

ZONE CHANGE STAFF REPORT

City-County Planning Commission
1141 State Street
Bowling Green, Kentucky 42101
(270) 842-1953

Summary: The applicants are proposing to rezone 4.701 acres of property from **AG** (Agriculture) to **R-E** (Residential Estate) in order to create two (2) single family residential lots. The applicants have also agreed to certain site restrictions as outlined in the Binding Elements.

Docket Number: 2011-20-Z-CO
Public Hearing Date: August 4, 2011
Pre-application Conference: June 20, 2011

Property Owner(s): Jeff and Vicky Huff
Address: 5631 Barren River Road
Bowling Green, KY 42101

Development Plan:
This zoning map amendment request was filed with a general development plan (Binding Elements).

Zone Map Amendment Request:
FROM: AG (Agriculture)
TO: R-E (Residential Estate)

Location of Proposed Zone Change:
5631 Barren River Road
Acreage or Square Footage of Tract:
4.701 Acres (204,775.56 Sq. Ft.)
PVA Parcel number:
026A-59

Site District: Rural Conservancy District
Focal Point: 112-4 Bill Dedmon Rd
Development Status: Stable
Infra Status: U (Sanitary Sewer is Unavailable)
Characteristics: Agriculture/Open Space.
Experiencing some low density residential conversion.

Existing Land Use: Residential

Zoning History: AG (Agriculture) is the original zoning.

Surrounding Zoning, Land Use, and Subdivisions:
See attached maps.

Soil Analysis:
Approx. 65 % ZaB: Zanesville silt loam, 2-6% slopes
Approx. 29% ZaC2: Zanesville silt loam, 6-12% slopes, eroded
Approx. 6% W: Water
Flood Plain:
The property is not located in the 100 year flood area according to FEMA FIRM map #21227C0145 E, dated May 2, 2007.

Traffic Considerations: The property has frontage on Barren River Road, a State maintained rural roadway with sixty (60) feet of right-of-way and eighteen (18) feet of pavement width. The property also has frontage on Glen Lily Road, a State maintained rural roadway with fifty (50) feet of right-of-way and eighteen (18) feet of pavement width.

Additional Documentation Required:
N/A Traffic Impact Study
N/A Environmental Assessment
X Fire Protection Requirement Threshold Waiver.

Water:
Both Barren River Road and Glen Lily Road have a 6" waterline providing 250 GPM with less than 20 PSI. This does not meet the Warren County fire protection standards for domestic uses; however, the applicants have submitted a signed Fire Protection Threshold Waiver.

Sewer:
There are no sanitary sewers within 1,500 feet of the property; on-site septic systems will be utilized. The applicants should contact the Barren River District Health Department for the approval of an on-site septic system.

DEVELOPMENT PLAN REVIEW

Comprehensive Plan Element:	Application:
Intended use of the property and building(s).	The applicants are proposing to rezone 4.701 acres of land from AG (Agriculture) to R-E (Residential Estate) in order to subdivide the property for an additional single family residential lot.
Maximum density level, intensity of use, or maximum number of lots.	The conceptual layout of this proposal is to create two (2) single family residential lots having lot areas of 1.373 acres and 3.328 acres respectively.
General location of internal streets and travelways, average daily trips (ADT) generated by the proposed use, access points to existing streets and parking.	The proposed zone map amendment request will create one (1) new access point. The applicants should contact the Kentucky Transportation Cabinet prior to the location of any new access points to the property.
Provisions for sewage disposal.	The applicants should contact the Barren River District Health Department for the approval of on-site septic systems as there are no public sanitary sewer systems within 1,500 feet of the property. The applicant will contact the Barren River District Health Department to obtain the approval of a site evaluation for the installation of a septic system on each lot prior to the issuance of a building permit.
Provisions for fire protection.	Both Barren River Road and Glen Lily Road have a 6" waterline providing 250 GPM with less than 20 PSI. This does not meet the Warren County Fire Protection Standards for domestic uses; however, the applicants have submitted a signed Fire Protection Threshold Waiver.

Items of Concern:

- *Fire Protection;*
- *Site evaluation approval;*

COMPREHENSIVE PLAN COMPLIANCE

Comprehensive Plan Policy:	Application:
<p><u>LU-1A-2</u> In preparing a general development plan, surrounding property owners must be consulted prior to submitting a zone change request to the Planning Commission.</p>	<p>The Staff recommends to all applicants that they contact adjacent neighbors prior to the public hearing or have a neighborhood meeting. No information of a neighborhood meeting was forwarded to the Planning Commission Staff.</p>
<p><u>LU-2</u> For purposes of evaluating land development proposals and considering zoning map amendments, all land in Warren County is divided into Three Broad Development Districts: Urban Density Development, Rural Density Development, and Rural Conservancy Areas.</p> <p><u>LU-2C-3</u> Rural Conservancy Districts are designed to prevent the premature development of land at densities and patterns to which basic services or facilities cannot be provided, as well as, preserve rural farm land, valuable woodlands and open spaces.</p> <p><u>LU-4G-2</u> Such single family lots or tracts may be built upon only where a properly located and designed on-site waste disposal system can be provided. Such systems must be approved by the Health Department prior to issuance of a building permit.</p>	<p>Areas outside the corporate limits of Bowling Green, Oakland, Plum Springs, Smiths Grove, or Woodburn and served with less than 250 GPM public water flow at 20 PSI residual pressure meet one of the criteria that classifies an area as a Rural Conservancy District. Both Barren River Road and Glen Lily Road have a 6" waterline providing 250 GPM with less than 20 PSI. This does not meet the Warren County fire protection standards for domestic uses. To overcome this deficiency, the applicants have submitted a signed Fire Protection Threshold Waiver.</p> <p>The applicants have committed to the following Binding Element that states: It is stipulated that the water provided to the subject property does not meet the fire control standards of Warren County, Kentucky as required in the Warren County Zoning Ordinance, Section 1.13. As a result, it will be necessary to obtain a waiver of those requirements from the Warren County Fiscal Court pursuant to Ordinance #02-26 WC. If the waiver is obtained, the property owner agrees to place on the plat for this property recorded in the Office of the Warren County Clerk, the following:</p> <p>"The Water provided to this property does not meet the FIRE CONTROL STANDARDS of Warren County, Kentucky" (Binding Element I)</p> <p>An area with severe soil limitation with respect to septic tank and absorption field systems is another condition that classifies an area as a Rural Conservancy District. The property is comprised of two soil types: ZaB – Zanesville Silt Loam, 2 to 6 percent slopes and ZaC2 – Zanesville silt loam, 6 to 12 percent slopes, eroded. ZaB soil types are poorly suited for septic tank absorption fields. The National Resources Conservation Service rates this soil type as very limited, meaning that the soil has one or more features that are unfavorable for use of septic tank absorption fields. The ZaB type soil is characterized by a high water table and very slow permeability, as well as some limitations in regards to depth to bedrock. The ZaC2 soil type is also poorly suited and has a very limited rating in respect to septic tank absorption fields. Like the SaA soil type, ZaC2 soils are also characterized by a high water table and very slow permeability, and some limitations in regards to depth to bedrock and slope.</p> <p>The applicants shall obtain the approval of a site evaluation from the Barren River district Health Department for the installation of a septic system on each lot prior to the issuance of a building permit (Binding Element II).</p>
<p><u>LU-4G-1</u> One single family residential development is allowed on existing lots of record.</p>	<p>The property has one existing residential structure on 4.701 acres. The applicants are proposing to subdivide the property into two lots.</p>

COMPREHENSIVE PLAN COMPLIANCE (Cont.)

Comprehensive Plan Policy:	Application:
----------------------------	--------------

<p>TR-2 Measures must be taken to ensure that all private and public development is undertaken in a manner which minimizes increased traffic congestion on existing streets, roads and intersections.</p>	<p>The applicants are proposing to subdivide the property in order to create one (1) new single family residential lot. The applicants will contact the Kentucky Transportation Cabinet prior to the location of any new access points to the property (Binding Element III).</p>
<p>LU-4A-3 Residential neighborhoods are viewed as personal, economic and lifestyle necessities. Measures must be instituted for the protection of both existing and newly created residential neighborhoods.</p> <p>LU-4A-4 Future growth and development must not jeopardize existing neighborhoods. Therefore, future growth and development shall be compatible with adjacent properties and neighborhoods with respect to (but not limited to) scale, identity, bulk and site planning.</p> <p>LU-4A-9 Residential development should not exceed density of surrounding developments by more than 50 percent.</p>	<p>The proposed site consists of 4.701 acres and will conceptually be divided into two (2) single family residential lots. Tracts 1 and 2 will consist of 3.328 and 1.373 acres respectively. As can be seen from the attached zoning map, there are some larger tracts adjacent to the property; however, there are lots of similar size in the general vicinity. Lot sizes in the general vicinity range from .99 acres up to 67.11 acres.</p> <p>The proposed property is located in the 112-4 Bill Dedmon Road Focal point that has characteristics of Agriculture/Open Space and low density residential conversion. This zone change request is a reflection of those focal point characteristics in proposing to create a 1.373 acre single family lot. It can be seen from the attached zoning map, that there are many developments in the area of similar densities that all have low density residential land uses, just as this proposed zone map amendment. The applicants have committed in a Statement of Binding Elements that the property will be developed into a maximum of two (2) single family residential lots and no manufactured or mobile homes shall be permitted on the property (Binding Elements IV & V).</p>

COMPREHENSIVE PLAN COMPLIANCE SUMMARY

The staff evaluated the following **nine (9)** policies for compliance:

POLICIES IN COMPLIANCE

- LU-2;
- LU-2C-3
- LU-4A-3, 4 & 9;
- LU-4G-1 & 2;
- TR-2

POLICIES NOT IN COMPLIANCE

- LU-1A-2

MOTIONS

I make the motion to **approve** the proposed zoning map amendment, together with and conditioned upon the General Development Plan docket number, **2011-20-Z-CO**. My motion is based on the findings of fact as presented in the staff report, and the testimony presented in this public hearing, that the zoning map amendment is in agreement with the adopted Comprehensive Plan as demonstrated by its compliance with the Comprehensive Plan's following Policies:

LU-2;
LU-2C-3;
LU-4A-3, 4 & 9;
LU-4G-1 & 2;
& TR-2

Further, I request that the findings of fact and recommendation include a summary of the evidence and testimony presented by the proponents and/or opponents of the proposed amendment.

OR

I make a motion to **deny** the proposed zoning map amendment, docket number **2011-20-Z-CO**. My motion is based on the findings of fact as presented in the staff report and the testimony as presented in this public hearing that the zoning map amendment is **not** in agreement with the adopted Comprehensive Plan as demonstrated by its non-compliance with the Comprehensive Plan's following Policies:

(State Specific Policies)
LU-1A-2

Further, I request that the findings of fact and recommendation include a summary of the evidence and testimony presented by the proponents and/or opponents of the proposed amendment.