

NOVEMBER 14, 2002

4046, 4100 KY 554

ZONE CHANGE

From:	R-1A Single-Family Residential & EX-1 Coal Mining	
To:	A-R Rural Agriculture	
Acreage:	14.022 acres	
Applicant:	Vernon Frashure (0211.1502)	
Property Zone Existing Use	to North R-1A & EX-1 <i>Residential, vacant</i>	
to West A-R & EX-1 <i>Residential & salvage</i>	Subject R-1A & EX-1 → A-R <i>Residential</i>	to East A-R <i>Residential</i>
	to South A-R & EX-1 <i>Residential & salvage</i>	

**GENERAL LAND USE CRITERIA
Apply, if marked below:**

Described in Comprehensive Plan on pages 445-448

Environmental ☒

- E1** Flood Plains
- ☒ **E2** Steep Slope
- E3** Historical & Archaeological Sites
- E4** Soils
- E5** Plant & Animal Life

Urban Services ☒

- U1** Roadway Capacity
- ☒ **U2** Electricity Supply
- ☒ **U3** Water Supply
- U4** Stormwater Disposal
- ☒ **U5** Sanitary Sewage Disposal

Development Patterns ❖

- D1** Land-Use Intensity, Clusters and Buffers
- D2** Land Use versus Street Function
- D3** Intersection & Driveway Spacing
- D4** Roadway Buffer Standards
- ❖ **D5** Lot Sizes & Proportions
- D6** Residential Development
- D7** Non-Residential Development
- D8** Building Quality

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 existing public roads or streets. Public roads or street 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.

Applicant's Findings

The proposed Zoning Map Amendment is in compliance with the Comprehensive Plan. The mining operations in the area have been terminated and the owner/Applicant wants to zone back to agriculture.

Planning Staff Review

The subject property is located in the 4000 and 4100 blocks of KY 554. Land use criteria applicable to this request are reviewed below.

GENERAL LAND USE CRITERIA

Environment

According to the applicant, the subject property does contain some steeply sloping land. The Map of Important farmlands prepared by the U.S. Department of Agriculture Soil Conservation in March 1980 indicates the subject property contains a minimal amount of prime farmland. No other important environmental criteria apply to the subject property.

Urban Services

All urban services are available to the site, with the exception of sanitary sewers. The property will be served with on-site septic systems.

Development Patterns

The subject property is located in a rural area. A portion of the property was zoned from R-1A Single-Family Residential and A-R Rural Agriculture to EX-1 Coal Mining in 1996. The portion of the property along the road frontage remained R-1A. The applicant is seeking a zoning change to A-R Rural Agriculture in order to divide the property into two tracts of property, with each tract having frontage on KY 554. The subject property currently is comprised of two tracts of property, but one of the tracts has no frontage on a public roadway. The applicant proposes the use of the tracts for large-lot residential. In order to create the lots, the applicant must remove the existing EX-1 Coal Mining classification, as the Owensboro Metropolitan Zoning Ordinance allows no use other than coal mining or agriculture to occur on EX_1 zoned property. The applicant is requesting that the entire property be zoned to A-R in order for the zoning to be consistent and to avoid split zoning on the property. The Owensboro Metropolitan Zoning Ordinance Section 12a.31 requires that property zoned EX-1 Coal Mining be returned to its original zoning classification after mining. In this case, the majority of the subject property was previously zoned A-R Rural Agriculture.

The subject property adjoins A-R Rural Agriculture zoning to the east and R-1A and A-R zoning to the north cross KY 554. Property to the west is zoned R-1A, EX-1 and A-R and contains single-family residences and an automobile salvage yard. Coal mining activity has ceased on the property.

SPECIFIC LAND USE CRITERIA

The applicant has submitted a property consolidation and division plat that would create two large tracts, each with sufficient frontage on KY 554. No new streets are proposed. The lots are large and well-proportioned. The A-R Rural Agriculture zoning is appropriate because the majority of the property was previously zoned A-R Rural Agriculture prior to the EX-1 Coal Mining zoning.

Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's Comprehensive Plan. This recommendation is made subject to the findings of fact that follow:

1. The subject property is located in a Rural Maintenance Plan Area, where rural large-lot residential uses are appropriate in limited locations;
2. The applicant has submitted a property consolidation and division plat for approval, which proposes large, well-proportioned lots with no new streets proposed;
3. The majority of the property was zoned A-R Rural Agriculture prior to its change to EX-1 Coal Mining in 1996;
4. Section 12a.1 of the Owensboro Metropolitan Zoning Ordinance requires that property be restored to its original zoning classification after mining activities have ceased; and
5. Mining activities have ceased on the subject property.