

JULY 8, 2021

4900 FREE SILVER ROAD

ZONE CHANGE

From:	EX-1 Coal Mining
To:	A-R Rural Agriculture
Proposed Use:	Agricultural
Acreage:	116.95
Applicant:	Erik Benner, Mary Thelma Mattingly, Kathryn Pence, and Mary Pence (2107.2174)
Surrounding Zoning Classifications:	
North:	A-R, EX-1
South:	A-U
East:	EX-1, A-R, A-U
West:	A-R

Proposed Zone & Land Use Plan

The applicant is seeking an A-R Rural Agriculture zone. The subject property is partially located in a Rural Maintenance Plan Area and partially located in a Rural Community Plan Area, where agriculture/forestry uses are appropriate in general locations.

SPECIFIC LAND USE CRITERIA

(a) Conservation of agriculture topsoil – Agricultural topsoil should be conserved through appropriate farming practices.

(b) Sustain forests – Forested areas should be sustained through appropriate forestry practices.

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 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 is accomplished by an on-site septic system.

Development Patterns

The subject property is a large, 116.95-acre farm tract that was previously utilized for coal mining. There are many single family residential properties in the area that are zoned A-R Rural Agriculture or A-U Urban Agriculture, and several large tracts of land that are zoned EX-1 Coal Mining.

Coal mining on the property has ceased and so the applicant intends for the property to revert back to the original agricultural zoning and use. The subject property, at 116.95 acres in size and partially designated as prime agricultural farmland, is capable of conserving agricultural topsoil and sustaining existing forested areas through appropriate farming and forestry practices.

Any future changes to the property shall 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 in compliance with the Comprehensive Plan. At 116.95 acres in size and partially designated as prime agricultural farmland, the subject property is capable of conserving agricultural topsoil and sustaining existing forested areas through appropriate farming and forestry practices. Mining activity has ceased on the property and it is ready to revert back to the original agricultural 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 proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject property is partially located in a Rural Maintenance Plan Area and partially located in a Rural Community Plan Area, where agriculture and forestry uses are appropriate in general locations;
3. At 116.95 acres, the subject property is large enough to sustain existing forested areas through appropriate forestry practices;
4. The subject property is partially designated as prime agricultural farmland and, as such, is capable of conserving agricultural topsoil through appropriate farming practices;
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 the original zoning classification after mining has ceased.