

JANUARY 11, 2018

**9700-9900 BLKS ST. LAWRENCE SPUR,  
10200 BLK HIGHWAY 144****ZONE CHANGE**

<b>From:</b>	EX-1 Coal Mining & A-R Rural Agriculture
<b>To:</b>	A-R Rural Agriculture
<b>Proposed Use:</b>	Agriculture
<b>Acreage:</b>	93
<b>Applicant:</b>	Terry L. Wink & Nick A. Wink (1801.2031)
<b>Surrounding Zoning Classifications:</b>	
<b>North: A-R</b>	<b>South: A-R</b>
<b>East: EX-1</b>	<b>West: R-1A, A-R &amp; B-4</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.

**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 dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Map 21059CO170D.
- It does not appear 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 existing to the subject property. Sanitary sewage disposal will be accomplished by an on-site septic system.

**Development Patterns**

The subject property is a 93 acre tract with road frontage on Saint Lawrence Spur and Highway 144. There are no structures currently located on the property. According to the applicant's findings, mining activity has ceased and the site is ready to revert back to the original zoning classification. The applicant has stated they wish to divide the property.

Any future changes to the property would have to comply with applicable portions of the Owensboro Metropolitan Zoning Ordinance and Subdivision Regulations, as well as obtain any necessary permits, if required.

**SPECIFIC LAND USE CRITERIA**

The applicant's proposal is in compliance with the Comprehensive Plan. The subject property is a large tract at 93 acres and the applicant proposes agricultural use on the property. The subject property has access to Saint Lawrence Spur and Highway 144 with no new roads proposed. 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 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. The subject property is a large tract at 93 acres;
4. The subject property has access to Saint Lawrence Spur and Highway 144 with no new roads proposed;
5. Strip-mining activity on the property has ceased; and,
6. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after mining.