

OCTOBER 14, 2021

11300 US HIGHWAY 231

ZONE CHANGE

From: EX-1 Coal Mining
To: A-R Rural Agriculture
Proposed Use: Residential
Acreage: 12.090
Applicant: Donna Lusk; Anna Faye Belcher Estate (2110.2189)
Surrounding Zoning Classifications:
North: A-U & A-R South: A-R
East: A-R West: A-R

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 large-lot residential uses are appropriate in limited locations.

SPECIFIC LAND USE CRITERIA

(a) Separate, large, well-proportioned lots – Each dwelling should be located on its own individual lot that fronts on a public road or street. Lots should be large enough in size and width to avoid the creation of excessive numbers of lots or odd-shaped lots.

(c) Frontage only on existing roads or streets – In Rural Maintenance plan areas, new lots should front upon existing public roads or streets. Public roads or streets should not be created or extended to provide for new lots.

(d) Coal mining advisory – Prospective lot owners should be advised of the potential for coal mining activity in rural area.

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 Maps 21059CO410D and 21059CO430D.
- It appears that portions of the subject property are 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 the subject property. Sanitary sewage disposal is accomplished by an on-site septic system.

Development Patterns

The subject property is a 12.090 acre tract of land with approximately 600-feet of road frontage that is zoned EX-1 Coal Mining. On the property is an existing home and detached shop, each along Highway 231. In addition to the existing structures, the site previously contained a Class 2 Manufactured Home. The applicant intends to rezone the subject property to A-R Rural Agriculture, divide the subject property into two tracts of land, and place a new residential structure in the same general location as the previous Class 2 Manufactured Home.

All adjoining properties, including those across US Highway 231, are zoned agriculturally. There is no active coal mining on the subject property and so the applicant requests for the zoning classification to revert back to the agricultural zone.

Any future changes to the property 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. At 12.090 acres and roughly 600-feet of road frontage, the property is large enough to ensure that each dwelling shall be located on its own individual lot with frontage along an existing public road, US Highway 231; and, as such, no new roads are proposed with this request.

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 rural large-lot residential uses are appropriate in limited locations;
3. At 12.090 acres and approximately 600-feet of road frontage, the subject property is large enough to ensure that each dwelling shall be located on its own individual lot with frontage along a public road, US Highway 231;
4. No new roads are proposed with this request;
5. Strip-mining activity on the properties has ceased; and,
6. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that the property shall revert to its original zoning classification after mining.