

JUNE 11, 2020

4609 FREE SILVER RD

ZONE CHANGE

From: EX-1 Coal Mining	
To: A-R Rural Agriculture	
Proposed Use:	Residential
Acreage:	1.45
Applicant: Kimberly P. Mattingly (2006.2121)	
Surrounding Zoning Classifications:	
North: A-R	South: EX-1
East: EX-1	West: EX-1

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 small lot residential uses are not generally recommended.

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 21059CO170D.
- 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, 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 one tract and totals 1.45 acres. The tract is vacant/wooded and has road frontage on Pence Road. 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 property's existing use is residential, and 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 current zone is inappropriate, and the proposed zone is more appropriate. The subject property is one tract totaling 1.45 acres; the applicant proposes to continue residential use on the property, and the property is large enough to assure satisfactory operation of an on-site septic system. The subject property has road frontage on a public road, Pence Road, with access to Free Silver Road, and with no new roads proposed. The proposed A-R zoning is a logical expansion of the A-R zoning to the north. 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 current zone is inappropriate, and the proposed zone is more appropriate;
2. The subject property is located in a Rural Maintenance Plan Area, where rural small lot residential uses are not generally recommended;
3. The applicant proposes to continue residential use on the subject property;
4. The subject property has road frontage on a public road, Pence Road, with access to Free Silver Road, and with no new roads proposed;
5. At 1.45 acres, the subject property is large enough to assure satisfactory operation of an on-site septic system;
6. The proposed A-R zoning is a logical expansion of A-R zoning to the north.
7. Strip-mining activity on the property has ceased; and,
8. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that the property shall revert to its original zoning classification after mining.