

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 2.532 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: 2012-3-Z-CO
Public Hearing Date: January 19, 2012
Pre-application Conference: December 19, 2011

Property Owner(s): James and Nancy Harlan
Address: 300 Horace Johnson Rd
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:
2498 Claypool Boyce Rd (Approximately 185' from Sledge Rd)
Acreage or Square Footage of Tract:
2.532 Acres (110,293.92 Sq. Ft.)
PVA Parcel number:
077A-27

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:
Residential

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

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

Soil Analysis:
Approx. 99% NhB: Nicholson silt loam, 2-6% slopes
Approx. 1% La: Lawrence silt loam, rarely flooded

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 Boyce Road, a County maintained rural local roadway with fifty (50) feet of right-of-way and sixteen (16) feet of pavement width.

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

Water:
Claypool Boyce Road has an 8" waterline providing greater than 250 GPM with more than 20 PSI. 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.

DEVELOPMENT PLAN REVIEW

Comprehensive Plan Element:	Application:
Intended use of the property and building(s).	The applicants are proposing to rezone 2.532 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 1.476 acres and 1.056 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 zoning map amendment request will create one (1) new access point. The applicants will contact the Warren County Road Department 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 platting.
Provisions for fire protection.	Claypool Boyce Road has an 8" waterline providing greater than 250 GPM with more than 20 PSI. This meets the Warren County Fire Protection Standards for domestic uses. The applicants have also stated in their binding elements that the property shall meet the minimum requirements for the fire control standards of Warren County, Kentucky, including the installation of all fire hydrants (Binding Element III).
Design elements (facade treatments, signs, drainage, utilities, sidewalks, gutter and curb, etc).	No manufactured or mobile homes shall be permitted on the property.

Items of Concern:

- *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>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: NhB – Nicholson Silt Loam, 2 to 6 percent slopes and La – Lawrence Silt Loam. NhB 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 NhB type soil has restricted permeability, as well as some limitations in regards to depth to the saturation zone. The La soil type is unsuited for septic tank absorption fields and has a very limited rating. The La soil type is characterized by a high water table, very slow permeability, and risk of flooding.</p> <p>The applicants shall obtain approval of a site evaluation from the Barren River District Health Department for the installation of a septic system on each lot 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 property has one existing residential structure on 2.532 acres. The applicants are proposing to subdivide the property into two lots.</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 are proposing to subdivide the property in order to create one (1) new single family residential lot. 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.)

Comprehensive Plan Policy:	Application:
<p><u>LU-4A-3</u> 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><u>LU-4A-4</u> 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><u>LU-4A-9</u> Residential development should not exceed density of surrounding developments by more than 50 percent.</p>	<p>The proposed site consists of 2.532 acres and will conceptually be divided into two (2) single family residential lots. Tracts 1-1 and 1-2 will consist of 1.476 and 1.056 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 .39 acres up to 95.63 acres.</p> <p>The proposed property is located in the 115 Boyce/Alvaton Focal Point that has characteristics Agriculture/Open Space. It is mostly agriculture with some scattered low density single family residential. The area is experiencing market pressure for residential. This zone change request is a reflection of these focal point characteristics in proposing to create two single family lots comprised of 1.476 and 1.056 acres. 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 zoning 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 for single family residences with a maximum of two (2) lots with a minimum lot size of one (1) acre for each lot exclusive of any drainage easements (Binding Element I). The applicants have also stated that no manufactured or mobile homes shall be permitted on the property (Binding Element 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

MOTIONS

I make the motion to **approve** the proposed zoning map amendment, together with and conditioned upon the General Development Plan docket number, **2012-3-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 **2012-3-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.