

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 2.02 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: 2011-03-Z-CO
Public Hearing Date: January 6, 2011
Pre-application Conference: September 14, 2010

Property Owner(s): Lee H. Hatcher II & Courtney Hatcher

Address: P.O. Box 10052
Bowling Green, KY 42102

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:
Old Greenhill Road
Acreage or Square Footage of Tract:
2.02 Acres
PVA Parcel number:
076A-21-005 & 076A-21-006 (Portion of)

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.

Soil Analysis:
100% NhA: Nicholson silt loam, 0-2% slopes

Flood Plain:
The property is not located in the 100 year flood area according to FEMA FIRM map #21227C0345 E.

Traffic Considerations: The property has frontage on Old Greenhill Road, a County maintained rural roadway with fifty (50) feet of right-of-way and eighteen (18) feet of pavement width.

Additional Documentation Required:
N/A Traffic Impact Study
N/A Environmental Assessment
N/A Fire Protection Requirement Threshold Waiver.

Water:
A 6" waterline providing more than 250 GPM with more than 20 PSI is available along Old Greenhill Road. This meets the Warren 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 2.02 acres of land in order to create two (2) R-E (Residential Estate) lots. As can be seen on the proposed subdivision plat, the acreages shown for each lot are 1.00 acre and 1.02 acres respectively. These lot sizes meet the minimum acreage required for R-E (Residential Estate) zoning. The remaining acreages of tracts 5 and 6 are proposed to be consolidated and become tract 5 of 8.20 acres and will remain AG (Agriculture).</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:

- *Access to the property;*
- *Size of lots;*
- *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>A 6" waterline providing more than 250 GPM with more than 20 PSI is available along Old Greenhill Road. This meets the Warren County Fire Protection Standards for domestic uses. The applicants agree to meet the fire control standards of Warren County, Kentucky, including installation of any fire hydrants. (Binding Element 1)</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 proposed lot sizes for this single family residential development are 1.00 acres and 1.02 acres, and meet the minimum lot size requirement for R-E (Residential Estate) zoning. The subject property shall be limited to a maximum of three (3) lots with a minimum lot size of 1.0 acre for each lot. (Binding Element 4)</p> <p>The applicants also agree to develop the property with single family residences only; no manufactured houses will be permitted. (Binding Element 2)</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 one (1) acre to eighty (80) acres.</p> <p>There are no additional changes to the overall pattern of development and no additional changes are proposed at this time. The property is not located in the 100 year flood plain 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>The applicants should contact the Warren County Road Department for any newly proposed access points to the property. Access for each lot shall require an encroachment permit from the Warren County Road Department. (Binding Element 5)</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, docket number, **2011-03-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 **2011-03-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.