

**JUNE 11, 2020****10100 – 10500 BLKS HIGHWAY 951****ZONE CHANGE**

<b>From:</b> EX-1 Coal Mining	
<b>To:</b> A-R Rural Agriculture	
<b>Proposed Use:</b>	Farm Land, Pasture
<b>Acreage:</b>	114 +/-
<b>Applicant:</b>	Edith Johnson (2006.2123)
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> A-R	<b>South:</b> A-R
<b>East:</b> A-R	<b>West:</b> A-R, EX-1

**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/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.

**Planning Staff Review****GENERAL LAND USE CRITERIA****Environment**

- It appears that the subject property is not located in a wetlands area per the US Department of Agriculture Soil Conservation Service dated March 6, 1990.
- The subject property is partially located in a special flood hazard area per FIRM Map 21059CO170D.
- It appears that portions of the subject property is designated as prime agricultural farmland per the US Department of Agriculture Soil Conservation Service map dated March 1980.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA, the EPA, the OMPC building/electrical/HVAC division or other state and federal agencies as may be applicable.

**Urban Services**

Electricity, water and gas are available to the subject property. Sanitary sewage disposal will be accomplished by an on-site septic system.

**Development Patterns**

The subject property is one tract totaling approximately 114 acres. The tract is vacant/wooded and has road frontage on Highway 951. Land uses in the vicinity are farmland, woods, pastures and residential. According to the applicant's findings, mining activity has ceased and the site is ready to revert back to the original zoning classification. The property's existing use is farm land, pasture, and applicant has stated they wish to use this property for farm land and pasture in the future.

Any future changes to the property would have to comply with applicable portions of the Owensboro Metropolitan Zoning Ordinance and Subdivision Regulations. Before any construction activity takes place on the property, the OMPC Building, Electrical and HVAC department shall be contacted regarding any necessary permits, inspections and certificates of occupancy and compliance.

**SPECIFIC LAND USE CRITERIA**

The applicant's proposal is in compliance with the Comprehensive Plan. The subject property is one tract totaling approximately 114 acres, and the applicant proposes farm land and pasture use on the property. The subject property has road frontage on a public road, Highway 951, with no new roads proposed. The applicant of the subject property should adhere to appropriate practices that conserve agricultural topsoil. Mining activity has ceased on the property and it is ready to revert back to its original zoning classification.

**Planning Staff Recommendations**

The planning staff recommends approval subject to the findings of fact that follow:

**Findings of Facts**

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located in a Rural Maintenance Plan Area, where agricultural/forestry uses are appropriate in general locations;
3. The applicant proposes farm land, pasture on the subject property;
4. Strip-mining activity on the property has ceased; and,
5. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that the properties shall revert to its original zoning classification after mining.