

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 4.55 acres of property from **AG** (Agriculture) to **R-E** (Residential Estate) in order to create four (4) single family residential lots. The applicants have also agreed to certain site restrictions as outlined in the Binding Elements.

Docket Number: 2011-02-Z-CO
Public Hearing Date: January 6, 2011
Pre-application Conference: March 30, 2010

Property Owner(s): **Danny & Darrell Oliver**

Address: 3990 Claypool-Alvaton 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:
Claypool-Boyce Road

Acreage or Square Footage of Tract:
4.55 Acres

PVA Parcel number:
078A-30-005 & 078A-30-006

Site District: Rural Density Development District
Focal Point: **115 Boyce - Alvaton**
Development Status: Stable
Infra Status: U (Sanitary sewers 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: **Agriculture** is the original zoning.
Surrounding Zoning, Land Use, and Subdivisions:
See attached maps.
Flood Plain:
The property is not located in the 100 year flood area according to FEMA FIRM map #21227C0450 E.

Soil Analysis:
Approx. 99% CrB: Crider silt loam, 2-6 % slopes
Approx. 1% BaC: Baxter gravelly silt loam, 6-12% slopes

Traffic Considerations: The property has frontage on Claypool-Boyce Road, a County maintained rural 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:
An 8" waterline providing more than 250 GPM with more than 20 PSI is available along Boyce-Claypool Road. This meets the 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 a site evaluation prior to the issuance of a building permit.

DEVELOPMENT PLAN REVIEW

Comprehensive Plan Element:	Application:
<p>Intended use of the property and building(s).</p> <p>General placement of the building(s), maximum height of the building(s), and the bulk of the building(s).</p>	<p>The applicants propose to subdivide and rezone 4.55 acres of land in order to create four (4) R-E (Residential Estate) lots. As can be seen on the proposed subdivision plat, the four (4) lots are proposed with acreages of 1.24 acres, 1.24 acres, 1.05 acres and 1.02 acres. These lot sizes meet the minimum acreage required for R-E (Residential Estate) zoning.</p>
<p>General location of internal streets and travelways, average daily trips (ADT) generated by the proposed use, access points to existing streets and parking.</p>	<p>The applicants should contact the Warren County Road Department for any newly proposed access points to the property.</p>

Items of Concern:

- *Total number of lots;*
- *Access to the property;*
- *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-4C-2</u> Rural Density Residential development must be provided with public water supply with greater than 250 GPM and 20 PSI residual pressure.</p>	<p>An 8" waterline providing more than 250 GPM with more than 20 PSI is available along Boyce-Claypool Road. This meets the County Fire Protection Standards for domestic uses. The applicants shall meet the minimum requirements of the Fire Control Standards of Warren County, Kentucky; including the installation of all required fire hydrants. (Binding Element 3)</p>
<p><u>LU-4C-3</u> 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. The applicants should contact the Barren River District Health Department for the approval of a site evaluation prior to the issuance of a building permit.</p>
<p><u>LU-4C-1</u> 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><u>LU-4A-9</u> Residential development should not exceed density of surrounding developments by more than 50 percent.</p> <p><u>LU-4C-4</u> 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><u>LU-4C-5</u> All rural density residential development should maintain existing natural physical features such as woods, streams, green areas, etc. as open space.</p>	<p>The subject property shall be developed into individual lots for single family residences with a maximum of four (4) lots; with a minimum lot size for each lot of one (1.00) acre exclusive of any drainage easements. (Binding Element 1)</p> <p>As can be seen on the Zoning Map, there are lots of similar size in the general vicinity. (See Attached Zoning Map) The size of tracts in the vicinity of the subject property range from .3 acres to 95 acres.</p> <p>All new residences shall contain a minimum of 1,200 square feet of living space excluding porches, patios and garages. (Binding Element 4)</p> <p>No manufactured or mobile homes shall be permitted on the property. (Binding Element 5)</p> <p>All development shall comply with the storm water management regulations of Warren County, Kentucky. (Binding Element 6)</p> <p>All accessory structures shall be constructed of the same material and style as the principal structures. (Binding Element 7)</p> <p>There are no additional changes to the overall pattern of development and the property is not located in the 100 year flood area.</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>All driveways shall be constructed of bituminous or concrete surface and placement should be coordinated with the Warren County Road Department. (Binding Element 2)</p>

COMPREHENSIVE PLAN COMPLIANCE SUMMARY

The Staff finds that the proposed **zoning** is generally in agreement with the adopted Comprehensive Plan. The staff evaluated the following **eight (8)** policies for compliance:

POLICIES **GENERALLY** IN COMPLIANCE

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

POLICIES **GENERALLY 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, **2011-02-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-4A-9;
LU-4C-1, 2, 3, 4 & 5;
and 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 **2011-02-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:

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.