

OCTOBER 10, 2002

4398 KY 554

ZONE CHANGE

From: EX-1 Coal Mining		
To: A-U Urban Agriculture		
Acreage: 37.01 acres		
Applicant: Boyd Bartlett (0210.1497)		
Property Zone Existing Use	to North R1-A, R1-B, A-U Residential, church, golf course	
to West A-U Agricultural	Subject EX-1 ➔ A-U Agricultural	to East A-R Agricultural
	to South A-U Agricultural	

GENERAL LAND USE CRITERIA

Apply, if marked below:

Described in Comprehensive Plan on pages 445-448

Environmental ☒

- E1** Flood Plains
- E2** Steep Slope
- E3** Historical & Archaeological Sites
- ☒ **E4** Soils
- E5** Plant & Animal Life

Urban Services ⌘

- U1** Roadway Capacity
- ⌘ **U2** Electricity Supply
- ⌘ **U3** Water Supply
- ⌘ **U4** Stormwater Disposal
- ⌘ **U5** Sanitary Sewage Disposal

Development Patterns ♦

- D1** Land-Use Intensity, Clusters and Buffers
- D2** Land Use versus Street Function
- D3** Intersection & Driveway Spacing
- D4** Roadway Buffer Standards
- ♦ **D5** Lot Sizes & Proportions
- D6** Residential Development
- D7** Non-Residential Development
- D8** Building Quality

Proposed Zone & Land Use Plan

The applicant is seeking an A-U Urban Agriculture zone. The subject property is located in a Rural Community Plan Area, where agricultural uses are appropriate in general locations.

SPECIFIC LAND USE CRITERIA

- (a) **Conservation of agricultural topsoil** - Agricultural topsoil should be conserved through appropriate farming practices.

Applicant's Findings

The property is currently zoned EX-1 Coal Mining. The coal mining operation of the property has concluded. The subject property was zoned A-U before it was rezoned to EX-1 for coal mining. Pursuant to Section 12a.31 of the zoning ordinance, the site should revert to its original zone, A-U. Applicant proposes to build a single-family dwelling on the subject property, which is a principally permitted use in an A-U zone.

Additionally, the subject property is located in the rural community of Panther across the street from the Panther Creek Golf Course and very near the grocery store in Panther. According to the location map prepared by Johnson, Depp & Quisenberry, PSC, submitted with this application, the property located to the south of the subject property and one of the properties adjoining along the northwestern boundary of the subject property are zoned A-U, as are three of the properties located to the north across KY 554 from the subject property. Because this is a potential development area surrounding the rural community of Panther, the property should be rezoned to A-U.

Planning Staff Review

The subject property is located in the 4300 block of KY 554 at its intersection with Wall Rd in the rural community of Panther. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA

Environment

The subject property contains some prime farmland as identified on the Map of Important Farmland prepared by the U.S. Department of Agriculture Soil Conservation Service prepared in 1976. A portion of the property has been mined to extract coal. Mining activities have ceased

on the subject property. No additional environmental criteria apply to the subject property.

Urban Services

Water, electricity and natural gas are available to the subject property. Construction of a residence on the property will require an on-site septic system for sewage disposal.

Development Patterns

The applicant's findings above adequately address this section.

SPECIFIC LAND USE CRITERIA

The subject property was zoned EX-1 Coal Mining in 1986. All mining activity has ceased on the subject property and the applicant wishes to return the zoning classification to A-U Urban Agriculture. Urban Agriculture is an appropriate zone for agricultural property in a Rural Community Plan Area. The A-U zone is intended to designate potential development areas surrounding particular rural communities of Daviess County. The Owensboro Metropolitan Zoning Ordinance specifies in Article 12a.31 that the site shall revert to its original zone after mining.

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 findings of fact that follow:

Findings of Fact:

1. The subject property is located in a Rural Community Plan Area, where agricultural uses are appropriate in general locations;
2. The subject property contains some prime farmland, as identified on the Map of Important Farmlands prepared in 1976 by the U.S. Department of Agriculture Soil Conservation Service;
3. All coal mining activities have ceased on the subject property; and,
4. The subject property should revert to its original zoning classification of A-U Urban Agriculture, in compliance with the Owensboro Metropolitan Zoning Ordinance Section 12a.31.