

**AUGUST 14, 2003**

**5023 FREE SILVER RD**

**ZONE CHANGE**

<b>From:</b>	EX-1 Coal Mining, A-U Urban Agriculture	
<b>To:</b>	A-U Urban Agriculture	
<b>Acreage:</b>	44.00 acres	
<b>Applicant:</b>	Joseph F. Edge, et al, c/o Dorothy M. Morris (0308.1523)	
<b>Property Zone Existing Use</b>	<b>to North</b> EX-1 Agriculture	
<b>to West</b> A-U Agriculture	<b>Subject</b> EX-1, A-U ⇄ A-U Vacant	<b>to East</b> A-U Agriculture
	<b>to South</b> A-U Agriculture	

**GENERAL LAND USE CRITERIA  
Apply, if marked below:**

*Described in Comprehensive Plan on pages 445-448*

**Environmental ☒**

- E1** Flood Plains
- E2** Steep Slope
- E3** Historical & Archaeological Sites
- E4** Soils
- E5** Plant & Animal Life

**Urban Services ☒**

- U1** Roadway Capacity
- ☒ **U2** Electricity Supply
- ☒ **U3** Water Supply
- ☒ **U4** Stormwater Disposal
- ☒ **U5** Sanitary Sewage Disposal

**Development Patterns ❖**

- D1** Land-Use Intensity, Clusters and Buffers
- D2** Land Use versus Street Function
- D3** Intersection & Driveway Spacing
- D4** Roadway Buffer Standards
- D5** Lot Sizes & Proportions
- D6** Residential Development
- D7** Non-Residential Development
- D8** Building Quality

**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 agricultural uses are appropriate in general locations.

**SPECIFIC LAND USE CRITERIA**

- (a) Conservation of agricultural topsoil** Agricultural topsoil should be conserved through appropriate farming practices.

**Applicant's Findings**

Applicant wishes to change the current zoning of EX-1 to A-U. This zoning change is in compliance with the comprehensive plan because a portion of the property is currently zoned A-U and properties located to the east and to the west are currently zoned A-U. The zoning change would be a logical extension of the surrounding A-U zone. The property is a former strip mine and the applicant wishes to rezone the property back to A-U in order to make the property more desirable for sale.

**Planning Staff Review**

The subject property is located in the 5001 block of Free Silver Rd. Land use criteria applicable to this proposal are reviewed below.

**GENERAL LAND USE CRITERIA**

**Environment**

No important environmental criteria apply to the subject property.

**Urban Services**

All urban services are available to the site, with the exception of sanitary sewer. An existing septic system serves the residential structure located on the subject property.

**Development Patterns**

The subject property consists of 44 acres that has frontage on Free Silver Rd, a publicly maintained road.

The subject property is bordered by A-U Urban Agricultural zones and agricultural uses to the south, east and west. The property to the north of the subject property

is zoned EX-1 Coal Mining, but coal mining activities have ceased.

The subject property was rezoned from A-U Urban Agriculture to EX-1 Coal Mining in June 1993. The property has been mined and reclaimed and the applicant wishes to sell the property with the appropriate zoning classification. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property be returned to its original zoning classification when mining activities have ceased.

### **SPECIFIC LAND USE CRITERIA**

The tract is large enough to support agricultural production under appropriate farming practices that conserve topsoil.

### **Planning Staff Recommendations**

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. Findings of fact in support of this recommendation include:

#### **Findings of Fact:**

1. The subject property is located in a Rural Community Plan Area, where agricultural uses are appropriate in general locations;
2. Coal mining activities have ceased on the subject property;
3. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires property to revert to its original zoning classification when mining is completed; and,
4. The tract is large enough to support agricultural production under appropriate farming practices that conserve topsoil.