



**DECEMBER 13, 2007**

**1300-1500 BLKS RIVER RD,  
3200-3400 MEDLEY RD**

## ZONE CHANGE

<b>From:</b>	EX-1 Coal Mining I-1 Light Industrial	
<b>To:</b>	<b>A-U Urban Agriculture</b>	
<b>Proposed Use:</b>	Rural Agricultural Uses	
<b>Acreage:</b>	126.633	
<b>Applicant:</b>	Robert Wimsatt (0712.1702)	
<b>Property Zone Existing Use</b>	<b>to North</b> A-U, I-1 Vacant, Residential	
<b>to West</b> A-U, EX-1 Wooded, Residential	<b>Subject</b> EX-1, I-1 → A-U Wooded	<b>to East</b> I-1, I-2 Industrial Buildings, Vacant
	<b>to South</b> I-1, I-2, P-1 Offices, Industrial, Green River Mental Health	

## 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 Agricultural zone. A portion of the subject property is located in a Future Urban Plan Area, where agricultural/forestry uses are appropriate in general locations and partially located in an Industrial Plan Area, where agricultural/forestry uses are generally not recommended.

## 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.

## Applicant's Findings

The subject property is located in two land use plan areas. The southern portion of the property, approximately 2/3 of the area, is located in an Industrial Plan Area where rural lot uses are not appropriate and the northern portion of the property, approximately 1/3 of the area, is located in a future urban area where rural small lot residential is appropriate in general locations.

The applicant proposes to rezone a 126.633 acre tract located at the northwest intersection quadrant of River Road and Medley Road from EX-1 Exclusive Use/Coal Mining and I-1 Light Industrial to A-U Urban Agriculture. Prior to being rezoned to EX-1 and I-1 the subject property consisted of a mixed zoning classification of A-U Urban Agriculture and I-1 Light Industrial. Only a small triangular shape portion of the property was and is currently zoned I-1 Light Industrial. The portion of the subject property which is currently I-1 is estimated to be less than one acre in size. Today the subject property is wooded with some open field areas. The applicant has no intended use at this time and solely desires to clean up the zoning classification of the subject property.

### Specific Land Use Criteria:

In compliance with Article 12a.31 of the zoning ordinance “. . . upon completion of the coal mining operation no other use shall be permitted, other than agriculture without placing the property in the appropriate zoning classification. The site shall revert to its original zone after mining.” As stated previously, the original zoning classification for the subject property was A-U and I-1. Approximately 95% of the subject property was A-U and 5% was I-1. The applicant proposes to rezone the property back to an A-U zoning classification which is consistent with the zoning ordinance, which does not allow for rezoning to mixed zoning.

## Planning Staff Review

The subject property is located in the 1300-1500 blocks of River Road and the 3200-3400 blocks of Medley 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 21059CO120C. Based on the preliminary FIRM maps dated July 7, 2007, the subject property is not located in a special flood hazard area per map 21059CO117 D. 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 not in the vicinity of 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. With development in the future, sanitary sewer service extension will likely be required.

#### Development Patterns

The subject property is located in an area of primarily industrial and coal mining zoning. The majority of the property to the east and south is zoned industrial with warehouses and industrial operations. The majority of the property to the west and north is zoned for coal mining or agriculture.

The subject property is located within the Urban Service Area but was part of a rezoning in 1993, which rezoned a significant acreage in the area for coal mining purposes. As the applicant stated, prior to the zoning change for coal mining purposes, the majority of the property was zoned A-U Urban Agriculture with a small portion zoned I-1 Light Industrial. If the property reverted strictly back to the original zoning, split zoning would be present on the tract which should be avoided. Since the overwhelming majority of the property was originally zoned agricultural, it is logical that the entire tract should be rezoned back to agricultural. There is currently no mining activity

occurring on the site. According to the Owensboro Metropolitan Zoning Ordinance Article 12a.31, the applicant must return the property to the previous zoning once mining activities have ceased.

As mentioned, the subject property is located within the Urban Service Area and has frontage on two roadways that are classified as major streets. In the vicinity of the subject property both River Road and Medley Road are classified as minor arterial roadways with a 500 foot driveway spacing standard and a 40 foot roadway buffer. Although the applicant stated that there are no current plans for development of the property, with future activity on the site, access management criteria will be applied to the property. Due to the topography and curvature of the roadways, sight distance will likely play a role in the location of driveways or roadways serving the property. When possible, new access points should be in alignment with existing driveways or roads.

### SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The subject property is a large tract over 126 acres in size. The lot is of size and nature that would allow the use of the property for agricultural purposes. A significant portion of the property is currently wooded with some open field areas.

## Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The condition and findings of fact that support this recommendation include the following:

**Condition:** Access shall be in compliance with the standards of the access management manual.

#### Findings of Fact:

1. A portion of the subject property is located in a Future Urban Plan Area, where agricultural/forestry uses are appropriate in general locations and partially located in an Industrial Plan Area, where agricultural/forestry uses are generally not recommended;
2. A portion of the subject property is designated as prime agricultural farmland according to the "Important Farmlands" map created by the US Department of Agriculture Soil Conservation Service dated March 1980;
3. The subject property is a large tract capable of agricultural production;
4. There is no mining activity 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.