

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 2.054 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: 2011-35-Z-CO
Public Hearing Date: December 1, 2011
Pre-Application Conference: October 20, 2011

Property Owner(s): Doug and JoAnne Magers
Address: 4646 Bristow Road
Bowling Green, KY 42103

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:
The Southwest corner of Bristow Road and McGinnis Road
Acreage or Square Footage of Tract:
2.054 Acres (89,472.24 Sq. Ft.)
PVA Parcel number:
063A-97F-002

Site District: Rural Conservancy District
Focal Point: 116 Louisville/I-65
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. 57% BaD: Baxter gravelly silt loam, 12-20% slopes
Approx. 43% BaC: Baxter gravelly silt loam, 6-12% slopes

Flood Plain:
The property is not located in the 100 year flood area according to FEMA FIRM map #21227C0200 E, dated May 2, 2007.

Traffic Considerations: The property has frontage on Bristow Road and McGinnis Road. Both are County maintained rural roadways 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
 X Fire Protection Requirement Threshold Waiver.

Water:
Bristow Road has a 4" waterline providing less than 250 GPM with less than 20 PSI. 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 2.054 acres of land from AG (Agriculture) to R-E (Residential Estate) in order to subdivide the property into two (2) single family residential lots.
Maximum density level, intensity of use, or maximum number of lots.	<p>The conceptual layout of this proposal is to create two (2) single family residential lots having lot areas of 1.047 acres and 1.007 acres respectively. The remaining acreage not shown for rezoning will be added to an adjacent lot described in a plat note located on the rezoning plat. The Binding Elements state that the number of lots shall be limited to two (2) with a minimum of one (1) acre for each lot (Binding Element II).</p> <p>The applicants have committed that the property shall be developed for single family residences and that no manufactured or mobile homes shall be permitted on the property (Binding Element III).</p>
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 agreed to contact the Warren County Road Department prior to the location of any new access points to the property (Binding Element V).
Provisions for sewage disposal.	Binding Element VI states that the applicants shall obtain a site evaluation from the Barren River District Health Department for the approval of a septic system on each lot prior to platting.
Provisions for fire protection.	Bristow Road has a 4" waterline providing less than 250 GPM with less 20 PSI. This does not meet the Warren County Fire Protection Standards for domestic uses; however, the applicants have submitted a signed Fire Protection Threshold Waiver.
Bulk of the building(s).	The minimum square footage for all principle structures shall be 1,150 square feet for any one-story structure; 1,000 square feet, on the ground level, for any one and a half story structure; and 900 square feet, on the ground level, for any two-story structures; all of which shall be exclusive of garages and porches (Binding Element IV).

Items of Concern:

- *Fire Protection;*
- *Site evaluation approval;*
- *Access;*
- *Number of Lots;*

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. Bristow Road has a 4” waterline providing less than 250 GPM with less 20 PSI. This does not meet the Warren County Fire Protection Standards for domestic uses; To overcome this deficiency, the applicants have submitted a signed Fire Protection Threshold Waiver.</p> <p>The applicants have committed to the following Binding Element that states: It is stipulated that the water provided to the subject property does not meet the fire control standards of Warren County, Kentucky as required in the Warren County Zoning Ordinance, Section 1.13. As a result, it will be necessary to obtain a waiver of those requirements from the Warren County Fiscal Court pursuant to Ordinance #02-26 WC. If the waiver is obtained, the property owner agrees to place on the plat for this property recorded in the Office of the Warren County Clerk, the following:</p> <p>"The Water provided to this property does not meet the FIRE CONTROL STANDARDS of Warren County, Kentucky" (Binding Element I).</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 two soil types: BaC – Baxter Gravelly Silt Loam, 6 to 12 percent slopes and BaD – Baxter Gravelly Silt Loam, 12 to 20 percent slopes. BaC soil types are suited for septic tank absorption fields. Unlike BaC soils, the BaD 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 BaD type soil is characterized by a restricted permeability, as well as some limitations in regards to slope.</p> <p>Binding Element VI states that the applicants shall obtain a site evaluation from the Barren River District Health Department for the approval of a septic system on each lot prior to platting.</p>
<p><u>LU-4G-1</u> One single family residential development is allowed on existing lots of record.</p>	<p>The property is currently vacant. The applicants are proposing to subdivide the property into two (2) single family residential lots having lot areas of 1.047 acres and 1.007 acres respectively. The Binding Elements state that the number of lots shall be limited to two (2) with a minimum of one (1) acre for each lot (Binding Element II).</p>

COMPREHENSIVE PLAN COMPLIANCE (Cont.)

Comprehensive Plan Policy:	Application:
<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 two (2) new single family residential lots. The applicants will contact the Warren County Road Department prior to the location of any new access points to the property (Binding Element V).</p>
<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 2.054 acres and will conceptually be divided into two (2) single family residential lots. Lots 1 and 2 will consist of 1.047 and 1.007 acres respectively. The remaining portion of the property will be added to an adjacent property and is described in a plat note located on the rezoning plat. 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 .025 acres up to 291.56 acres.</p> <p>The proposed property is located in the 116 Louisville/I-65 Focal Point that has characteristics of Agriculture/Open Space and is mostly agriculture but with some scattered low density single family residential.</p> <p>This zone change request is a reflection of those focal point characteristics in proposing to create two (2) single family lots totaling around one (1) acre each. It can be seen from the attached zoning map, that there are a few 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 and no manufactured or mobile homes shall be permitted on the property (Binding Elements II & III).</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, **2011-35-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 **2011-35-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;
&
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.