

# DEVELOPMENT PLAN AMENDMENT STAFF REPORT

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

**Summary:** The applicants have filed an application to amend the general development plan for 24.28 acres, located on Dude Howard Road. The proposed amendment would allow one lot to be created with direct access to Beyond Way. The property is zoned **R-E** (Residential Estate) with Binding Elements.

**Docket Number:** 2011-06-DP  
**Public Hearing Date:** June 16, 2011  
**Pre-application Conference:** April 14, 2011

**Owners:** Kevin & Crista Briggs, et. al.  
**Address:** 151 Dude Howard Road  
Bowling Green, KY 42104

**Development Plan:** This requested amendment to Binding Elements was filed under Section 3.11.8 of the Zoning Ordinance.

**Request:** To amend the existing Development Plan (Binding Elements) currently zoned **R-E** (Residential Estate).

**Location of Proposed Zone Change:**  
151 Dude Howard Road, 650 feet east of Plano Road.  
**Acreage or Square Footage of Tract:**  
24.28 Acres  
**PVA Parcel Numbers:**  
055A-46A, 055A-46-001A, 003, 004, 004A, 006

**Site District:** Rural Density Development District  
**Focal Points:** 119-3A Plano  
**Development Status:** Growth  
**Characteristics:** Residential. Low density single family residential, with some undeveloped land remaining.  
**Infra Status:** U (Sanitary sewer is unavailable)

**Existing Land Use:** Residential/Vacant  
**Zoning History:** **AG** (Agriculture) is the original zoning. The property was rezoned from **AG** (Agriculture) to **R-E** (Residential Estate) in 2006.  
**Surrounding Zoning, Land Use, and Subdivisions:**  
See attached maps.

**Soil Analysis:**  
**Approx. 96% BaD:** Baxter gravelly silt loam, 12-20% slopes  
**Approx. 4% CrB:** Crider silt loam, 2-6% slopes  
**Flood Plain:** The property is not located in the 100-year flood area according to FEMA map # 21227C0410 E.

**Traffic Considerations:** The property is served by Dude Howard Road, a rural local roadway with fifty (50) feet of right-of-way and sixteen (16) feet of pavement width. The property also has frontage on Hidden Ridge Court, Beyond Way and Horizon Way, all of which are rural local roadways with fifty (50) feet of right-of-way and twenty-four (24) feet of pavement width.

**Additional Documentation Required:**  
  N/A   A Traffic Impact Study was submitted  
  N/A   Environmental Assessment  
  N/A   Other

**Water:** A 6" waterline providing over 250 GPM at over 20 PSI is available along Dude Howard Road. This is adequate for domestic uses and meets the fire control standards of Warren County.

**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 a site evaluation prior to the issuance of a building permit.

## DEVELOPMENT PLAN REVIEW

The applicants propose to amend the Binding Elements that were approved in 2006. The proposed amendment is to revise the language in Binding Element VII. The proposed revision to Binding Element VII is as follows:

*One lot may be created with direct access to Beyond Way. There will be no access to Horizon Way.*

### Items of Concern:

- *None.*

## 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 concerning a neighborhood meeting has been forwarded to Planning Commission staff.</p>
<p><b><u>LU-4C-1</u></b> Rural density single family detached residential development may occur throughout Warren County on appropriately zoned AG, RR, and RE lots. Minimum lot sizes in these districts should be exclusive of drainage easements and flood plain areas.</p>	<p>As stated in Original Binding Element I, the property will have a maximum of ten (10) lots and will be at least 1 acre in size. The creation of the proposed new lot will bring the total number to ten (10) lots.</p>
<p><b><u>LU-4C-2</u></b> Rural Density Residential development must be provided with public water supply with greater than 250 GPM and 20 PSI residual pressure.</p>	<p>A 6" waterline providing over 250 GPM at over 20 PSI is available along Dude Howard Road. This is adequate for domestic uses and meets the fire control standards of Warren County.</p>
<p><b><u>LU-4C-3</u></b> On-site waste disposal systems must be approved by the Barren River District Health Department prior to the issuance of a building permit.</p>	<p>There are no sanitary sewers within 1,500 feet of the property; on-site septic systems will be utilized. Half the soils in this zone change area are Baxter gravely silt loam (12-20% slopes). This soil is classified as poorly suited for septic tank absorption fields. The applicants have agreed to obtain Barren River District Health Department approval for septic tank systems prior to platting (Original Binding Element II).</p>
<p><b><u>LU-4A-4</u></b> 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><b><u>LU-4A-9</u></b> Residential development should not exceed density of surrounding developments by more than 50 percent.</p> <p><b><u>LU-4C-4</u></b> Lot sizes, lot widths and building setbacks in new rural density residential development should reflect the overall pattern of development in the surrounding area.</p> <p><b><u>LU-4C-5</u></b> All rural density residential development should maintain existing natural physical features such as woods, streams, green areas, etc. as open space.</p>	<p>All original Binding Elements with respect to platting, size of homes, materials used in the construction of the homes, landscape buffering and uniform appearance of mailboxes and street light remain in effect. Binding Element VII proposed that a new lot will be created with access to Beyond Way; however no access will be permitted to Horizon Way.</p> <p>There will be a maximum of 10 single family residential units constructed in the development. The property is adjacent to agricultural properties to the west and south, and partly to the east. However, the property is also adjacent to R-E zoning to the north, and parts of the east. The proposed lots will be similar in size to those of adjacent subdivisions.</p> <p>In the adjacent and surrounding area are the following subdivisions: <b>The Meadows</b> (zoned R-E, B.E.); <b>Plano Place</b> (zoned R-E, B.E.); <b>Golden Acres</b> (zoned R-E, B.E.); <b>Sugar Mill Plantation</b> (zoned R-E, B.E.); <b>Birdland Estates</b> (zoned R-E); <b>Cardinal Park</b> (zoned AG); <b>Deerfield</b> and <b>Melody Subdivisions</b> (both zoned R-E). See the attached Zoning Map.</p> <p>The 10 lots on 24.28 acres will average 2.428 acres per tract or a density of .412 units per acre.</p>

## COMPREHENSIVE PLAN COMPLIANCE (Cont'd)

Comprehensive Plan Policy:	Application:
<p><b>TR-2</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><b>TR-2B</b> At least one stub street should be constructed into each adjacent undeveloped property of 10 acres or more. The design of future alignment of street extensions onto adjacent tracts should benefit the surrounding community. Subsequent development of these adjacent tracts must then connect to the original stub street.</p> <p><b>TR-2D</b> All residential developments of more than 10 lots should be served by an interior street system. Within the Rural Density Development District, private access to existing state and county roads should be spaced at least 200' apart. Joint access easements providing one access point for two properties are encouraged.</p>	<p>The property is served by Dude Howard Road, a rural local roadway with fifty (50) feet of right-of-way and sixteen (16) feet of pavement width. The property also has frontage on Hidden Ridge Court, Beyond Way and Horizon Way, all of which are rural local roadways with fifty (50) feet of right-of-way and twenty-four (24) feet of pavement width.</p> <p>No stub street location has been designated by the applicant for the adjacent tracts over 10 acres in size; however, the original zone change request from 2006 did not provide for a stub street to any adjacent tracts over ten (10) acres.</p> <p>The applicants are proposing one additional lot, with access to Beyond Way. Beyond Way is served by Journey Drive which is served by Plano Road, a secondary rural collector roadway.</p> <p>Amended Binding Element VII states that one lot may be created with direct access to Beyond Way. There will be no access to Horizon Way (New Binding Element VII).</p>

## COMPREHENSIVE PLAN COMPLIANCE SUMMARY

The staff evaluated the following eleven (11) policies for compliance:

### POLICIES IN COMPLIANCE

- LU-4A-4 & 9;
- LU-4C-1, 2, 3, 4, & 5;
- TR-2 & 2D;

### POLICIES **NOT** IN COMPLIANCE

- LU-1A-2
- TR-2B

## **MOTIONS**

I make the motion to **approve** the proposed General Development Plan Amendment, docket number, **2011-06-DP**. 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 General Development Plan amendment is in agreement with the adopted Comprehensive Plan as demonstrated by its compliance with the Comprehensive Plan's following Policies:

***LU-4A-4 & 9;***  
***LU-4C-1, 2, 3, 4 & 5;***  
***and***  
***TR-2 & 2D***

Further, I find that there have been major changes of an economic, physical or social nature within the area of the property in question and 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 General Development Plan Amendment, docket number **2011-06-DP**. 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 General Development Plan 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 TR-2B***

Further, I find that there have not been major changes of an economic, physical or social nature within the area of the property in question and 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.