

**AUGUST 12, 2021**

<b>5181 LITTLE HICKORY ROAD</b>	
<b>ZONE CHANGE</b>	
<b>From:</b>	EX-1 Coal Mining
<b>To:</b>	<b>A-R Rural Agriculture</b>
<b>Proposed Use:</b>	Agricultural
<b>Acres:</b>	100.210
<b>Applicant:</b>	Kenneth & Rebecca Fischer, LLC (2108.2179)
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b>	<b>A-R</b>
<b>South:</b>	<b>EX-1</b>
<b>East:</b>	<b>EX-1, A-R</b>
<b>West:</b>	<b>A-R</b>

**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) Conservation of agriculture topsoil** – Agricultural topsoil should be conserved through appropriate farming practices.

**(b) Sustain forests** – Forested areas should be sustained through appropriate forestry practices.

**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 partially located in a special flood hazard area per FIRM Map 21059CO315D.
- It appears that 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 large, 100.210-acre farm tract that is zoned EX-1 Coal Mining. There are several 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 property and so the applicant intends for the property to revert back to the original agricultural zoning and use. The subject property, at over 100 acres in size and designated as prime agricultural farmland, is capable of conserving agricultural topsoil and sustaining existing forested areas through appropriate farming and forestry practices.

Any future changes to the property shall 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 100.210 acres in size and designated as prime agricultural farmland, the subject property is capable of conserving agricultural topsoil and sustaining existing forested areas through appropriate farming and forestry practices. There is no active mining on the subject property and so it is ready to revert back to the original agricultural 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 and forestry uses are appropriate in general locations;
3. At 100.210 acres, the subject property is large enough to sustain existing forested areas through appropriate forestry practices;
4. The subject property is designated as prime agricultural farmland and, as such, is capable of conserving agricultural topsoil through appropriate farming practices;
5. There is no active mining on the subject property; and,
6. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that the property shall revert to the original zoning classification after mining has ceased.