

JANUARY 14, 2021

11040, 11106 & 11172 HIGHWAY 231

ZONE CHANGE

From: EX-1 Coal Mining

To: A-U Rural Agriculture

Proposed Use: Agricultural and Residential

Acreage: 30.255

Applicant: Stephen W. Thompson, Diana Karen Thompson (2101.2148)

Surrounding Zoning Classifications:

North: A-U, EX-1 South: A-U, EX-1

East: A-U West: EX-1, A-R

Proposed Zone & Land Use Plan

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

SPECIFIC LAND USE CRITERIA

(a) Conservation of agriculture 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 properties are not located in a wetlands area per the US Department of Agriculture Soil Conservation Service dated March 6, 1990.
- The subject properties are not located in a special flood hazard area per FIRM Map 210590430D.
- It appears that the subject properties are not 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 and water are available to subject properties. Sanitary sewage disposal shall be accomplished by on-site septic systems.

Development Patterns

Located near the intersection of Highway 231 and Girl Scout Road, the subject properties cover 30.255 acres of heavily-wooded land zoned EX-1 Coal Mining. The largest of the three tracts of land has an existing residence on the property addressed at 11172 Highway 231. Due to the unique L-Shape of the lot, this tract has road frontage along Highway 231 and along Girl Scout Road. The remaining two subject properties appear to be vacant lots that are also heavily wooded and front along Highway 231. The northern most tract, 11040 Highway 231, also has road frontage along Girl Scout Road.

Highway 231, in this vicinity, is classified as a major collector roadway with a 60-foot building setback and a 30-foot roadway buffer, each measured from the centerline of Highway 231. Girl Scout Road is considered to be a local street with a 25-foot building setback measured from the property line.

Although zoned for mining, it appears as though mining activity never took place on any of the subject properties and the properties are ready to revert back to their original agricultural zoning classification. The applicant intends to utilize the properties for agricultural and residential uses which are expected to sustain much of the agricultural topsoil and forested areas located on the subject properties.

The adjoining properties to the west, which front along Girl Scout Road are zoned EX-1 Coal Mining and A-R Rural Agriculture. Adjoining properties to the south, which front along Highway 231, are zoned A-U Urban Agriculture and EX-1 Coal Mining. To the east, across Highway 231, all adjoining properties are zoned A-U Urban Agriculture. Lastly, to the north (across Girl Scout Road), all adjoining properties are zoned A-U Urban Agriculture. There is one additional adjoining property; a 1.16 acre tract of land housing a single family residence and located at the southwest intersection of Girl Scout Road and Highway 231. This property is zoned EX-1 Coal Mining and is bordered on the side and rear by the subject properties.

Any future changes to the properties shall 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. There is no active strip mining on the subject properties. The proposed activity is expected to sustain much of the agricultural topsoil and forested areas located on the subject properties.

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 properties are located in a Rural Community Plan Area, where agriculture and forestry uses are appropriate in general locations;
3. The proposed agricultural and residential uses are expected to sustain the existing agricultural topsoil and forested areas located on the subject properties; and,
4. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 states that the property shall revert to its original zoning classification after mining ceases activity or if mining never takes place.