

**OCTOBER 14, 2004**

**9838 US 231**

**ZONE CHANGE**

**From:** EX-1 – Coal Mining

**To:** A-R – Rural Agriculture

**Acreage:** 115.87 acres

**Applicant:** Donald T. Taylor (0410.1576)

<b>Property Zone Existing Use</b>	<b>to North</b> A-R Farmland	
<b>to West</b> A-R Farmland	<b>Subject</b> EX-1 ⇄ A-R Farmland	<b>to East</b> A-R Residential
	<b>to South</b> A-R Farmland	

**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-R Rural Agriculture zone. The subject property is located in a Rural Maintenance 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**

Subject property is located in a Rural Maintenance Plan Area where Agriculture/Forestry uses are appropriate in general locations.

Subject property has historically been used for agricultural purposes. The property was previously zoned to EX-1, Coal Mining. No mining has taken place nor is any planned in the future. Land use has remained unchanged since the original rezoning to EX-1.

**Planning Staff Review**

The subject property is located in the 9800 block of US 231. Land use criteria applicable to this proposal are reviewed below.

**GENERAL LAND USE CRITERIA**

**Environment**

According to a study prepared by the US Department of Agriculture Soil Conservation Service dated March 6, 1990, it appears that the subject property is not in a wetlands area. The subject property does not appear to be in a special flood hazard area per FIRM Maps 21059CO315C, 21059CO425C, and 21059CO430C. A portion of the subject property appears to be designated a prime agricultural land according to the "Important Farmlands" map created by the US Department of Agriculture Soil Conservation Service dated March 1980. The developer is responsible for obtaining permits as may be required by the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

It appears that the subject property is outside the Owensboro Wellhead Protection area according to a map created by the GRADD office dated March 1999.

**Urban Services**

Electricity, water and gas are available to the subject property. Sanitary sewer disposal would be accomplished by an on-site septic system.

**Development Patterns**

The subject property is a large tract of land (115.87 acres) currently utilized as farmland by the applicant. All adjoining property is zoned A-R Rural Agriculture with farmland and scattered rural residential uses. In accordance with Owensboro Metropolitan Zoning Ordinance Article 12a.31, the applicant must return the property to the previous zoning before any changes to the site can be made.

**SPECIFIC LAND USE CRITERIA**

A portion of the property appears to be designated prime agricultural land according to the "Important Farmlands" map created by the US Department of Agriculture Soil Conservation Service dated March 1980. Agricultural topsoil should be preserved through appropriate farming practices.

**Planning Staff Recommendations**

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The findings of fact that support this recommendation include the following:

**Findings of Fact:**

1. The subject property is located in a Rural Maintenance Plan Area, where agricultural uses are appropriate in general locations;
2. The subject property is currently being used for agricultural purposes as cropland;
3. Mining activities on the subject property have ceased; and,
4. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after mining.