

MARCH 10, 2022

PORTION OF 9613 SAUER LANE

ZONE CHANGE

From: I-1 Light Industrial

To: A-R Rural Agriculture

Proposed Use: Agricultural

Acreage: 20.500

Applicant: Neil & Vicky Rudy (2203.2200)

Surrounding Zoning Classifications:

North: A-R South: A-R, I-2

East: A-R West: A-R

Proposed Zone & Land Use Plan

The applicant is seeking an A-R Rural Agriculture zone. The subject property is located in a Rural Community Plan Area, where Agriculture/Forestry uses are appropriate in general locations.

SPECIFIC LAND USE CRITERIA

- (a) Conservation of agriculture topsoil –** Agricultural topsoil should be conserved through appropriate farming practices.
- (b) Sustain forests –** Forested areas should be sustained through appropriate forestry practices.

Planning Staff Review

GENERAL LAND USE CRITERIA

Environment

- It appears that the subject property is partially located in a wetlands area per the US Department of Agriculture Soil Conservation Service maps dated March 6, 1990.
- The subject property is located in a special flood hazard area per FIRM Maps 21059CO085D.
- It appears that 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 a 38-acre farm with 958-feet of frontage along Sauer Lane and woodlands along the western property line adjoining an existing creek. This farm is nearly entirely surrounded by farms and residential properties zoned A-R Rural Agriculture with the exception a large industrial development located southwest of the subject property, which is zoned I-2 Heavy Industrial.

In 2006, a 20.5-acre portion of the subject property was rezoned from A-R Rural Agriculture to I-1 Light Industrial. However, industrial development on the property never began and so the property has remained a split-zoned farming operation. Because the industrial operation has yet to come to fruition, the applicant has proposed to rezone the 20.5-acres (currently zoned I-1) back to A-R Rural Agriculture; thus creating a single 38-acre tract with a uniform zoning classification.

Any future changes to the property shall 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. At 38 total acres of agricultural land, the proposed farming activity is expected to conserve the agricultural topsoil and sustain the existing forested areas located on the subject property.

Planning Staff Recommendations

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

Findings of Fact:

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 agriculture and forestry uses are appropriate in general locations;
3. At 38 total acres total acres of land, the proposed activity is expected to conserve the agricultural topsoil through appropriate farming practices; and,
4. The existing forested areas should be sustained through appropriate forestry practices.