

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 4.79 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: 2011-10-Z-CO
Public Hearing Date: April 7, 2011
Pre-application Conference: March 2, 2010

Property Owner(s): Kevin and Amy Miller
Address: 6727 Glen Lily 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:
6727 Glen Lily Road
Acreage or Square Footage of Tract:
4.79 Acres
PVA Parcel number:
026A-58-004

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. 64% SaA: Sadler silt loam, 0-2% slopes
Approx. 36% 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 #21227C0145 E.

Traffic Considerations: The property has frontage on Glen Lily Road, a State 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:
A 6" waterline providing less than 250 GPM with less than 20 PSI is available along Glen Lily 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

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| 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 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 applicant will contact the Kentucky Department of Transportation prior to the location of any driveways on Glen Lily Road (Binding Element 3). |

Items of Concern:

- *Compatibility with surrounding properties;*
- *Adequate Fire Protection;*
- *Soil Limitations.*

COMPREHENSIVE PLAN COMPLIANCE

| Comprehensive Plan Policy: | Application: |
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| <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, however the applicant stated they intended to meet with individual property owners prior to the public hearing.</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 6” waterline providing less than 250 GPM with less than 20 PSI is available along Glen Lily Road, however 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>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: SaA – Sadler silt loam, 0 to 2 percent slopes and ZaB – Zanesville silt loam, 2 to 6 percent slopes. SaA soil types are 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 SaA type soil is characterized by a high water table and very slow permeability. The ZaB soil type is also poorly suited and has a very limited rating in respect to septic tank absorption fields. Like the SaA soil type, ZaB soils are also characterized by a high water table and very slow permeability, as well as some limitations in regards to depth to bedrock.</p> <p>There are no sanitary sewers within 1,500 feet of the property; on-site septic systems will be utilized. To overcome the above listed soil limitations, the applicant has agreed to get a preliminary onsite sewage evaluation from the Barren River District Health Department prior to the subdivision of the property (Binding Element 5).</p> <p>In addition to very limiting soil features, the portion of the property containing the existing residence encompasses a small wetland area as indicated by the data shown on the attached wetlands map, which was obtained from the Kentucky Natural Resources & Environmental Protection Cabinet.</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 4.79 acres. The applicants are proposing to subdivide the property into two lots.</p> |

COMPREHENSIVE PLAN COMPLIANCE (Cont.)

| Comprehensive Plan Policy: | Application: |
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| <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 Kentucky Department of Transportation for any newly proposed access points to the property (Binding Element 3).</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 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>The proposed site consists of 4.79 Acres and will conceptually be divided into two (2) residential lots. Tracts 1 and 2 will consist of 2.79 and 2.00 Acres respectively. 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 .99 acres up to 67.11 acres.</p> |

COMPREHENSIVE PLAN COMPLIANCE SUMMARY

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

POLICIES IN COMPLIANCE

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

POLICIES NOT IN COMPLIANCE

- LU-2C-3
- LU-4A-9

MOTIONS

I make the motion to **approve** the proposed zoning map amendment, together with and conditioned upon the General Development Plan docket number, **2011-10-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-1A-2;

LU-4A-3, 4 & 9;

LU-2 & 2C-3;

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 **2011-10-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-2C-3;

LU-4A-9

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.