

**FEBRUARY 9, 2023**

**7676 TEXAS GAS ROAD**

**ZONE CHANGE**

<b>From:</b>	EX-1 Coal Mining
<b>To:</b>	<b>A-R Rural Agriculture</b>
<b>Proposed Use:</b>	Agricultural
<b>Acreage:</b>	121.25
<b>Applicant:</b>	Kenneth & Rebecca Fisher, LLC (2302.2250)
<b>Surrounding Zoning Classifications:</b>	
<b>North: A-R, EX-1</b>	<b>South: A-R</b>
<b>East: A-R</b>	<b>West: A-R, EX-1</b>

**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 agriculture/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.

**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 map dated March 6, 1990.
- The subject property is partially located in a special flood hazard area per FIRM Map 21059CO315D.
- It appears that the subject property is designated as prime agriculture 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 on-site septic system.

**Development Patterns**

The subject property is a 121.25-acre parcel of land that is located along Texas Gas Road, between Little Hickory Road and Jones Road South.

All surrounding properties are zoned either EX-1 Coal Mining or A-R Rural Agriculture and appear to be agricultural and residential in nature.

There is no active coal mining on the subject property and so, at this time, the applicant is proposing to rezone the property to A-R Rural Agriculture for agricultural uses.

As a large farm property, the agricultural topsoil should be conserved through appropriate farming practices, and the existing forested areas should be sustained through appropriate forestry practices.

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. The agricultural topsoil will be conserved through appropriate farming practices and any forested areas will be sustained through appropriate forestry practices.

**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 Agricultural/Forestry uses are appropriate in general locations;
3. Agricultural topsoil will be conserved through appropriate farming practices;
4. Any forested areas will be sustained through appropriate forestry practices;
5. Coal mining activity on the property has ceased; and,
6. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that the property shall revert to its original zoning classification after mining.