



**FEBRUARY 14, 2013**

**4730 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> 2.82	
<b>Applicant:</b> Western Kentucky Minerals, Inc.; Western Kentucky Leasing, LLC (1302.1865)	
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> EX-1	<b>South:</b> EX-1
<b>East:</b> 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 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 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 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 dated March 6, 1990.
- The subject property is partially located in a special flood hazard area per FIRM Map 21059CO170 D.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

#### Urban Services

Electricity, water and gas are existing to the subject property. Sanitary sewage disposal is accomplished by an on-site septic system.

#### Development Patterns

The subject property is a large tract that is located in an area of scattered rural residences and mining activity. As stated in the applicant's findings, the property was zoned

for mining purposes but coal removal from the site is complete. Due to the mining in the vicinity, a home on a nearby lot is to be relocated to this parcel but that cannot be completed until the site is reclaimed and zoned back to the original A-R Rural Agricultural zone. Although a portion of the property was mined, 1.2 acres were left undisturbed for the placement of the house. The site has been backfilled, the berm relocated off site, top soil replaced and grass seeded in anticipation for spring growth based on conversations with the applicant.

### SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The subject property is a large tract at 2.82 acres and has access to Free Silver Road. Mining activity has ceased and the site work has been done to have the site seeded for the spring growing season.

## 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. The subject property has access to Free Silver Road with no new roads proposed;
4. Strip-mining activity has ceased on the property; and,
5. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after mining.