

**APRIL 1, 2021**

**7641 & 7649 HIGHWAY 762**

**ZONE CHANGE**

<b>From:</b>	A-R Rural Agriculture & EX-1 Coal Mining
<b>To:</b>	<b>A-R Rural Agriculture</b>
<b>Proposed Use:</b>	Agricultural/Residential
<b>Acreage:</b>	123.529
<b>Applicant:</b>	Jared Kessinger: J&S Rentals, LLC (2104.2164)
<b>Surrounding Zoning Classifications:</b>	
<b>North: A-R, EX-1</b>	<b>South: A-R</b>
<b>East: A-R, EX-1</b>	<b>West: A-R</b>

- 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 on-site septic systems.

**Development Patterns**

The subject properties are comprised of two large tracts located along Highway 762. The first of which, 7641 Highway 762 is a 32 acre tract of land that is split zoned. The majority of the tract is zoned EX-1 Coal Mining but there is a small portion of land surrounding an existing mobile home that is zoned A-R Rural Agriculture. The remainder of this proposal, 7649 Highway 762, is entirely zoned EX-1 Coal Mining.

The surrounding properties are similarly zoned. There are many single family residential properties in the area that are zoned A-R Rural Agriculture and several large tracts of land that are zoned EX-1 Coal Mining. There is no active coal mining on the subject property and the applicant proposes to construct a single family home on 7649 Highway 762. This property is land-locked and does not currently have access to a public road. As a result, a minor subdivision plat shall be required in order to provide adequate road frontage to this land-lacked parcel.

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.

**Proposed Zone & Land Use Plan**

The applicant is seeking an A-R Rural Agriculture zone. The subject properties are 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 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 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 Map 21059CO165D.

**SPECIFIC LAND USE CRITERIA**

The applicant's proposal is in compliance with the Comprehensive Plan. At 123.529 total acres, the subject properties are large enough to provide potential for productive agricultural uses. One of the subject properties has access to a public road, Highway 762, and the other shall obtain access to the highway, as well. No new roads are proposed with this request. 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. At 123.529 acres, the subject properties are large enough in size to provide the potential for productive agricultural uses;
4. One of the subject properties has access to a public road, Highway 762. Meanwhile the other property shall obtain adequate road frontage through approval of a Minor Subdivision Plat;
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.