

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 2.064 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: 2011-24-Z-CO
Public Hearing Date: September 15, 2011
Pre-application Conference: August 15, 2011

Property Owner(s): Mark and Robin Douglas
Address: 1803 Allen Springs Road
Alvaton, KY 42122

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:
Matlock Old Union Road (Intersection of Matlock Old Union Road and H.R. Whitlock Rd)
Acreeage or Square Footage of Tract:
2.064 Acres (89,907.84 Sq. Ft.)
PVA Parcel number:
056A-16-004D

Site District: Rural Conservancy District
Focal Point: 119 – Woodburn/Plano
Development Status: Stable
Infra Status: U (Sanitary Sewer is Unavailable)
Characteristics: Agriculture/Open Space. Mostly agriculture but with scattered low density single family 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. 84% BaC: Baxter Gravelly Silt Loam, 6-12% slopes
Approx. 8% BaD: Baxter Gravelly Silt Loam, 12-20% slopes
Approx. 7% BbC3: Baxter Gravelly Silt Clay Loam, 6-12% slopes, severely eroded
Approx. 1% BaE: Baxter Gravelly Silt Loam, 20-30% slopes
Flood Plain:
The property is not located in the 100 year flood area according to FEMA FIRM map #21227C0410 E, dated May 2, 2007.

Traffic Considerations: The property has frontage on Matlock Old Union Road, a County 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
N/A Fire Protection Requirement Threshold Waiver

Water:
A 6" waterline providing more than 250 GPM with more than 20 PSI is available along Matlock Old Union Road. This meets the Warren County fire protection standards for domestic uses.

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 2.064 acres of land from AG (Agriculture) to R-E (Residential Estate) in order to create two (2) single family residential lots.
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 1.030 acres and 1.034 acres respectively. The property shall be developed into a maximum of two single family residential lots (Binding Element IV).
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 zoning map amendment request will create two (2) new access points. The applicants have committed in a Statement of Binding Elements to contact the Warren County Road Department prior to the location of any new access points to the property (Binding Element II).
Design elements (facade treatments, signs, drainage, utilities, sidewalks, gutter and curb, etc).	No manufactured or mobile homes shall be permitted on the property (Binding Element III).
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 applicants have committed to obtaining a permit from the Barren River District Health Department for the installation of a septic system on each lot prior to platting. (Binding Element I).
Provisions for fire protection.	A 6" waterline providing greater than 250 GPM with more than 20 PSI is available along Matlock Old Union Road. This meets the Warren County fire protection standards for domestic uses.

Items of Concern:

- *Site evaluation approval prior to platting;*
- *Compatibility with surrounding properties.*

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>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 four soil types: BbC3 – Baxter gravelly silt clay loam, 6 to 12 percent slopes, severely eroded, BaC – Baxter gravelly silt loam, 6 to 12 percent slopes, BaE – Baxter Gravelly Silt Loam, 20-30% slopes and BaD – Baxter gravelly silt loam, 12 to 20 percent slopes. Both the BbC3 and BaC soils are suited for septic tank absorption fields, while BaD soil types are poorly suited for septic tank absorption fields. The National Resources Conservation Service rates the BaD soil type as very limited, meaning that the soil has one or more features that are unfavorable for the use of septic tank absorption fields. The BaD type soil is characterized by restricted permeability, as well as limitations related to slope.</p> <p>The applicants shall obtain a permit from the Barren River district Health Department for the installation of a septic system on each lot prior to platting. (Binding Element I). The applicants have also committed in a statement of Binding Elements that potable water shall be accessible to all lots prior to platting. (Binding Element V)</p>
<p><u>LU-4G-1</u> One single family residential development is allowed on existing lots of record.</p>	<p>The applicants are proposing one single family residential development comprised of two (2) lots on 2.064 acres that is an existing lot of record.</p>
<p><u>TR-2</u> 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 will contact the Warren County Road Department prior to the location of any new access points to the property (Binding Element II).</p>

COMPREHENSIVE PLAN COMPLIANCE (Cont'd)

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

<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>The proposed property is located in the 119 – Woodburn/Plano Focal point that has characteristics of Agriculture/Open Space. It is mostly agriculture with some scattered low density single family residential development. This zone change request is a reflection of the aforementioned focal point characteristics in proposing to create two single family lots containing 1.034 and 1.030 acres respectively. 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.</p>
<p>LU-4A-9 Residential development should not exceed density of surrounding developments by more than 50 percent.</p>	<p>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 III & IV).</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;
- LU-2C-3

MOTIONS

I make the motion to **approve** the proposed zoning map amendment, together with and conditioned upon the

General Development Plan docket number, **2011-24-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 **2011-24-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, such as:
LU-1A-2 and/or LU-2C-3

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.