

NOVEMBER 11, 2004

10301, 10401 BLKS JACKSON ROAD N

ZONE CHANGE

From: EX-1 – Coal Mining		
To: A-R – Rural Agriculture		
Acreage: 160.25 acres		
Applicant: Shirley Burns, Shirley D. & Sue Shelton (0411.1578)		
Property Zone Existing Use	to North A-R, EX-1 Agriculture	
to West A-R, EX-1 Agriculture	Subject EX-1 ➔ A-R Agriculture	to East A-R Agriculture
	to South A-R, EX-1 Agriculture	

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

The proposed map amendment is in compliance with the Comprehensive Plan. Mining operations have been completed and property is now ready to be again zoned A-R (Rural Agriculture).

Planning Staff Review

The subject property is located in the 10300 and 10400 blocks of Jackson Road North. 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 Map 21059CO400C. 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 and water 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 (160.25 acres) currently utilized as farmland. All adjoining property is zoned A-R Rural Agriculture or EX-1 Coal Mining 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 after mining activities have ceased.

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.