

JUNE 13, 2019

**PORTION OF 4375 MEDLEY RD****ZONE CHANGE**

<b>From:</b> EX-1 Coal Mining	
<b>To:</b> A-R Rural Agriculture	
<b>Proposed Use:</b> Farm	
<b>Acreage:</b> 2.989	
<b>Applicant:</b> ATMOS Energy Corp. (Western Kentucky Gas Utility Corp.) (1906.2089)	
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> EX-1, A-R	<b>South:</b> A-U, I-1
<b>East:</b> EX-1 & A-U	<b>West:</b> A-R

**Proposed Zone & Land Use Plan**

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

**SPECIFIC LAND USE CRITERIA**

(a) **Conservation of agriculture topsoil** – Agriculture topsoil should be conserved through appropriate farming 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 21059C0116D.
- 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 available to subject property. Sanitary sewage disposal will be accomplished by an on-site septic systems.

**Development Patterns**

The subject property is currently zoned EX-1 Coal Mining; The portion in question is a 2.989 acre land locked portion of an approximately 162 acre tract owned by ATMOS. The applicant has submitted a minor subdivision plat to divide the 2.989 acre portion from the larger 162 acre tract and consolidate it with an adjoining 11.26 acre farm tract at 4667 Medley Road. Mining activity has ceased and the property is ready to revert back to the original zoning classification. The applicant has stated they wish to continue the existing farm use in the future on the property.

Any future changes to the properties would have to 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. This 2.989 acre portion of the subject property will be consolidated with an 11.26 acre farm at 4667 Medley Road with frontage on Medley Road. The applicant proposes continued farm use on the property. 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 condition and findings of fact that follow:

**Condition:**

Approval of a minor subdivision plat consolidating the 2.989 acre portion of the subject property with 4667 Medley Road.

**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 Future Urban Plan Area, where agriculture/forestry uses are appropriate in general locations;
3. The applicant proposal is to continue the existing farming use of the property;
4. This portion of subject property will be consolidated with 4667 Medley Road and have access to Medley Road with no new roads proposed;
5. Strip-mining activity on the properties has ceased; and,
6. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that the properties shall revert to their original zoning classification after mining.