

JULY 10, 2008

**9401-9707 BLKS HIGHWAY 951;
5001-5101 BLKS FREE SILVER RD**

ZONE CHANGE

From:	EX-1 Coal Mining A-U Urban Agriculture	
To:	A-U Urban Agriculture	
Proposed Use:	Agriculture and Residential	
Acreage:	65.535	
Applicant:	Teresa Louise Millay Estate (0807.1720)	
Property Zone Existing Use	to North A-U, EX-1 Residential, Agricultural	
to West A-U, R-1A Residential	Subject EX-1, A-U ➔ A-U Agricultural, Residential	to East A-U, A-R Residential, Agriculture
	to South R-1A Residential	

**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-U Urban Agricultural zone. The subject property is located in a Rural Community Plan Area where agricultural/forestry uses are appropriate in general locations.

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 proposed zoning map amendment is in compliance with the Comprehensive Plan. Mining operations on the subject property have been completed and the property is ready to be zoned back to A-U Urban Agriculture.

Planning Staff Review

The subject property is located in the 9401-9707 blocks of Highway 951 and the 5001-5101 blocks of Free Silver 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 not located in a special flood hazard area per FIRM Map 21059CO170 C. Based on the preliminary FIRM maps dated July 7, 2007, the subject property is not located in a special flood hazard area per map 21059CO170 D. It appears that the subject property is not 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 and coal mining zoning within the Knottsville Rural Community. EX-1 Coal Mining is located north of the subject property with agricultural zoning located to the west, south and east. Land uses in the vicinity include rural large lot residential, woodland, and agricultural.

Nearly all of the subject property is wooded with two or three residences on the large farm tract. According to the applicant, all mining activity on the property has ceased.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The subject property is a large wooded tract where mining activity has ceased and is ready to revert to its original zoning classification.

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 Community Plan Area where agricultural/forestry uses are appropriate in general locations;
2. All strip-mining activity has been completed and all disturbed areas have been reclaimed as open grasslands and woodland; and,
3. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after mining.