

SEPTEMBER 12, 2019

11226 US HIGHWAY 231

ZONE CHANGE

From: EX-1 Coal Mining	
To: A-U Urban Agriculture	
Proposed Use:	Residential
Acreage:	10.105
Applicant:	Karen Diana Thompson; Stephen W. Thompson (1909.2098)
Surrounding Zoning Classifications:	
North: EX-1	South: EX-1
East: A-U	West: EX-1

Proposed Zone & Land Use Plan

The applicant is seeking an A-U Urban Agriculture zone. The subject property is located in a Rural Community Plan Area, where rural large-lot residential uses are not generally recommended.

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.

(b) Frontage on existing roads or on new streets – In Rural Preference plan areas, new lots may front existing public roads or streets, or may front new subdivision streets that should be constructed to urban specifications, including curbs and gutters.

(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 area.

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 dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Map 21059CO430D.
- It appears that a portion of the subject property is 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, 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 a vacant 10.105-acre tract with road frontage on U S Highway 231. Land uses in the vicinity are rural residential, agricultural and coal mining. According to the applicant's findings, mining activity has ceased and the site is ready to revert back to the original zoning classification. The applicant has stated they wish to use this property residentially in the future.

Any future changes to the property would have to 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 not in compliance with the Comprehensive Plan. However, the proposed zoning of A-U is more appropriate than the current zoning of EX-1. The subject property is a 10.105-acre tract and the applicant proposes residential use on the property. The subject property has access to U S Highway 231 with no new roads proposed. Mining activity has ceased on the property and it is ready to revert back to its original zoning classification.

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 proposed zoning of A-U Urban Agriculture is more appropriate than the current zoning of EX-1 Coal Mining;
2. The subject property is located in a Rural Community Plan Area, where rural large-lot residential uses are not generally recommended;
3. The applicant proposes residential use on the subject property;
4. The subject property has access to U S Highway 231 with no new roads proposed;
5. Strip-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.