

AUGUST 14, 2008

4751 FREE SILVER RD

ZONE CHANGE

From: EX-1 Coal Mining		
To: A-R Rural Agriculture		
Proposed Use: Residential		
Acreage: 6.657		
Applicant: Kenneth J. Hodgkins (0808.1723)		
Property Zone Existing Use	to North A-R Residential, Agricultural	
to West A-R Residential	Subject EX-1 ➔ A-R Residential	to East EX-1 Agricultural
	to South A-R Residential, Agricultural	

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-R Rural Agricultural 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 exiting 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.

Applicant's Findings

The applicant wishes to change the current zoning of EX-1 Coal Mining to A-R Rural Agriculture. This zoning change will be a logical extension of the existing A-R zoned properties located to the north and west of the subject property. This will be in compliance with the comprehensive plan.

Planning Staff Review

The subject property is located in the 4701 block of Free Silver Road. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA

Environment

According to a study prepared by the US Department of Agriculture Soil Conservation Service dated March 6, 1990, it appears that the subject property is not located in a wetlands area. The subject property is not located in a special flood hazard area per FIRM Map 21059CO170 C. Based on the preliminary FIRM maps dated July 7, 2007, the subject property is not located in a special flood hazard area per map 21059CO170 D. It appears that the subject property is not designated as prime agricultural land according to the "Important Farmlands" map created by the US Department of Agriculture Soil Conservation Service dated March 1980. The developer is responsible for obtaining permits as may be required by the Division

of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

It appears that the subject property is not in the vicinity of the Owensboro Wellhead Protection area according to a map created by the GRADD office dated March 1999.

Urban Services

Electricity, water and gas are available to the subject property. Sanitary sewage disposal is accomplished by an on-site septic system.

Development Patterns

The subject property is located in an area of primarily mixed large-lot rural residences and agricultural land. The property to the north, west and south is all zoned A-R Rural Agricultural with residential and agricultural uses. The property to the east is zoned EX-1 Coal Mining and is used for agricultural purposes.

There is an existing residence on the subject property. Under an EX-1 zoning classification, the applicant is not able to make additions to the residence or construct any additional structures on the property. The coal mining activity that was present in the vicinity has been discontinued and the applicant would like the property to revert to the original zoning classification of A-R Rural Agriculture.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The subject property has an existing residence and mining activity has ceased and is ready to revert to its original zoning classification.

Planning Staff Recommendations

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

Findings of Fact:

1. The subject property is located in a Rural Maintenance Plan Area where rural large-lot residential uses are appropriate in limited locations;
2. All strip-mining activity has been completed and all disturbed areas have been reclaimed; and,
3. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after mining.