

ZONE CHANGE STAFF REPORT

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

Summary: The applicant is proposing to rezone 1.01 acres of property from **AG** (Agriculture) to **R-E** (Residential Estate) in order to create one (1) single family residential lot. The applicant has also agreed to certain site restrictions as outlined in the Binding Elements.

Docket Number: 2012-2-Z-CO
Public Hearing Date: January 5, 2012
Pre-application Conference: November 29, 2011

Property Owner(s): Ernest E. Cowles
Address: 2721 Girkin Road
Bowling Green, KY 42101

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:
Adjacent to 2662 Penns Chapel Road (Approximately 250 feet from Roger Cole Road)
Acreage or Square Footage of Tract:
43,995.6 Sq. Ft. (1.01 Acres)
PVA Parcel number:
A portion of 059A-26

Site District: Rural Conservancy District
Focal Point: 117 ½ Penns Chapel/Anna
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:
Residential/Vacant
Zoning History: AG (Agriculture) is the original zoning.
Surrounding Zoning, Land Use, and Subdivisions:
See attached maps.

Soil Analysis:
100% 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 #21227C0200 E, dated May 2, 2007.

Traffic Considerations: The property has frontage on Penns Chapel Road, a State maintained rural roadway with sixty (60) feet of right-of-way and eighteen (18) feet of pavement width. The property also has frontage on Roger Cole 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
X Fire Protection Requirement Threshold Waiver.

Water: Penns Chapel Road has a 3" waterline providing less than 250 GPM with less than 20 PSI. Roger Cole Road has a 4" waterline providing less than 250 GPM with less than 20 PSI. Neither meets the Warren County Fire Protection Standards for domestic uses; however, the applicant has 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 applicant is proposing to rezone 1.01 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 applicant proposes to rezone 1.01 acres from AG (Agriculture) to R-E (Residential Estate) on a 6.84 acre tract of land. The lot configuration for this property to be rezoned can be seen on the zone change plat. The remaining acreage (5.83 acres) of this tract will remain in the AG (Agriculture) zoning district.
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 zone map amendment request will create one (1) new access point. The applicant should contact the Kentucky Transportation Cabinet prior to the location of any new access points to the property.
Provisions for sewage disposal.	The applicant should contact the Barren River District Health Department for the approval of an on-site septic system since there are no public sanitary sewer systems within 1,500 feet of the property. The applicant has submitted a Binding Elements which states that 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 the lot prior to platting (Binding Element II).
Provisions for fire protection.	Penns Chapel Road has a 3" waterline providing less than 250 GPM with less than 20 PSI. Roger Cole Road has a 4" waterline providing less than 250 GPM with less than 20 PSI. Neither meets the Warren County Fire Protection Standards for domestic uses; however, the applicants have submitted a signed Fire Protection Threshold Waiver.

Items of Concern:

- *Adequate Fire Protection;*
- *Site evaluation approval;*
- *Site Access.*

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. Penns Chapel Road has a 3” waterline providing less than 250 GPM with less than 20 PSI. Roger Cole Road has a 4” waterline providing less than 250 GPM with less than 20 PSI. Neither meets 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 applicant has also 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: FrC – Frondorf Silt Loam, 6 to 12 percent slopes and ZaB – Zanesville silt loam, 2 to 6 percent slopes. FrC soil types are suited for septic tank absorption fields, while the ZaB soil type is poorly suited. 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 ZaB type soil is characterized by a high water table and very slow permeability, as well as some limitations in regards to depth to bedrock.</p> <p>The applicant shall obtain the approval of a site evaluation from the Barren River district Health Department for the installation of a septic system prior to platting (Binding Element II).</p>
<p><u>LU-4G-1</u> One single family residential development is allowed on existing lots of record.</p>	<p>The applicant proposes to rezone 1.01 acres of the subject property (6.84 acres) in order to create one (1) single family residential lot to be zoned R-E (Residential Estate).</p>

COMPREHENSIVE PLAN COMPLIANCE (Cont.)

Comprehensive Plan Policy:	Application:
<p>TR-2 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 applicant is proposing to subdivide the property in order to create one (1) new single family residential lot zoned R-E (Residential Estate). The applicant should contact the Kentucky Transportation Cabinet prior to the location of any new access points to the property.</p>
<p>LU-4A-3 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>LU-4A-4 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>LU-4A-9 Residential development should not exceed density of surrounding developments by more than 50 percent.</p>	<p>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 .28 acres up to 192.7 acres.</p> <p>The proposed property is located in the 117 ½ Penns Chapel/Anna focal point that has characteristics of Agriculture/Open Space. Mostly agriculture but with scattered low density single family residential. This zone change request is a reflection of those focal point characteristics in proposing to create a low density single family residential development.</p>

COMPREHENSIVE PLAN COMPLIANCE SUMMARY

The staff evaluated the following **nine (9)** policies for compliance, with LU-2C-3 in both categories:

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, **2012-2-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 & 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 **2012-2-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.