

**AUGUST 10, 2006**

**12400 BLK US 231, 100 BLK E HARMONS  
FERRY RD**

**ZONE CHANGE**

<b>From:</b>	A-R Rural Agriculture I-1 Light Industrial	
<b>To:</b>	<b>A-R Rural Agriculture</b>	
<b>Proposed Use:</b>	Agriculture	
<b>Acreage:</b>	31.027	
<b>Applicant:</b>	Ann G. Wilson (0608.1657)	
<b>Property Zone Existing Use</b>	<b>to North</b> A-R Residential, Agricultural	
<b>to West</b> A-R Residential, Grocery/Diner	<b>Subject</b> A-R, I-1 ↔ A-R Agriculture	<b>to East</b> A-R, R-1A Agricultural, Vacant
	<b>to South</b> (McClellan Co.) Vacant, Industrial	

**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 rural farm residential uses are appropriate in general locations.

## SPECIFIC LAND USE CRITERIA

- (a) **Large tracts with agricultural potential** - Each dwelling should be located on a separate, large tract that has potential for productive agricultural use.
- (b) **Access to existing public road via private drive** - Each dwelling/tract should have access to an existing public road; public roads should not be created or extended to provide access. Access should be provided via private drives. No more than two dwelling/tracts should share a single private drive where it connects with a public road.

## Applicant's Findings

The proposed zoning map amendment is in compliance with the Comprehensive Plan. The existing I-1 Light Industrial zone is inappropriate for the subject property. The subject property has always been used as agricultural land.

## Planning Staff Review

The subject property is located in the 12400 block of US 231 and the 100 block of E. Harmons Ferry Road. 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 located in a wetlands area. The subject property is located in a special flood hazard area per FIRM Map 21059CO425 C. It appears that the subject property is designated as 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 sewage disposal would be accomplished by an on-site septic system.

**Development Patterns**

The subject property is located in an area of primarily agriculturally zoned property. The properties to the north and west are zoned agricultural and are occupied by rural residences and a grocery store/diner. The property to the east is split zoned I-1 Light Industrial and R-1A Single-Family Residential. The property to the south is in McClean County but is occupied by a Commonwealth Aluminum operation. The subject property has road frontage along both US 231 and E. Harmons Ferry Road.

The applicant has submitted a plat to the OMPC office to divide three large agricultural tracts over 10 acres in size and one smaller road frontage lot. However, since the southeastern portion of the subject property is zoned I-1, the divisions cannot be completed until the entire tract is under one zoning classification. The applicant is proposing to rezone the entire tract to bring it under a single, agricultural zoning classification. The property is currently used for agricultural purposes and according to the applicant has always been used in such a manner.

**SPECIFIC LAND USE CRITERIA**

The applicant's proposal is in compliance with the Comprehensive Plan. In their findings, the applicant stated that the subject property has historically been used for agricultural purposes and the agricultural zoning for the entire tract is more appropriate than a split zoning that includes some industrial land. The tract has a significant amount of road frontage along two publicly maintained roads. Should the applicant decided to subdivide the property in the future, each lot would be required to have sufficient road frontage with individual drives to a public street.

**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 rural farm residential uses are appropriate in general locations;

2. The subject property has historically been used for agricultural purposes;
3. Based on the historical use of the subject property, an agricultural use is more appropriate than the current split zoning;
4. The subject property has sufficient road frontage to allow any future lot divisions to have separate driveways on a public roadway; and,
5. The subject property has sufficient road frontage and acreage to allow for several dwellings to be located on large separate tracts having potential for agricultural use.