

AUGUST 13, 2009**3547-3909, 3741 MEDLEY RD****ZONE CHANGE**

From: EX-1 Coal Mining	
To: A-U Urban Agriculture	
Proposed Use: Residence, Wooded	
Acreage: 183+/- acres	
Applicant: James C. Ellis III (0908.1759)	
Surrounding Zoning Classifications:	
North: A-U	South: P-1, I-2, R-1A, R-1C
East: A-U	West: EX-1

Proposed Zone & Land Use Plan

The applicant is seeking an A-U Urban Residential zone. The subject property is located in a Future Urban Plan Area, where agriculture/forestry uses are appropriate in general locations.

SPECIFIC LAND USE CRITERIA

- (a) **Conservation of agricultural 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 not located in a special flood hazard area per FIRM Map 21059CO116 & 117 D.
- A portion of the 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 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 wooded tract that has previously been coal mined. Mining activity on the property ceased eight years ago according to the

applicant's findings. There is a single residence on the property. Several road frontage lots have been sold off of the parent tract in recent years which have all been zoned to agricultural. Surrounding properties are primarily agricultural in zoning and nature. There is existing EX-1 zoning to the west.

In the vicinity of the subject property, Medley Road is classified as a major collector roadway with a 250 foot spacing standard. There is an existing drive that serves the property. Any future access to the property shall be in compliance with the requirements of the access management manual.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The subject property is a large, wooded tract that has been previously mined. Mining activity ceased on the property eight years ago. The zoning ordinance requires that the property revert to the original zoning once mining activities are complete.

Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. This recommendation is made subject to the condition and findings of fact that follow:

Condition: Access to the property shall be in compliance with the requirements of the access management manual.

Findings of Fact:

1. The subject property is located in a Future Urban Plan Area, where agriculture/forestry uses are appropriate in general locations;
2. The subject property is a large wooded tract with agricultural and forestry potential;
3. All strip-mining activity ceased approximately eight years ago; and,
4. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after mining.