

**MARCH 9, 2023**

**10700 PUP CREEK LN**

**ZONE CHANGE**

<b>From:</b> EX-1 Coal Mining	
<b>To:</b> A-R Rural Agriculture	
<b>Proposed Use:</b> Single Family Dwelling/Agricultural	
<b>Acreage:</b> 54.991	
<b>Applicant:</b> Christopher D. Hodskins & Carrie A. Hodskins (2303.2254)	
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> EX-1	<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 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 may 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 map dated March 6, 1990.
- The subject property is partially located in a special flood hazard area per FIRM Map 21059C0170D.
- It appears that the subject property is designated as prime agriculture 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 on-site septic system.

**Development Patterns**

The subject property is a vacant 54.991-acre parcel of land that is zoned EX-1 Coal Mining and has 204.42-feet of road frontage along Pup Creek Lane. All surrounding properties

are zoned either EX-1 Coal Mining or A-R Rural Agriculture and appear to be agricultural and residential in nature.

There is no active coal mining on the subject property and so, at this time, the applicant is proposing to rezone the property to A-R Rural Agriculture in order to divide the property to allow for single family dwellings and agricultural uses.

At only 204.42-feet of road frontage serving the entire 54.991-acres, the number of possible lots is very limited. All future divisions of the subject property shall comply with the requirements of the subdivision regulations. As these properties are created, the applicant shall be aware that Pup Creek Lane is a local road that is located within the Rural Service Area where access is regulated by the County Engineer's Office. As such, the County Engineer should be contacted prior to the establishment of any new access points.

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 54.991 acres and 204.42-feet 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 an existing public road, Pup Creek Lane; and, as such, no new roads are proposed with this request.

**Planning Staff Recommendations**

The planning staff recommends approval subject to the condition and findings of fact that follow:

**Condition:**

1. The subject property shall not be subdivided so as to create any new lots that do not comply with the subdivision regulations.

**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 54.991 acres and 204.42-feet of road frontage, the subject property is large enough to ensure that any proposed dwellings shall be located on their own individual lot with frontage along a public road, Pup Creek Lane;
4. No new roads are proposed with this request;
5. Coal 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.