

**MAY 8, 2003**

**1820 KY 1207**

**ZONE CHANGE**

**From:** EX-1 Coal Mining

**To:** A-R Rural Agriculture

**Acreage:** 212.38 acres

**Applicant:** J.C. Ellis Estate, James C. Ellis, III  
(0305.1517)

<b>Property Zone Existing Use</b>	<b>to North</b> EX-1, A-R <i>Agricultural /residential</i>	
	<b>to West</b> EX-1 <i>Agricultural</i>	<b>Subject</b> EX-1 ⇄ A-R <i>Agricultural</i>
	<b>to South</b> A-R <i>Agricultural / rural residential</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 farm residential uses are appropriate in general locations.

**SPECIFIC LAND USE CRITERIA**

- (a) Large tracts with agricultural potential** Each dwelling should be located on a separate, large tract that has potential for productive agricultural use.
- (b) Access to existing public road via private drive** Each dwelling/tract should have access to an existing public road; public roads should not be created or extended to provide access. Access should be provided via private drives. No more than two dwelling/tracts should share a single private drive where it connects with a public road.

**Applicant's Findings**

The subject property is located within a rural agricultural area in Daviess County, Kentucky.

The subject property is bordered by Rural Agriculture zoning.

The applicant proposes to change the zoning to allow for farm divisions.

The subject property has never been mined and there is no current lease on the property.

**Planning Staff Review**

The subject property is located in the 1800 block of KY 1207 on the southwest corner of the intersection of KY 1207 and Jackson Rd N. Land use criteria applicable to the proposed request are reviewed below.

**GENERAL LAND USE CRITERIA**

**Environment**

The subject property contains some prime farmland as identified on the Map of Important Farmlands prepared by the U.S. Department of Agriculture Soil Conservation Service prepared in 1976.

Portions of the property are located in Flood Zone A as indicated on FIRM Map Panels # 21059CO400C and # 21059CO270C. No base flood elevations have been

determined. These areas are generally located along Nally Ditch and Rhodes Creek.

No other important environmental criteria apply to the subject property.

### **Urban Services**

Water and electricity are available to the subject property. Sewage disposal must be addressed with on-site septic systems.

### **Development Patterns**

The subject property is located in a rural agricultural area. Properties to the north and south are zoned A-R Rural Agriculture. Property to the east is zoned EX-1 Coal Mining and has been previously mined and reclaimed as pastureland. Property to the west is zoned EX-1 Coal Mining and is in agricultural use.

### **SPECIFIC LAND USE CRITERIA**

The subject property is located in an area that supports agricultural and farm residential uses. The property has sufficient road frontage to create large agricultural tracts, with residences have access to the public road via private driveways. The zoning classification for the subject property prior to being zoned EX-1 Coal Mining was A-R Rural Agriculture. The Owensboro Metropolitan Zoning Ordinance, Section 12a.31 requires that the site revert to its original zone after mining.

### **Planning Staff Recommendations**

Staff recommends approval because the proposal is in compliance with the adopted Comprehensive Plan. Findings in support of this recommendation include:

#### **Findings of Fact:**

1. The subject property is located in a Rural Maintenance Plan Area, where rural farm residential uses are appropriate in general locations;
2. The subject property contains sufficient frontage to allow for farm divisions with private drives accessing the public road without the construction of new streets;
3. The subject property contains some areas of prime farmland; and,
4. The Zoning Ordinance, Section 12a.31 requires that the site revert to its original zone after mining.