

MAY 9, 2024

10651 FLORAL ROAD

ZONE CHANGE

From: EX-1 Coal Mining	
To: A-R Rural Agriculture	
Proposed Use: Residential & Farmland	
Acreage: 63.000	
Applicant: Jim Rhinerson; Wanda Lanham Estate, Executors Pat Laham & Kenny Lanham (2405.2290)	
Surrounding Zoning Classifications:	
North: A-R	South: A-R
East: EX-1	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 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 partially 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, land-locked farm that has platted access to Floral Road by a 25-foot wide access easement. However, this 63-acre parcel is part of a much larger family farm that spans from this tract to others along St. Lawrence Road and St. Lawrence Spur. This parcel is zoned EX-1 Coal Mining. Because no active mining is taking place, the owner wishes to rezone the farm to A-R Rural Agriculture to allow residential uses. Conversations with the applicant have given the OMPC staff the understanding that future subdivision plats are forthcoming involving the subject property and the adjoining farms; however, no new roads or streets are proposed with any of the future divisions. Future divisions also will not allow the creation of any additional land-locked properties.

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. At 63-acres, the property is large enough to ensure that all proposed dwellings are located on their own individual lot. By dividing and consolidating land with adjoining farms, there is enough available road frontage to ensure that all created lots will maintain road frontage along a public road, which may be St. Lawrence Road, St. Lawrence Spur, or Floral Road; as such, no new public roads proposed with this request.

Planning Staff Recommendations

The planning staff recommends approval subject to the condition and findings of fact that follow:

Condition:

1. The subject property shall not be further subdivided so as to create any additional lots that do not meet the requirements of the subdivision regulations.

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. At 63-acres, the property is large enough to ensure that all proposed dwellings will be located on their own individual lot;
4. By consolidating and dividing lands with the adjoining farms, there is enough available road frontage to ensure that all created lots have road frontage along a public road, which may be St. Lawrence Road, St. Lawrence Spur, or Floral Road;
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.