

FEBRUARY 9, 2023

3750 FREE SILVER ROAD

ZONE CHANGE

From: EX-1 Coal Mining	
To: A-R Rural Agriculture	
Proposed Use: Farming/Residential	
Acreage: 15.347	
Applicant: Justin Hazel (2302.2249)	
Surrounding Zoning Classifications:	
North: A-R	South: EX-1
East: EX-1	West: A-R, 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 farm residential uses are appropriate in general locations.

SPECIFIC LAND USE CRITERIA

(a) Large tracts with agricultural potential – Each dwelling should be located on a separate large tract that has potential for productive agriculture use.

(b) Access to existing public road via private drive – Each dwelling/tract should have access to an existing public road; public roads should not be created or extended to provide access. Access should be provided via private drives. No more than two dwelling/tracts should share a single private drive where it connects with a public road.

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 not 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 is accomplished by an on-site septic system.

Development Patterns

The subject property is a vacant 15.347-acre farm that is currently zoned EX-1 Coal Mining and is located between Scythia Road and Lanham Road.

All adjoining properties are zoned either EX-1 Coal Mining or 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 agricultural and residential uses. Access to any dwelling shall be through a private drive that connects to an existing public road.

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 15.347 acres, the property is large enough to ensure each dwelling shall be located on a separate large tract that has potential for productive agriculture use. With road frontage along Free Silver Road the subject property will have access to an existing public road.

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 farm residential uses are appropriate in general locations;
3. At 15.347 acres, the subject property is large enough to ensure each dwelling should be located on a separate large tract that has potential for productive agriculture uses;
4. With road frontage along Free Silver Road, the subject property shall have access to a public road;
5. Coal mining activity on the property has ceased; and,
6. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that the property shall revert to its original zoning classification after mining.