

NOVEMBER 14, 2024

4188 HIGHWAY 554

ZONE CHANGE

From: EX-1 Coal Mining	
To: A-R Rural Agriculture	
Proposed Use: Residential	
Acreage: 2.861	
Applicant: Jason E. McCarty (2411.2305)	
Surrounding Zoning Classifications:	
North: EX-1	South: I-2
East: A-R	West: R-1A/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 Map 21059CO265E.
- It appears that the subject property is not 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 is accomplished by an on-site septic system.

Development Patterns

The subject property is a 2.861-acre site with an existing home on the property and is currently zoned EX-1 Coal Mining. The applicant intends to construct a front porch addition on the existing home and has requested to rezone the property to A-R Rural Agriculture.

The property adjoins a vacant 2-acre site to the north that is also zoned EX-1 Coal Mining, meanwhile the property to the south is an existing salvage yard that appears to pre-date the current adoption of the zoning ordinance and is zoned I-2 Heavy Industrial. To the east is a 10-acre farm tract with an existing home and zoned A-R Rural Agriculture. Lastly, the adjoining lot to the west, across Highway 554, is a large farm tract that is split-zoned R-1A Single Family Residential along the highway and A-R further off the road.

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. The subject property is large and well proportioned, ensuring that the existing home shall remain on its own lot with road frontage along a public road, Highway 554, and no new 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 subject property is large and well proportioned, ensuring that the existing home shall remain on its own lot with road frontage along a public road, Highway 554;
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.