-1 Coal Mining; and is currently undeveloped. Mining activity has ceased and the property is ready to revert back to the original zoning classification. The applicant has stated they wish to now utilize this land for a single family residential use.

In order to establish the proposed single family residential use, the subject parcel must be rezoned.

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. At 10.117 acres, the parcel is a large, well proportioned lot. The subject property has frontage on Highway 815, 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 following findings of fact:

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 large-lot residential uses are appropriate in limited locations;
3. The parcel totaling 10.117 acres is a large, well-proportioned lot;
4. The subject property has access to Highway 815 with no new roads proposed;
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.