

**FEBRUARY 8, 2018**

**4779 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>	1.04
<b>Applicant:</b>	Anthony V. Lanham; William & Elizabeth Butterowe (1802.2032)
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> A-R	<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 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 not located in a special flood hazard area per FIRM Map 21059CO170D.
- It does not appear 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 existing to the subject property. Sanitary sewage disposal is accomplished by an on-site septic system.

### Development Patterns

The subject property is a 1.04 acre tract with road frontage on Free Silver Road. There is an existing single family residential structure on the property. Land uses in the vicinity are rural residential, agricultural and coal mining. According to the applicant's findings, mining activity has ceased and the site is ready to revert back to the original zoning classification. The applicant has stated they wish to use this property residentially in the future.

Any future changes to the property would have to comply with applicable portions of the Owensboro Metropolitan Zoning Ordinance and Subdivision Regulations, as well as obtain any necessary permits, if required.

### SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The subject property is a large tract at 1.04 acres and the applicant proposes residential use on the property. The subject property has access to Free Silver Road with no new roads proposed. Mining activity has ceased on the property and it is ready to revert back to its original zoning classification.

## 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 is a large tract at 1.04 acres;
4. The subject property has access to Free Silver Road with no new roads proposed;
5. Strip-mining activity on the property has ceased; and,
6. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after mining.