

**APRIL 14, 2022**

**4651 FREE SILVER RD**

**ZONE CHANGE**

<b>From:</b> EX-1 Coal Mining	
<b>To:</b> A-R Rural Agriculture	
<b>Proposed Use:</b> Residential	
<b>Acreage:</b> 11.68	
<b>Applicant:</b> Kevin & Savannah Roach Brown (2204.2204)	
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> EX-1	<b>South:</b> EX-1
<b>East:</b> A-R, EX-1	<b>West:</b> 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 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 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 map dated March 6, 1990.
- The subject property is partially located in a special flood hazard area per FIRM Maps 21059CO170D.
- It appears that 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 11.68-acre parcel of land that is zoned EX-1 Coal Mining and is located at the southeast intersection of Free Silver Road and Pence Road.

All adjoining properties, including those across Free Silver Road and Pence Road are zoned EX-1 Coal Mining with the exception of the farm to the east which is zoned A-R Rural Agriculture. There is no active coal mining on the subject property and so the applicant requests for the zoning classification to revert back to the agricultural zone to allow for residential use.

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 11.68 acres and road frontage along Free Silver Road and Pence Road, the property is large enough to ensure that any proposed dwelling shall be located on their own individual lot with frontage along an existing public road; and, as such, no new roads are proposed with this request.

**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 located in a Rural Maintenance Plan Area, where rural large-lot residential uses are appropriate in limited locations;
3. At 11.68 acres, the subject property is large enough to ensure that any proposed dwellings shall be located on their own individual lot;
4. With road frontage along Free Silver Road and Pence Road, no new roads are proposed with this request;
5. There is no active coal mining taking place on the subject property; and,
6. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that the property shall revert to its original zoning classification after mining.