

FEBRUARY 8, 2024

4904 FREE SILVER ROAD

ZONE CHANGE

From:	EX-1 Coal Mining
To:	A-R Rural Agriculture
Proposed Use:	Residential
Acreage:	10.131
Applicant:	Jim Rhinerson; Mary Isabelle Pence (2402.2282)
Surrounding Zoning Classifications:	
North: A-R	South: A-U
East: 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 Community plan area, where rural large-lot residential uses are not generally recommended, and partially 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 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 Map 21059C0170D.
- It appears that the subject property is 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 property. Sanitary sewage disposal will be accomplished by an on-site septic system.

Development Patterns

The subject property is an existing 10.131-acre tract of land that is zoned EX-1 Coal Mining and is located along Free Silver Road with nearly 400-feet of road frontage. The applicant intends to utilize the property residentially, and because there is no active mining at the subject property, the applicant proposes to rezone the property to A-R Rural Agriculture. All surrounding properties are zoned either A-R Rural Agriculture or A-U Urban Agriculture.

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 proposal is in compliance with the Comprehensive Plan and the proposed zoning is more appropriate than the existing zoning. The subject property is an existing lot of record ensuring that a proposed dwelling is located on its own individual lot with adequate road frontage along a public road, Free Silver Road. No new public roads are proposed with this request and mining on the property has ceased.

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 and because the proposed zoning is more appropriate than the existing zoning;
2. The subject property is partially located in a Rural Community plan area where rural large-lot residential uses are not generally recommended, and partially located in a Rural Maintenance plan area where rural large-lot residential uses are appropriate in limited locations;
3. Because mining on the property has ceased, the proposed A-R Rural Agriculture zoning is more appropriate than the existing EX-1 Coal Mining zoning;
4. The subject property is an existing lot of record with adequate road frontage along a public road, Free Silver Road, ensuring that a proposed dwelling will be located on its own individual lot;
5. No new roads are proposed with this request; and,
6. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that the property shall revert to its original zoning classification after mining has ceased.