

JANUARY 9, 2025

11770 & 11900 INDIAN HILL ROAD

ZONE CHANGE

From: EX-1 Coal Mining	
To: A-R Rural Agriculture	
Proposed Use: Agricultural Uses	
Acreage: 149.825	
Applicant: Danny W & Mary E Brasher (2501.2309)	
Surrounding Zoning Classifications:	
North: A-R	South: A-R & EX-1
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 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 properties are not located in a wetlands area per the US Department of Agriculture Soil Conservation Service map dated March 6, 1990.
- It appears that a portion of the subject properties is located in a special flood hazard area per FIRM Map 21059CO190E.
- It appears that the subject properties are 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 properties. Sanitary sewage disposal will be accomplished by on-site septic systems.

Development Patterns

The two subject properties combine to equal nearly 150-acres of existing farmland that are zoned EX-1 Coal Mining. All adjoining properties, including those across Indian Hill Road, are zoned A-R Rural Agriculture with the exception of an adjoining farm to the south, which is zoned EX-1 Coal Mining.

11900 Indian Road is a 32-acre cattle farm that has approximately 1400-feet of frontage along Indian Hill Road. Meanwhile, 11770 Indian Hill Road is a 117-acre farm that is actually located at the terminus of Brasher Road. According to the County Engineer, 0.279-miles of Brasher Road is county maintained, which appears to serve the subject property. As such, the subject property appears to be in compliance with the subdivision regulations.

Coal mining activity on the properties has ceased and, per conversations prior to submittal, OMPC staff believes that the applicant now intends to construct a single family home at 11770 Indian Hill Road.

Any future changes to the properties shall comply with applicable portions of the Owensboro Metropolitan Zoning Ordinance and Subdivision Regulations. Before any construction activity takes place on the properties, 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 properties are large and well proportioned, ensuring that all proposed dwellings shall remain on their own lot with road frontage along a public road, Indian Hill Road or Brasher Road, 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 properties are located in a Rural Maintenance plan area, where rural large-lot residential uses are appropriate in limited locations;
3. The subject properties are large and well proportioned lots, ensuring that all proposed homes shall remain on their own lots with road frontage along a public road, whether that be Indian Hill Road or Brasher Road;
4. No new roads are proposed with this request;
5. Coal mining activity on the 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.