

AUGUST 11, 2022

5533 LITTLE HICKORY ROAD

ZONE CHANGE

From:	EX-1 Coal Mining & A-R Rural Agriculture
To:	A-R Rural Agriculture
Proposed Use:	Agricultural/ Farm
Acreage:	83.547
Applicant:	Elaine M. Berry & Jeffrey L. Berry (2208.2224)
Surrounding Zoning Classifications:	
North: A-R, EX-1	South: EX-1
East: A-R, 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 area.

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 map 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 partially 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 will be accomplished by an on-site septic system.

Development Patterns

The subject property is an 83.547-acre parcel of land that is located along Little Hickory Road, where the roadway adjoins Texas Gas Road and where adjoining Milton Road. The majority of the property is zoned EX-1 Coal Mining, except for a small portion surrounding the existing home which is zoned A-R Rural Agriculture.

All surrounding properties are zoned either EX-1 Coal Mining or A-R Rural Agriculture and all of which appear to be used agriculturally. Little Hickory Road, Texas Gas Road, and Milton Road are all classified as local roads with 60-foot building setbacks (measured from the center of the road).

There is no active coal mining on the subject property and so, at this time, the applicant is proposing to rezone the property to be entirely A-R in order for the property to be divided.

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 83.547-acres and ample road frontage, the property is large enough to ensure that any proposed dwellings shall be located on their own individual lot with road frontage along an existing public road, Little Hickory Road; and, as such, no new roads are proposed with this request.

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 large-lot residential uses are appropriate in limited locations;
3. At 83.547-acres and large amounts of road frontage, the property is large enough to ensure that any proposed dwellings shall be located on their own individual lot with frontage along a public road, Little Hickory Road;
4. No new roads are proposed with this request;
5. There is no active coal mining taking place on the subject property; and,
6. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that the property shall revert to its original zoning classification after mining.