

# 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 3.73 acres of property from **AG** (Agriculture) to **R-E** (Residential Estate), as well as .54 acres of property from **AG** (Agriculture) to **HB** (Highway Business). The applicant has also agreed to certain site restrictions as outlined in the Binding Elements.

**Docket Number:** 2011-12-Z-CO  
**Public Hearing Date:** May 5, 2011  
**Pre-application Conference:** April 4, 2011

**Property Owner(s):** Sherry Baldwin  
**Address:** 415 Browning Road  
Rockfield, KY 42274

**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) and **HB** (Highway Business)

**Location of Proposed Zone Change:**  
415 Browning Road  
**Acreeage or Square Footage of Tract:**  
Tract 1 = .54 Acres (23,396 sq. ft)  
Tract 2 = 3.73 Acres (162,478.80 sq. ft.)  
**PVA Parcel number:**  
030A-11

**Site District:** Rural Conservancy District  
**Focal Point:** 111-3A New Rockfield  
**Development Status:** Growth  
**Infra Status:** U (Sanitary Sewer is Unavailable)  
**Characteristics:** In transition from agriculture to 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. 94% FeC:** Fredonia-Vertrees complex, 6-12% slopes, very rocky  
**Approx. 6% FnC:** Fredonia-Vertrees-Urban land complex, 6-12% slopes, very rocky  
**Flood Plain:**  
The property is not located in the 100 year flood area according to FEMA FIRM map #21227C0295 E.

**Traffic Considerations:** The property has frontage on Browning 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 Russellville Road, a State maintained, principal rural arterial, with right-of-way that varies and sixty-two (62) feet of pavement width.

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

**Water:** There is a 4" and 6" waterline providing more than 250 GPM with more than 20 PSI available along Browning Road. There is also an 8" waterline providing more than 600 GPM with more than 20 PSI along the property along Russellville Road. The property's fire protection is adequate for commercial and residential uses and meets the fire control standards for Warren County.

**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 prior to the issuance of any building permits.

## DEVELOPMENT PLAN REVIEW

Comprehensive Plan Element:	Application:
<p><b>General placement of the building(s), maximum height of the building(s), and the bulk of the building(s).</b></p> <p><b>Intended use of the property and building(s).</b></p>	<p>The applicant proposes to rezone 3.73 acres of property from <b>AG</b> (Agriculture) to <b>R-E</b> (Residential Estate), as well as .54 acres of property from <b>AG</b> (Agriculture) to <b>HB</b> (Highway Business). The 3.73 acre tract is currently occupied by a residential structure. The .54 acre tract is to be combined to the property located at 7604 Russellville Road, which currently houses a grocery store. No new structures or subdivisions are being proposed at this time for either tract.</p> <p>Upon final approval of the proposed zone change of the property from <b>AG</b> to <b>HB</b>, those certain Binding Elements of record in Deed Book 859, Page 754 in the office of the Warren County Court Clerk which apply to the Original Tract (located at 7604 Russellville Road) shall be deemed to apply to Tract 1 (Binding Element 2 – Tract 1).</p>
<p><b>Design elements (facade treatments, signs, drainage, utilities, sidewalks, gutter and curb, etc).</b></p>	<p>There is an existing house on the property along Browning Road that will not change as a part of this zone map amendment request. The property along Russellville Road has an existing commercial structure located on it and will not change.</p>
<p><b>Maximum density level, intensity of use, or maximum number of lots.</b></p>	<p>The portion of the property to be zoned <b>R-E</b> (Residential Estate) shall be subdivided into no more than two building lots (Binding Element 1 – Tract 2).</p> <p>The applicant plans to combine the .54 acre portion with the previously zoned 9.67 acre tract for a total of 10.21 acres.</p>
<p><b>Landscape, screening and/or buffering plan.</b></p>	<p>The property will be developed and maintained to be consistent with the presently existing landscaping provisions of the Zoning Ordinance of Warren County, and will have landscape buffering on the sides bordering adjacent to residential and agricultural uses.</p>
<p><b>Lighting plans.</b></p>	<p>Lighting on Tract 1 will be focused downward on the property to minimize light trespass onto adjacent properties.</p>
<p><b>Provisions for sewage disposal.</b></p>	<p>The applicant will use on-site septic systems, which will be approved by the Barren River District Health Department.</p>
<p><b>Provisions for fire protection.</b></p>	<p>The property has sufficient water supply, and meets the fire control standards of Warren County, Kentucky.</p>

**Items of Concern:**

- *None.*

## COMPREHENSIVE PLAN COMPLIANCE

Comprehensive Plan Policy:	Application:
<p><b><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.</b></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 has been forwarded to the Planning Commission Staff.</p>
<p><b><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.</b></p> <p><b><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.</b></p> <p><b><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.</b></p>	<p>An area with severe soil limitation with respect to septic tank and absorption field systems is one of the criteria that classifies an area as a Rural Conservancy District. The property is comprised of two soil types: FeC – Fredonia-Vertrees Complex, 6 to 12 percent slopes, very rocky and FnC – Fredonia-Vertrees-Urban Land Complex, 6 to 12 percent slopes, very rocky. FeC soil types are unsuited 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 FeC type soil is characterized by slow permeability shrink-swell potential, and limitations in regards to depth to bedrock, slope, and areas or frock outcrop. The FnC soil type has a very limited rating and is poorly suited for septic tank absorption. Like the FeC soil type, FnC soils are also characterized by slow permeability shrink-swell potential (in the lower part of the subsoil), and limitations in regards to depth to bedrock, slope, and areas or frock outcrop.</p> <p>There are no sanitary sewers within 1,500 feet of the property. The current residence located at 415 Browning Road, and the Grocery Store, located at 7604 Russellville Road both utilize an existing on-site septic system. A preliminary on-site site evaluation from the Barren River District Health Department would be needed prior to the issuance of any new building permits.</p>
<p><b><u>LU-4G-1</u> One single family residential development is allowed on existing lots of record.</b></p>	<p>The property has one existing residential structure on 4.27 acres. The applicant has stated that no changes will occur on the <b>R-E</b> portion of the property to be rezoned; however, the Binding Elements state that no more than two (2) lots would be created.</p>

## COMPREHENSIVE PLAN COMPLIANCE (Cont.)

Comprehensive Plan Policy:	Application:
<p><b><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.</b></p> <p><b><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.</b></p> <p><b><u>LU-4A-9</u> Residential development should not exceed density of surrounding developments by more than 50 percent.</b></p>	<p>The applicant has proposed that no manufactured or mobile homes shall be permitted on the property (Binding Element 2- Tract 2).</p> <p>The proposed site consists of 4.27 Acres and will conceptually be divided into two (2) lots – One (1) Residential and one (1) commercial non building lot that is to be combined with the adjacent commercial property. Tracts 1 and 2 will consist of .54 and 3.73 Acres respectively.</p>
<p><b><u>LU-5A-11</u> All commercial developments must be served with public water adequate for urban fire flow of 600 GPM and 20 PSI and be protected with fire hydrants per the applicable ordinance.</b></p>	<p>There is a 4” and 6” waterline providing more than 250 GPM with more than 20 PSI available along Browning Road. There is also an 8” waterline providing more than 600 GPM with more than 20 PSI along the property at Russellville Road. The property’s fire protection is adequate for commercial and residential uses and meets the fire control standards for Warren County.</p>
<p><b><u>LU-5A-10</u> Any commercial use or development occupying structures less than 6,000 square feet may use on-site sewage disposal systems where public sanitary sewer is not available and where the site is at least three acres (or structures more than 6,000 square feet but less than 10,000 square feet located on at least five acres) and a site evaluation by the Health Department indicates that a conventional or alternative septic system is acceptable.</b></p>	<p>The commercial property included with this zone map amendment request was rezoned to <b>HB</b> (Highway Business) in 2003. The maximum building size for commercial development utilizing an on-site septic system is 12,000 square feet on a minimum of five (5) acres. This commercial property does not have public sanitary sewer available.</p>
<p><b><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.</b></p>	<p>The applicant is not proposing to create any new lots in this zone map amendment request. The residential property on Browning Road is an existing property with an existing access. There are no new access points being proposed for either of the properties.</p>

**COMPREHENSIVE PLAN COMPLIANCE (Cont.)**

Comprehensive Plan Policy:	Application:
<p><b><u>LU-5A-4</u> Commercial uses are appropriate only with direct accessibility to at least a minor collector street. Vehicular access to commercial development should be oriented away from residential neighborhoods.</b></p>	<p>This zone map amendment is proposing to add an additional .54 acres to the existing 9.67 acre commercial property zoned <b>HB</b> (Highway Business). The property is served by two (2) existing access points to Russellville Road; each forty (40) foot wide with a minimum distance of two hundred and thirty (230) feet between the inside edges of the entrances.</p>
<p><b><u>LU-5A-5</u> Commercial uses may be located adjacent to land zoned for residential uses if buffered from the residential uses by landscaping, lighting, and noise controls.</b></p> <p><b><u>LU-5A-6</u> Sites for commercial uses located where an adjoining property on two or more boundaries is residential, must maintain at least 50 percent of the site in green space not devoted to parking. Sites larger than one acre should reserve green space of at least 20 percent of the site or one-half acre, which ever is larger.</b></p>	<p>The commercial portion of this zone map amendment request was approved by the Warren County Fiscal Court on July 25<sup>th</sup>, 2003. Binding Element III of this approval stated that the property would be developed to be consistent with the presently existing landscaping provisions of the Zoning Ordinance of Warren County, Kentucky, and would have landscaping to buffer the property of the adjacent residential and agricultural land uses.</p>
<p><b><u>LU-5A-15</u> Freestanding signs should be in proper scale, style and bulk with the surrounding area. In general, signs should not be taller than the tallest structure on the site.</b></p>	<p>As previously mentioned, the existing commercial property has existing Binding Elements that commit to having one freestanding sign no taller than twenty-eight (28) feet and with a gross area on each side of the sign no more than one hundred and sixty-five (165) square feet.</p>
<p><b><u>LU-5A-16</u> All lighting should be directed downward and away from adjacent residential uses and should be shielded to prevent light trespass or reflection onto adjoining properties.</b></p>	<p>Existing Binding Element VI which that lighting on the property would be focused downward to minimize light trespass onto adjacent properties.</p>
<p><b><u>LU-5F-1</u> New commercial development is not permitted.</b></p>	<p>This property is located in a Rural Conservancy Area; however, the commercial property is existing and no additional development is proposed.</p>

# COMPREHENSIVE PLAN COMPLIANCE SUMMARY

The staff evaluated the following twenty-one (21) policies for compliance:

## POLICIES IN COMPLIANCE

- LU-2
- LU-2C-3
- LU-4A-1, 3, 4 & 9;
- LU-4G-1 & 2
- LU-5A-4, 5, 6, 10, 11, 12, 13, 14, 15 & 16
- LU-5F-1
- TR-2

## POLICIES **NOT** IN COMPLIANCE

- LU-1A-2;

## MOTIONS

I make the motion to **approve** the proposed zoning map amendment, together with and conditioned upon the General Development Plan docket number, **2011-12-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-1, 3, 4 & 9;***

***LU-4G-1 & 2;***

***LU-5A-4, 5, 6, 10, 11, 12, 13, 14, 15 & 16;***

***LU-5F-1;***

***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 **2011-12-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, such as: )***

***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.