

NOVEMBER 9, 2023

11315 HIGHWAY 951

ZONE CHANGE

From: EX-1 Coal Mining	
To: A-R Rural Agriculture	
Proposed Use: Residential	
Acreage: 11.528	
Applicant: Jim Rhinerson; Independence Bank, Trustee of Kenneth Lanham Roth IRA (2311.2278)	
Surrounding Zoning Classifications:	
North: EX-1	South: EX-1
East: A-R	West: 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 an on-site septic system.

Development Patterns

The subject property is an existing 11.528-acre tract of land zoned EX-1 Coal Mining and is located along Highway 951 with approximately 853-feet of road frontage. 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 construct a residential home.

The subject property is large enough in acreage and has enough existing road frontage to ensure that no new roads or streets being created or extended with this proposal, while also ensuring that any proposed dwelling will be located on its own individual lot.

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 property is an existing lot of record, large enough in size to ensure that any proposed dwelling is located on its own individual lot. The 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 property is located in a Rural Maintenance Plan Area, where rural large-lot residential uses are appropriate in limited locations;
3. The property is an existing lot of record, large enough to ensure that a proposed dwelling shall be located on its 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 the property 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 has ceased.