

JULY 14, 2005

10300 - 10700 BLKS JACKSON RD N

ZONE CHANGE

From:	A-R - Rural Agriculture EX-1 - Coal Mining	
To:	A-R - Rural Agriculture	
Acreage:	78 acres	
Applicant:	Terry & Linda Dukes (0508.1605)	
Property Zone Existing Use	to North A-R Agriculture	
to West EX-1 Agriculture	Subject A-R, EX-1 ⇄ A-R Agriculture	to East A-R Agriculture
	to South A-R Agriculture	

**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-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.

Applicant's Findings

Mining operations and reclamation are complete. The applicant wishes to change zoning back to agriculture.

Planning Staff Review

The subject property is located in the 9501 block of KY 815. 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 a portion of the subject property is located in a wetlands area. The subject property is partially located in a special flood hazard area per FIRM Map 21059CO400 C. It appears that the subject property is 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 outside 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 a large tract of land (78 acres) currently utilized as farmland. All adjoining property is zoned A-R Rural Agriculture or EX-1 Coal Mining and is used primarily for agricultural purposes. In accordance with Owensboro Metropolitan Zoning Ordinance Article 12a.31, the applicant must return the property to the previous zoning after mining activities have ceased.

SPECIFIC LAND USE CRITERIA

The subject property is a large rural tract approximately 78 acres in size. It has frontage on Jackson Road N which is an existing road within the county road network. No new roads or streets are proposed with this application.

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 Maintenance Plan Area, where agricultural/forestry uses are appropriate in general locations;
2. The subject property is currently being used for agricultural purposes as cropland;
3. The subject property is designated as prime agricultural land according to the "Important Farmlands" map created by the US Department of Agriculture Soil Conservation Service dated March 1980;
4. Mining activities have ceased and reclamation has been completed; and,
5. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after mining.