

AUGUST 10, 2023

4668 & 4680 FREE SILVER ROAD

ZONE CHANGE

From: EX-1 Coal Mining	
To: A-R Rural Agriculture	
Proposed Use: Residential	
Acreage: 20.580	
Applicant: Brandon Lanham; Julie Olzak, James Toon & Stephen Toon (2308.2266)	
Surrounding Zoning Classifications:	
North: EX-1	South: A-R
East: EX-1 & A-R	West: EX-1 & A-R

Proposed Zone & Land Use Plan

The applicant is seeking an A-R Rural Agriculture zone. The subject properties are 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 may 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 areas.

Planning Staff Review**GENERAL LAND USE CRITERIA****Environment**

- It appears that the subject properties are not located in a wetlands area per the US Department of Agriculture Soil Conservation Service map dated March 6, 1990.
- The subject properties are not located in a special flood hazard area per FIRM Map 21059C0170D.
- It appears that the subject properties are not designated as prime agriculture 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 properties. Sanitary sewage disposal will be accomplished by on-site septic systems.

Development Patterns

The subject properties are two lots with road frontage along the west side of Free Silver Road, just south of the Pence Road intersection. Each lot is just over 10-acres in size; however, it should be noted that the southern property (4680 Free Silver Road) only has 50-feet of road frontage and, as such, does not have adequate frontage to be further subdivided.

The two subject properties and two additional lots located across Free Silver Road are owned by the same persons and all four lots are currently zoned EX-1 Coal Mining. With no active coal mining on the properties, the applicant has submitted two applications proposing to rezone all four lots to A-R Rural Agriculture to allow for residential uses.

Any future changes to the properties shall comply with applicable portions of the Owensboro Metropolitan Zoning Ordinance and Subdivision Regulations. Before any construction activity takes place on the properties, 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 proposal is in compliance with the Comprehensive Plan. The two properties are existing lots of record, which are large enough in size to ensure that all proposed dwellings are located on their own individual lot. Each existing property contains road frontage along a public road, Free Silver Road and so no public roads are proposed with this request.

Planning Staff Recommendations

The planning staff recommends approval subject to the condition and findings of fact that follow:

Condition:

1. 4680 Free Silver Road shall not be further subdivided so as to create any additional lots not meeting the requirements of the subdivision regulations.

Findings of Fact:

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject properties are located in a Rural Maintenance plan area, where rural large-lot residential uses are appropriate in limited locations;
3. Both properties are existing lots of record, large enough to ensure that proposed dwellings are located on their own individual property with frontage along a public road, Free Silver Road;
4. No new roads are proposed with this request;
5. Coal mining activity on both properties has ceased; and,
6. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that the properties shall revert to its original zoning classification after mining.