

MAY 12, 2022

**PORTION OF
7707 KNOTTSVILLE MOUNT ZION ROAD
ZONE CHANGE**

From: I-1 Light Industrial	
To: A-R Rural Agriculture	
Proposed Use: Residential	
Acreage: 0.779	
Applicant: Vincent Nealen & Rose Nealen (2205.2208)	
Surrounding Zoning Classifications:	
North: I-1/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 Preference Plan Area, where rural small-lot residential uses are appropriate in very limited locations.

SPECIFIC LAND USE CRITERIA

(a) Separate lots fronting on public roads or streets

– Each dwelling should be located on its own individual lot that fronts on a public road or street. New subdivision streets should be constructed to urban specifications, including curbs & gutters.

(b) Lot sizes adequate for septic tank systems – Lots should be large enough in size to assure satisfactory operation of conventional septic tank systems as regulated by state law.

(c) Only logical expansions of limited scope – In Rural Preference plan areas, completely new locations of Rural Small-lot Residential use should not be established. However, existing areas of this use may be expanded onto contiguous land, but should not significantly increase the extent of such uses in the vicinity, and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

(d) Coal mining advisory – In Rural Preference plan areas, prospective lot owners should be advised of the potential for coal mining activity in rural areas.

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 map dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Map 21059CO165D.
- 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

All urban services are available to the subject property. Sanitary sewage disposal will be accomplished by an on-site septic system.

Development Patterns

The subject property is an existing 2.88-acre tract of land (per PVA records) that is split-zoned; the majority zoned A-R Rural Agriculture and a 0.779-acre portion currently zoned I-1 Light Industrial.

The industrial zoning appears to be spill-over from existing I-1 zoning to the north, located at the intersection of Knottsville Mount Zion Road and Winkler Road. The industrial zoning on the subject property is vacant and not utilized in conjunction with the adjoining property to the north. In addition to the existing I-1 zoning to the north, the subject property is surrounded on all sides by A-R Rural Agriculture zoning consisting of rural residential uses and woodlands.

The applicant intends to utilize the subject property for single family residential purposes; however, due to the topography of the land, the most suitable home site is currently within the I-1 zoned portion of the subject property. As a result, the applicant has proposed to rezone this 0.779-acre portion of land from I-1 Light Industrial to A-R Rural Agriculture in order to create a uniform zoning classification throughout the property.

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. The subject property fronts along a public road, Knottsville Mount Zion Road. At 2.88 total acres in size, the subject property is large enough to assure satisfactory operation of a conventional septic tank system. The proposed A-R Rural Agriculture zoning classification is a logical expansion of existing A-R zoning to the north, south, east, and west; including existing A-R zoning already located on the subject property. At 0.779-acres in size, the expansion of the A-R zone shall not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

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 Preference Plan Area, where rural small-lot residential uses are appropriate in very limited locations;
3. The subject property has frontage along a public road, Knottsville Mount Zion Road;
4. The subject property, in its entirety, is 2.88-acres in size, large enough to assure satisfactory operation of conventional septic tank systems;
5. The proposed A-R Rural Agriculture zoning classification is a logical expansion of the existing A-R zone located to the north, south, east, and west; including existing A-R zoning already located on the subject property;
6. The proposed A-R Rural Agriculture zone will eliminate the split zoning on subject property; and,
7. At 0.779-acres, the expansion of the A-R Rural Agriculture zone shall not overburden the capacity of roadways and other necessary urban services that are available in the affected area.