

JUNE 12, 2008

**1900 BLK RIVER RD,
3500-4100 BLKS GRIFFITH STATION RD**

ZONE CHANGE

From:	EX-1 Coal Mining A-R Rural Agriculture	
To:	A-R Rural Agriculture	
Proposed Use:	Woodland, Grassland	
Acreage:	316.19	
Applicant:	Bon Harbor Hills II, LLC c/o Pat McNulty; Robert & Lisa Wimsatt (0806.1718)	
Property Zone Existing Use	to North A-R, I-1 Woodland, Cropland	
to West EX-1, A-R Woodland, Grassland	Subject EX-1, A-R ➔ A-R Woodland, Grassland	to East A-U, I-1, I-2 Residential, Cropland, Riverport
	to South EX-1, A-U Woodland, Reclaimed Strip Mine	

**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 partially located in a Future Urban Plan Area, where agricultural/forestry uses are appropriate in general locations and partially located in an Industrial Plan Area, where agricultural/forestry uses are generally not recommended.

SPECIFIC LAND USE CRITERIA

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

(b) Sustain forests - Forested areas should be sustained through appropriate forestry practices.

Applicant's Findings

The subject property is located primarily in the Future Urban Plan Area where Agriculture/Forestry uses are appropriate in general locations. A small area at the southeast corner of this property is located in an Industrial Plan Area. All strip-mining activity has been completed and all disturbed areas have been reclaimed as open grasslands and woodland.

The proposed rezoning will allow the property to revert back to rural agricultural (A-R) zoning which is consistent with existing adjoining land use and zoning classifications.

Planning Staff Review

The subject property is located in the 1900 block of River Road and the 3500-4100 blocks of Griffith Station 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 a portion of the subject property is located in a wetlands area. A portion of the subject property is located in a special flood hazard area per FIRM Map 21059CO120 C. Based on the preliminary FIRM maps dated July 7, 2007, a portion of the subject property is located in a special flood hazard area per map 21059CO116 D. It appears that a small 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 agricultural, coal mining and industrial zoning. Agricultural zoning is present on all sides of the subject property. EX-1 Coal Mining zoning is present to the east and south while industrial zoning is present to the east and north.

The subject property is a 316.19 acre tract that has frontage on River Road and Griffith Station Road. In the vicinity of the subject property River Road is classified as a minor arterial roadway with a 500 foot driveway spacing standard and a 40 foot roadway buffer. Access to River Road shall be in compliance with the requirements of the Access Management Manual. Griffith Station Road is classified as a local road. A CSX rail line runs parallel to Griffith Station Road along the frontage.

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 wooded tract that has been mined but mining activities have ceased and reclamation has been completed according to the applicant.

Planning Staff Recommendations

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

Condition: Access to River Road shall be in compliance with the requirements of the access management manual.

Findings of Fact:

1. The subject property is partially located in a Future Urban Plan Area, where agricultural/forestry uses are appropriate in general locations and partially located in an Industrial Plan Area, where agricultural/forestry uses are generally not recommended;
2. A small 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. All strip-mining activity has been completed and all disturbed areas have been reclaimed as open grasslands and woodland; and,
4. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after mining.