

SEPTEMBER 14, 2023

11989 & 12093 HIGHWAY 951

ZONE CHANGE

From: EX-1 Coal Mining	
To: A-R Rural Agriculture	
Proposed Use: Residential	
Acreage: 21.267	
Applicant: Jim Rhinerson; Richard & Sharon Mattingly (2309.2271)	
Surrounding Zoning Classifications:	
North: EX-1	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 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 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 properties are not located in a wetlands area per the US Department of Agriculture Soil Conservation Service map dated March 6, 1990.
- The subject properties are not located in a special flood hazard area per FIRM Map 21059C0180D.
- It appears that the subject properties are 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 properties. Sanitary sewage disposal will be accomplished by on-site septic systems.

Development Patterns

The subject properties consist of two adjoining 10.6-acre tracts of land, both zoned EX-1 Coal Mining and located along Highway 951. There is no active mining at the subject properties and so the applicants propose to rezone the property to A-R Rural Agriculture in order to construct residential homes.

The two lots are existing agricultural tracts with road frontage along a public road, Highway 951. However, the applicant should be advised to discuss residential access with the Kentucky Transportation Cabinet due to the winding nature of this portion of Highway 951.

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. The two properties are existing lots of record, which are large enough in size to ensure that all proposed dwellings are located on their own individual lot. Each existing property contains road frontage along a public road, Highway 951, and so no new public 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. Both properties are existing lots of record, large enough to ensure that proposed dwellings are located on their own individual property with frontage along a public road, Highway 951;
4. No new roads are proposed with this request;
5. Coal mining activity on both properties has ceased; and,
6. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that the properties shall revert to its original zoning classification after mining has ceased.