

JUNE 13, 2024

6565 AULL ROAD

ZONE CHANGE

From: EX-1 Coal Mining
To: A-R Rural Agriculture
Proposed Use: Residential
Acreage: 27.30
Applicant: Timothy & Donna Wilkerson (2406.2295)
Surrounding Zoning Classifications:
North: EX-1 South: EX-1
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 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 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 Maps 21059CO310D and 21059CO330D
- It appears that a portion of the subject property may be 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 and water are available to the subject property. Sanitary sewage disposal will be accomplished by an on-site septic system.

Development Patterns

The subject property is a vacant 27.30-acre tract that is zoned EX-1 Coal Mining and has nearly 450-feet of road frontage along Aull Road. Adjoining properties include additional EX-1 zoning to the north, south, and east; all of which appear to be agricultural in nature. The adjoining property to the west, across Aull Road, is zoned A-R Rural Agriculture and contains an existing residence.

There is no active coal mining at the subject property, so the applicant has proposed to rezone the property to A-R Rural Agriculture in order to construct a single family residence.

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 applicant's proposal is in compliance with the Comprehensive Plan. At 27.30-acres and nearly 450-feet of road frontage, the property is large enough to ensure that all proposed dwellings are located on their own individual lot, and that all created lots will maintain road frontage along a public road, Aull Road, with no new public roads proposed.

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. At 27.30-acres with nearly 450-feet of road frontage, the property is large enough to ensure that all proposed dwellings will be located on their own individual lot with road frontage along a public road, Aull Road;
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.