

**APRIL 10, 2025**

**8671 MULLIGAN ROAD**

**ZONE CHANGE**

<b>From:</b>	A-R Rural Agriculture & EX-1 Coal Mining
<b>To:</b>	<b>A-R Rural Agriculture</b>
<b>Proposed Use:</b>	Agricultural Uses
<b>Acreage:</b>	89.1
<b>Applicant:</b>	Robert M. Warren Estate, Executors Bob Warren & Tracy Miller (2504.2313)
<b>Surrounding Zoning Classifications:</b>	
<b>North: A-R</b>	<b>South: A-R</b>
<b>East: A-R</b>	<b>West: 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.
- It appears that the subject property is not located in a special flood hazard area per FIRM Map 21059CO245E.
- It appears that the subject property is not 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 and water are available to the subject property. Sanitary sewage disposal will be accomplished by an on-site septic system.

**Development Patterns**

The subject property is an existing 89-acre farm located along Mulligan Road that is split-zoned A-R Rural Agriculture and EX-1 Coal Mining. The applicant has submitted a subdivision plat proposing to divide the land into two agricultural tracts, each 10+ acres in size with sufficient road frontage.

At this time, the applicant is proposing to rezone the entirety of the property to A-R Rural Agriculture to allow future opportunities to construct single family residences on the resulting lots. Nevertheless, per this rezoning application, the proposed use is to remain agricultural and, because no roads are proposed with this request, the existing agricultural topsoil shall be conserved and the existing forested areas shall be sustained.

Adjoining properties in all directions are zoned A-R Rural Agriculture with the exception of the farm to the west (across Mulligan Road) which is zoned EX-1 Coal Mining. This portion of Mulligan Road is very hilly and, as a result, the County Engineer should be consulted to determine driveway location(s) as they pertain to sight distance requirements.

Any future changes to the property shall comply with applicable portions of the Owensboro Metropolitan Zoning Ordinance and Subdivision Regulations. Additionally, 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. With no new roads proposed, the agricultural topsoil will continue to be conserved through appropriate farming practices and the existing forested areas will be sustained through appropriate forestry practices. The proposed A-R Rural Agriculture zone is a logical expansion of existing A-R zoning to the north, south and east.

**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/forestry uses are appropriate in general locations;
3. With no new roads proposed, the agricultural topsoil will continue to be conserved through appropriate farming practices and the existing forested areas will be sustained through appropriate forestry practices; and,
4. The proposal is a logical expansion of existing A-R Rural Agriculture zoning to the north, south and east.