

# ZONE CHANGE STAFF REPORT

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

**Summary:** The applicant is proposing to rezone 8.297 acres of property from **AG** (Agriculture) to **R-E** (Residential Estate) in order to create seven (7) single family residential lots. The applicant has also agreed to certain site restrictions as outlined in the Binding Elements.

**Docket Number:** 2011-21-Z-CO  
**Public Hearing Date:** August 4, 2011  
**Pre-application Conference:** July 5, 2011

**Property Owner(s):** Lennis Oliver  
**Address:** 3960 Claypool-Alvaton Rd  
Bowling Green, KY 42103

**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:**  
Corner of Claypool-Alvaton Rd and Claypool-Boyce Rd  
**Acreage or Square Footage of Tract:**  
8.297 Acres (361,417.32 Sq Ft)  
**PVA Parcel number:**  
077A-13

**Site District:** Rural Conservancy District  
**Focal Point:** 115 Boyce/Alvaton  
**Development Status:** Stable  
**Infra Status:** U (Sanitary Sewer is Unavailable)  
**Characteristics:** Agriculture/Open Space. Mostly agriculture with some scattered low density single family residential. Experiencing market pressure for residential.

**Existing Land Use:** Vacant  
  
**Zoning History:** AG (Agriculture) is the original zoning.  
  
**Surrounding Zoning, Land Use, and Subdivisions:**  
See attached maps.

**Soil Analysis:**  
**Approx. 60% NhB:** Nicholson silt loam, 2-6% slopes, prime farmland  
**Approx. 40% CrB:** Crider silt loam, 2-6% slopes, prime farmland  
  
**Flood Plain:**  
The property is not located in the 100 year flood area according to FEMA FIRM map #21227C0450 E, dated May 2, 2007

**Traffic Considerations:** The property has frontage on Claypool-Alvaton Road and Claypool-Boyce Road. Both are State maintained rural roadways with fifty (50) feet of right-of-way and twenty (20) feet of pavement width.

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

**Water:**  
A 6" waterline providing more than 250 GPM with greater than 20 PSI is available along Claypool-Boyce Road. A 4" waterline providing more than 250 GPM with greater than 20 PSI is also available along Claypool-Alvaton Road. Both waterlines meet the Warren County fire protection standards.

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

## DEVELOPMENT PLAN REVIEW

<b>Comprehensive Plan Element:</b>	<b>Application:</b>
<b>Intended use of the property and building(s).</b>	The applicant proposes to subdivide and rezone 8.297 acres of land in order to create a maximum of seven (7) <b>R-E</b> (Residential Estate) lots. As can be seen on the proposed subdivision plat, the seven (7) lots are proposed with acreages ranging from 1.015 acres to 1.628 acres. These proposed lots meet the minimum lot area required for <b>R-E</b> (Residential Estate) zoning. The applicant has also stated that there will be no manufactured or mobile homes permitted on the property.
<b>Maximum density level, intensity of use, or maximum number of lots.</b>  <b>General placement of the building(s), maximum height of the building(s), and the bulk of the building(s).</b>	The proposal to create seven (7) single family residential lots on 8.297 acres creates a residential density of .84 units per acre of land for the development. The average lot area for each proposed single family residential lot is 1.185 acres in size.
<b>Design elements (facade treatments, signs, drainage, utilities, sidewalks, gutter and curb, etc).</b>	The property will comply with the storm water management regulations of Warren County, Kentucky and all driveways will be constructed of a bituminous or concrete surface. The applicant has also stated that all new residences shall contain a minimum of 1,200 square feet of living space excluding porches, patios and garages.
<b>General location of internal streets and travelways, average daily trips (ADT) generated by the proposed use, access points to existing streets and parking.</b>	The applicant must obtain a permit from the Kentucky Transportation Cabinet prior to the location of any access points or driveways on Claypool-Boyce Road and Claypool-Alvaton Road.
<b>Provisions for sewage disposal.</b>	The applicant shall obtain from the Barren River District Health Department a permit to install a septic system prior to platting (Binding Element VII).
<b>Provisions for fire protection.</b>	The applicant shall meet the minimum requirements for the fire control standards of Warren County, Kentucky; including the installation of all required fire hydrants (Binding Element III).

**Items of Concern:**

- *Site evaluation;*
- *Access to the site / Total # of Access points.*

**COMPREHENSIVE PLAN COMPLIANCE**

Comprehensive Plan Policy:	Application:
<p><b><u>LU-1A-2</u></b> 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><b><u>LU-2</u></b> 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><b><u>LU-2C-3</u></b> 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><b><u>LU-4G-2</u></b> 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>An area with severe soil limitation with respect to septic tank and absorption field systems is one condition that classifies an area as a Rural Conservancy District. The property is comprised of two soil types: CrB – Crider Silt Loam, 2 to 6 percent slopes and NhB – Nicholson Silt Loam, 2 to 6 percent slopes. CrB soil types are well suited for septic tank absorption fields, while the NhB soil type is poorly suited for septic tank absorption fields. The National Resources Conservation Service rates the NhB 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 NhB type soil is characterized by a high water table and very slow permeability.</p> <p>There are no sanitary sewers within 1,500 feet of the property; on-site septic systems will be utilized. The applicant shall obtain from the Barren River District Health Department a permit to install a septic system prior to platting (Binding Element VII). All development shall comply with the storm water management regulations of Warren County, Kentucky (Binding Element VI)</p>
<p><b><u>TR-2</u></b> 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 applicant has committed to obtaining a permit from the Kentucky Transportation Cabinet prior to the location of any access points or driveways on Claypool-Boyce Road and Claypool-Alvaton Road (Binding Element II). All driveways shall be constructed of bituminous or concrete surface (Binding Element VIII)</p>

**COMPREHENSIVE PLAN COMPLIANCE (Cont.)**

Comprehensive Plan Policy:	Application:
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**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.**

**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.**

**LU-4G-1 One single family residential development is allowed on existing lots of record.**

**LU-4A-9 Residential development should not exceed density of surrounding developments by more than 50 percent.**

The applicant proposes that all new residences shall contain a minimum of 1,200 square feet of living space excluding porches, patios and garages (Binding Element IV). The subject property shall also meet the minimum fire control standards of Warren County, Kentucky; including the installation of all required fire hydrants (Binding Element III). Additionally, the applicant has proposed that no manufactured or mobile homes shall be permitted on the property (Binding Element V).

This proposed zone map amendment will be developed into individual lots for single family residences with a maximum of seven (7) lots; with a minimum lot size for each lot at one (1) acre exclusive of any drainage easements (Binding element I). The proposed development has a density of .84 units per acre of land. The average lot area for each proposed single family residential lot is 1.185 acres in size. In comparing the density of the proposed development to surrounding developments, the subject property exceeds the density of the Oliver/Mathews subdivision by more than fifty (50) percent. The **Oliver/Mathews** subdivision is four (4) lots on 21.242 acres having an average lot area of 5.311 acres per lot for a density of .19 units per acre. Other surrounding densities of developments are as follows: **Lashlee Meadows** - Fifteen (15) lots on 15.195 acres having an average lot area of 1.185 acres per lot for a density of .99 units per acre; **Oliver's Landing** - Ten (10) lots on 15.806 acres having an average lot area of 1.581 acres per lot for a density of .63 units per acre; **Mathews Property** - Four lots on 4.341 acres with an average lot area of 1.085 acres per lot for a density of .92 units per acre.

The Warren County Zoning Ordinance defines "development" as the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any use or change in use of any buildings or land; any extension, landfill, or land disturbance, clearing, or other man induced movements of land.

The proposed "development" is located in a Rural Conservancy District defined by its severe soil limitations with respect to septic tank and absorption field systems. This Conservancy District limits the subject property to one "development" as stated in the Warren County Comprehensive Plan's Land Use Policy LU-4G-1. As can be seen on the rezoning plat, the applicant proposes seven (7) lots to be subdivided on one (1) existing lot of record. This is the only "development" the applicant is proposing.

## 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

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### POLICIES NOT IN COMPLIANCE

- LU-1A-2;
- LU-2C-3;
- LU-4A-9;

## MOTIONS

I make the motion to **approve** the proposed zoning map amendment, together with and conditioned upon the General Development Plan docket number, **2011-21-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 **2011-21-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;**  
**LU-2C-3;**  
**LU-4A-9.**

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.