

SEPTEMBER 8, 2022

7125 HWY 762 & PORTION OF 7015 HWY 762

ZONE CHANGE

From:	R-1A Single Family Residential & A-R Rural Agriculture
To:	A-R Rural Agriculture
Proposed Use:	Residential
Acreage:	3.316
Applicant:	Jeffrey R. Hines; Marion Hines (2209.2230)
Surrounding Zoning Classifications:	
North: A-R	South: A-R
East: R-1A & A-R	West: A-R

Proposed Zone & Land Use Plan

The applicant is seeking an A-R Rural Agriculture zone. The subject properties are 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 map dated March 6, 1990.
- The subject property is partially located in a special flood hazard area per FIRM Map 21059CO315D.
- It appears that the subject property is partially 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 on-site septic systems.

Development Patterns

The subject properties combine to equal 8.236 acres in size, located along Hwy 762, spanning nearly 1,500 linear feet of road frontage. One property is a 1-acre tract that is entirely zoned R-1A Single Family Residential, meanwhile the other is a 7+ acre tract that is split-zoned A-R Rural Agriculture and R-1A Single Family Residential.

The applicants intend to shift the property lines, consolidating portions of the 7-acre tract with the existing 1-acre property. However, doing so will create an additional split-zoned property. As a result, the applicants have proposed to eliminate all R-1A zoning on the two lots, creating a uniform A-R zoning across both properties.

Highway 762 is a local roadway with a 60-foot building setback, measured from the centerline of the highway. The adjoining property to the east is split-zoned R-1A Single Family Residential along the highway and A-R Rural Agriculture to the rear. All other surrounding properties are zoned A-R; all of which appear to be used residentially and agriculturally.

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. At 8+ total acres in size and ample road frontage, the properties are large enough to ensure that any proposed dwellings shall be located on their own individual lot with road frontage along an existing public road, Highway 762; 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 properties are located in a Rural Maintenance Plan Area, where rural large-lot residential uses are appropriate in limited locations;
3. At 8+ total acres and nearly 1,500 linear feet of road frontage, the properties are large enough to ensure that any proposed dwellings shall be located on their own individual lot with frontage along a public road, Highway 762;
4. No new roads are proposed with this request; and,
5. The proposal is a logical expansion of existing A-R Rural Agriculture zoning and will eliminate the existing split-zoning located on 7015 Highway 762.