

SEPTEMBER 14, 2023

11501 – 11701 BLCK HIGHWAY 951

**ZONE CHANGE**

<b>From:</b> EX-1 Coal Mining	
<b>To:</b> A-R Rural Agriculture	
<b>Proposed Use:</b> Agricultural and Residential	
<b>Acreage:</b> 105.741	
<b>Applicant:</b> Thomas & Rachel Quance (2309.2270)	
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> EX-1 & A-R	<b>South:</b> EX-1 & A-R
<b>East:</b> EX-1 & A-R	<b>West:</b> EX-1

**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 may 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 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 21059C0190D.
- It appears that the subject property is not designated as prime agriculture 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 will be accomplished by on-site septic systems.

**Development Patterns**

The subject property is a 105.741-acre farm tract that is currently zoned EX-1 Coal Mining. There is no active mining at the subject property and so the applicant proposes to rezone the property to A-R Rural Agriculture in order to subdivide the land into several, large farm tracts and develop home sites.

With over 2,000 linear feet of road frontage along Highway 951, the property is large enough to subdivide several agricultural tracts without creating an excessive number of lots, or odd shaped lots.

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 proposal is in compliance with the Comprehensive Plan. With over 2,000 linear feet of road frontage along a public road, Highway 951, the property can be further subdivided into large, well-proportioned lots, each with their own road frontage along the highway, and large enough to ensure that all proposed dwellings are located on their own individual lot.

**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. With over 2,000 linear feet of road frontage along a public road, Highway 951, the property can be further subdivided into large, well-proportioned lots, each with their own road frontage along the highway;
4. The subject property is large enough to ensure that all proposed dwellings will be located on their own individual lot;
5. No new roads are proposed with this request;
6. Coal mining activity on the property has ceased; and,
7. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that the property shall revert to its original zoning classification after mining has ceased.