



JULY 14, 2005

8753 MULLIGAN RD

ZONE CHANGE

From: EX-1 - Coal Mining		
To: A-R - Rural Agriculture		
Acreage: 38.5 +/- acres		
Applicant: Michael W. Timbrook (0507.1602)		
Property Zone Existing Use	to North EX-1, A-R Agricultural, Pasture	
to West EX-1 Agricultural, Residential	Subject EX-1 ➔ A-R Agricultural	to East EX-1 Agriculture, Timber
	to South A-R Agriculture, Timber	

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 rural farm residential uses are appropriate in general locations.

SPECIFIC LAND USE CRITERIA

(a) Large tracts with agricultural potential - Each dwelling should be located on a separate, large tract that has potential for productive agricultural use.

(b) Access to existing public road via private drive - Each dwelling/tract should have access to an existing public road; public roads should not be created or extended to provide access. Access should be provided via private drives. No more than two dwelling/tracts should share a single private drive where it connects with a public road.

Applicant's Findings

The requested rezoning is in compliance with the Comprehensive Plan and is appropriate in general locations. This tract of land and some of the adjacent farms were rezoned to EX-1 several years ago for a proposed mining operation. Neither this property nor the adjoining properties were ever mined and has always been used for agricultural purposes.

The applicant is requesting his property be rezoned back to the original zone of A-R to allow him to utilize his property for a home site and continue the current use as agricultural.

Planning Staff Review

The subject property is located in the 8700 block of Mulligan Road. 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 the subject property is not located in a wetlands area. The subject property is not located in a special flood hazard area per FIRM Map 21059CO245 C. It appears that a portion of 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 sewer disposal would be accomplished by an on-site septic system.

Development Patterns

The subject property is a large tract of land (38.5 acres) currently utilized as farmland. All adjoining property is zoned A-R Rural Agriculture or EX-1 Coal Mining with farmland and scattered rural residential uses. 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 currently used for agricultural crop production and it will have a rural residence on the property once approval of the rezoning is granted. The dwelling unit will have a separate, private drive to Mulligan Road which is a public street.

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 Rural Farm Residential Uses are appropriate in general locations;
2. The subject property is currently being used for agricultural purposes as cropland;
3. A portion of 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 never took place on the subject property; and,
5. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after mining.