

DECEMBER 13, 2007

10760 JACKSON ROAD N

ZONE CHANGE

From:	EX-1 Coal Mining A-R Rural Agriculture	
To:	A-R Rural Agriculture	
Proposed Use:	Residential	
Acreage:	49.470	
Applicant:	Jared L. Gibson (0712.1701)	
Property Zone Existing Use	to North EX-1, A-R Wooded, Vacant	
to West EX-1 Wooded, Vacant	Subject EX-1, A-R ➔ A-R Vacant	to East A-R Agricultural, Rural Residential
	to South EX-1, A-R Vacant	

**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 Agricultural 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 dwellings/tracts should share a single private drive where it connects with a public road.

Applicant's Findings

The applicant wishes to rezone the subject property from EX-1 and A-R to A-R in order to build a residence on the property. The land use is such that the existing EX-1 zoning is no longer needed. The proposed A-R zoning will be a logical expansion of the existing A-R zones adjoining the property to the north and east and is in compliance with the Comprehensive Plan.

Planning Staff Review

The subject property is located in the 10700 block of Jackson Road N. 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 not located in a special flood hazard area per FIRM Map 21059CO400C. Based on the preliminary FIRM maps dated July 7, 2007, the subject property is not located in a special flood hazard area per map 21059CO138 D. It appears that a portion of 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 not in the vicinity of 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 agricultural and wooded property. The property to the north, west and south is primarily zoned EX-1 Coal Mining while the property to the east is zoned A-R Rural Agriculture. There are several scattered rural residences in the vicinity of the subject property and other larger agricultural tracts.

The subject property has only approximately 50 feet of road frontage to Jackson Road N. Based on the limited amount of frontage, the applicant should be aware that once zoned agricultural, the potential for future division of the tract to build additional residences will not be possible. The minimum lot frontage required to create an agricultural tract is 50 feet which is all the existing tract has.

According to the application, mining activities on the property are no longer needed. According to the Owensboro Metropolitan Zoning Ordinance Article 12a.31, the applicant must return the property to the previous zoning once mining activities have ceased.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The subject property is a large rural tract 49.470 acres in size. The tract has an existing frontage to Jackson Road N and is served by an existing driveway. No new roads or streets are proposed with this application.

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. A portion of the subject property is designated as prime agricultural farmland according to the "Important Farmlands" map created by the US Department of Agriculture Soil Conservation Service dated March 1980;
3. The subject property has frontage on and access to Jackson Road N which is an existing street with no new streets proposed;
4. There is no mining activity on the subject property; and,
5. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after mining.