

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 5.058 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: 2011-11-Z-CO

Property Owner(s): Dennis and Tammy White

Public Hearing Date: April 21, 2011

Address: 165 Bill Lindsey Road
Bowling Green, KY 42101

Pre-application Conference: March 18, 2011

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:

165 Bill Lindsey Road

Acreage or Square Footage of Tract:

5.058 Acres

PVA Parcel number:

024A-70-001

Site District: Rural Conservancy District

Focal Point: 118 Northwest Warren

Development Status: Stable

Infra Status: U (Sanitary sewers unavailable)

Characteristics: Agriculture/Open Space. Mostly agriculture but with scattered low density single family 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. 89% ZaC2: Zanesville silt loam, 6-12% slopes, eroded

Approx. 7% FrD: Frondorf silt loam, 12-20% slopes

Approx. 4% ZaB: Zanesville silt loam, 2-6% slopes

Flood Plain: The property is not located in the 100 year flood area according to FEMA FIRM map #21227C0135 E and #21227C0155 E .

Traffic Considerations: The property has frontage on Bill Lindsey Road, a County maintained rural roadway with fifty (50) feet of right-of-way and sixteen (16) feet of pavement width. The property also has frontage on Mt. Zion Road, a County maintained rural roadway. This particular portion of Mt. Zion Road has fifty (50) feet of right-of-way and fifteen and one half feet (15.5) of pavement width.

Additional Documentation Required:

N/A Traffic Impact Study

N/A Environmental Assessment

X Fire Protection Requirement Threshold Waiver.

Water: A 4" waterline providing less than 250 GPM with less than 20 PSI is available along Bill Lindsey Road. This does not meet the Warren County Fire Protection Standards for domestic uses; however, the applicants have submitted a signed Fire Protection Threshold Waiver.

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 a tract of property 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 subject property shall be subdivided into two (2) single family residential lots within ninety (90) days of final, non-appealable rezoning action (Binding Element 4).
General location of internal streets and travelways, average daily trips (ADT) generated by the proposed use, access points to existing streets and parking.	The applicants will contact the Warren County Road Department for approval of any new access points (Binding Element 3).

Items of Concern:

- *Adequate Fire Protection;*
- *Soil Limitations;*
- *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>Areas outside the corporate limits of Bowling Green, Oakland, Plum Springs, Smiths Grove, or Woodburn and served with less than 250 GPM public water flow at 20 PSI residual pressure meet one of the criteria that classifies an area as a Rural Conservancy District. A 4” waterline providing less than 250 GPM with less than 20 PSI is available along Bill Lindsey Road, however this does not meet the Warren County Fire Protection Standards for domestic uses.</p> <p>An area with severe soil limitation with respect to septic tank and absorption field systems is another condition that classifies an area as a Rural Conservancy District. The property is comprised of three soil types: FrD – Frondorf Silt Loam, 12 to 20 percent slopes, ZaB – Zanesville silt loam, 2 to 6 percent slopes and ZaC2 – Zanesville Silt Loam, 6 to 12 percent slopes, eroded. The majority of the property is comprised of the ZaC2 soil type. This soil type is 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 ZaC2 type soil is characterized by restricted permeability, as well as limitations in regards to depth to the saturated zone, depth to bedrock, and slope.</p> <p>In addition to very limiting soil features, a portion of the property fronting Mt. Zion road has a pavement width of less than sixteen (16) feet. This is another criterion that classifies this property as a Rural Conservancy Area.</p> <p>There are no sanitary sewers within 1,500 feet of the property; on-site septic systems will be utilized. The applicants have committed that prior to the subdivision of property; a preliminary onsite sewage evaluation will be obtained from the Barren River District Health Department (Binding Element 5).</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 5.058 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 have committed to contacting the Warren County Road Department for approval of any newly proposed access points to the property (Binding Element 3).</p>

COMPREHENSIVE PLAN COMPLIANCE (Cont.)

Comprehensive Plan Policy:	Application:
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<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>The applicants have proposed that all new residences shall be a minimum of 1,400 square feet and have a minimum of a one car garage (Binding Element 2).</p> <p>The applicants have also proposed that no manufactured or mobile homes shall be permitted on the property (Binding Element 1).</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>The proposed site consists of 5.058 Acres and will conceptually be divided into two (2) residential lots. The portion of the property on the corner of Mt. Zion Road and Bill Lindsey Road will consist of 1.562 acres. The remainder of the property will be 3.496 acres. As can be seen from the attached zoning map, there are several tracts adjacent to the property that are similar in size, with some larger tracts in the surrounding area. Lot sizes in the general vicinity range from 0.94 acres up to 161.09 acres.</p>
<p><u>LU-4A-9</u> Residential development should not exceed density of surrounding developments by more than 50 percent.</p>	

COMPREHENSIVE PLAN COMPLIANCE SUMMARY

The staff evaluated the following **nine (9)** policies for compliance:

POLICIES IN COMPLIANCE

- LU-2 & 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, **2011-11-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-3, 4 & 9;

LU-2 & 2C-3;

LU-4G-1 & 2;

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 **2011-11-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

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.