

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 2.942 acres of property from **AG** (Agriculture) to **R-E** (Residential Estate) in order to create three (3) single family residential lots. The applicant has also agreed to certain site restrictions as outlined in the Binding Elements.

Docket Number: 2011-01-Z-CO
Public Hearing Date: January 6, 2011
Pre-application Conference: December 2, 2010

Property Owner(s): Lennis Oliver
Address: 3960 Claypool Alvaton 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:
3099 Claypool Boyce Road (Alvaton, KY)
Acreage or Square Footage of Tract:
2.942 Acres
PVA Parcel number:
077A-23

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: Agriculture
Zoning History: Agriculture is the original zoning.
Surrounding Zoning, Land Use, and Subdivisions:
See attached maps.
Flood Plain: The property is not located in the 100 year flood area according to FEMA FIRM map #21227C0450 E.

Soil Analysis:
Approx. 52% NhB: Nicholson silt loam, 2-6% slopes
Approx. 30% BaD: Baxter gravelly silt loam, 12-20% slopes
Approx. 18% CrB: Crider silt loam, 2-6% slopes

Traffic Considerations: The property has frontage on KY Highway 961 (Claypool Boyce Road), a State maintained rural roadway with fifty (50) feet of right-of-way and eighteen (18) feet of pavement width. The property also has frontage on The Trace Drive, a County maintained rural roadway with fifty (50) feet of right-of-way and twenty four (24) 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 4" waterline providing more than 250 GPM with more than 20 PSI is available along KY Highway 961 and a 3" waterline across the road with more than 250 GPM and more than 20 PSI. This meets the 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 applicant 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 applicant proposes to subdivide and rezone 2.942 acres of land in order to create three (3) R-E (Residential Estate) lots. As can be seen on the proposed subdivision plat, 0.162 acres (already zoned R-E) from adjoining property labeled Tract 10, is proposed to be added to proposed Lot 11 and proposed Lot 13 of the development. The three lots are shown with acreages of 1.018 acres, 1.029 acres, and 1.058 acres.</p> <p>There is an existing barn located on the property that will be removed.</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>There is an existing driveway to the property; however, access for Lot 11 shall be limited to one (1) access point on Claypool-Boyce Road and two access points on The Trace Drive for Lots 12 and 13. Location of these access points shall be coordinated with the Warren County Road Department and Kentucky Transportation Cabinet. (Binding Element 5)</p>

Items of Concern:

- *Access to the property;*
- *Compatibility with surrounding properties;*
- *Total number and size 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-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 4" waterline providing more than 250 GPM with more than 20 PSI is available along KY Highway 961 and a 3" waterline across the road with more than 250 GPM and more than 20 PSI. This meets the Warren County fire protection standards for domestic uses. The applicant agrees to meet the fire control standards of Warren County, Kentucky, including installation of any necessary 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 applicant 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 applicant proposes to subdivide and rezone 2.942 acres of land in order to create three (3) R-E (Residential Estate) lots. As can be seen on the proposed subdivision plat, 0.162 acres (already zoned R-E) from adjoining property labeled Tract 10, is proposed to be added to the proposed Lot 11 and proposed Lot 13 of the development. The three lots are proposed with acreages of 1.018 acres, 1.029 acres, and 1.058 acres. These lot sizes meet the minimum acreage required for R-E (Residential Estate) zoning.</p> <p>A drainage easement is shown on the subdivision plat for the proposed Lot 13. This does not meet the intent of Policy LU-4C-1; however, it does meet the Warren County Zoning Ordinance requirement of at least 20,000 square feet of the lot above the 100-year flood level.</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 .4 acres to 80 acres.</p> <p>There is an existing barn on the property that will be removed. There are no additional changes to the overall pattern of development. The property shall be developed for single-family residences only; no manufactured houses will be permitted. (Binding Element 2)</p> <p>The minimum square footage for all principal structures shall be 1,200 square feet. Each lot developed shall provide at a minimum, one (1) car garage. (Binding Element 3) There are no additional changes proposed to the area at this time and 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>Access for Lot 11 shall be limited to one (1) access point on Claypool-Boyce Road and two access points on The Trace Drive for Lots 12 and 13. Location of these access points shall be coordinated with the Warren County Road Department and Kentucky Transportation Cabinet. (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-2, 3, 4 & 5;
- TR-2

POLICIES **GENERALLY NOT** IN COMPLIANCE

- LU-1A-2;
- LU-4C-1

MOTIONS

I make the motion to **approve** the proposed zoning map amendment, docket number, **2011-01-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-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 **2011-01-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 and LU-4C-1

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.