



JULY 10, 2003

1539 KY 1207

ZONE CHANGE

From: EX-1 Coal Mining		
To: A-R Rural Agriculture		
Acreage: 50.5 acres		
Applicant: Jackie Lee and Lori Bernice Humphrey (0307.1522)		
Property Zone Existing Use	to North A-R, EX-1 Cropland	
to West A-R, EX-1 Cropland, residential	Subject EX-1 ➔ A-R Vacant	to East EX-1 Cropland
	to South EX-1 Cropland, pasture	

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

Prior to 1986, this land was under Agricultural and Residential land use and had an appropriate zone class of A-R. Since that time, the land was rezoned to EX-1 for the purpose of surface coal mining to extract the West Kentucky No. 6 coal reserves. The land was reclaimed to cropland and pasture land use. The surface mining reclamation bond held by the KY Department of Surface Mining Reclamation and Enforcement was completely released on this property in October 2002.

The applicant wishes are to have the zone change from EX-1 to A-R for the 50.5 acres of their land tract. The applicant believes this proposed change is in compliance with the Comprehensive Plan, since land is located within a rural farming community and the land has been reclaimed to cropland and pasture land uses.

Planning Staff Review

The subject property is located in the 1501 block of KY 1207. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA

Environment

No important environmental criteria apply to the subject property.

Urban Services

All urban services are available to the site, except for sanitary sewer. A septic system will provide sewage disposal.

Development Patterns

The subject property is located in an area of cropland and pastureland and scattered rural residential uses. The applicants wish to zone the subject property back to its previous zoning classification of A-R Rural Agriculture since the mining activity on the subject property has ceased and reclamation has been completed.

SPECIFIC LAND USE CRITERIA

The rezoning request meets the specific criteria. The subject property has sufficient road frontage for access to a public-maintained road without the creation of new public roads. The subject property is a large tract of 50.5 acres with potential for agricultural production. Additionally, the Zoning Ordinance requires that property be zoned back to its original zoning designation once mining activities have ceased. (Section 12a.31)

Planning Staff Recommendations

Staff recommends approval because the request 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 has access to an existing public road via a private drive without the creation of new public roads;
3. The subject property is a large, separate tract capable of supporting agricultural activities; and,
4. Mining activities have ceased and the property should revert to its original zoning classification of A-R in accordance with Section 12a.31 of the Owensboro Metropolitan Zoning Ordinance.