

DEVELOPMENT PLAN AMENDMENT STAFF REPORT

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

Summary: The applicant has filed an application to amend the general development plan on 6.01 acres, located on Perry Martin Road in order to amend the minimum lot size requirement from one and a half (1.5) acres to one (1.0) acre. This property is zoned **R-E** (Residential Estate) with Binding Elements.

Docket Number: 2011-15-DP
Public Hearing Date: January 5, 2012
Pre-application Conference: November 29, 2011

Owner: Bruce Spence
Address: 996 Wilkinson Trace – C-4
Bowling Green, KY 42103

Development Plan Amendment: This requested amendment to Binding Elements was filed under Section 3.11.8 of the Zoning Ordinance.

Request: To amend the existing Development Plan (Binding Elements) currently zoned **R-E** (Residential Estate).

Location of Proposed Zone Change:
606 Perry Martin Road

Acreage or Square Footage of Tract:
6.01 Acres (261,795.6 Sq. Ft.)

Site District: Rural Conservancy District
Focal Point: 119 Woodburn-Plano
Development Status: Stable
Infra Status: U (Sanitary Sewer is Unavailable)
Characteristics: Agriculture/Open Space. Mostly agriculture but with scattered low density residential.

PVA Parcel Numbers:
033A-04A

Existing Land Use: Residential

Zoning History: **AG** (Agriculture) is the original zoning. In 2010, the property was rezoned from **AG** (Agriculture) to **R-E** (Residential Estate).

Surrounding Zoning, Land Use, and Subdivisions:
See attached maps.

Soil Analysis:
100% FeC: Fredonia-Vertrees complex, 6-12% slopes, very rocky

Flood Plain: The property is not located in the 100 year flood area according to FEMA FIRM map # 21227C0385 E.

Traffic Considerations: The property has frontage on Perry Martin 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 A Traffic Impact Study was submitted
 N/A Environmental Assessment
 N/A Other

Water: There is a 3" water line extending into Warren County from the Simpson County Water District on the East side of Perry Martin Road. The nearest fire hydrant in Simpson County is approximately 700 feet South of the Warren County line. Numerous water meters exist on Perry Martin Road near the Warren County line. This does not meet the minimum fire control standards of Warren County; however, the applicant submitted a signed Fire Protection Threshold Waiver with the original zone change.

Sewer: There is no sanitary sewer available along Perry Martin Road. An on-site septic system must be utilized to serve the proposed development.

DEVELOPMENT PLAN REVIEW

The applicant is proposing to amend the Binding Elements that were approved in 2010. The proposed amendments are as follows:

Binding Element I:

The Statement of Binding Elements of record in Deed Book 1004, Page 121, in the office of the Clerk of the Warren County Court, shall be of no further force and effect (as to the property described on Exhibit "A") as of the date of adoption of these binding elements.

Binding Element II:

The applicant has 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:

"The Water provided to this property does not meet the FIRE CONTROL STANDARDS of Warren County, Kentucky"

Binding Element III:

The subject property shall be developed into individual lots for single family residence with a maximum of three (3) lots.

Binding Element IV:

The subject property shall be developed with a minimum lot size for each lot of at least one (1.0) acre.

Binding Element V:

Any structure built on the property must be stick-built construction.

The revisions requested by the applicant include adding language to the Binding Elements that address the County Fire Protection Standards and to change the minimum lot size for each lot of the development to a one (1.0) acre minimum.

Items of Concern:

- *Adequate fire protection*
- *Total number of residential lots*
- *Site Evaluation Approval*

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. There is a 3" water line extending into Warren County from the Simpson County Water District on the East side of Perry Martin Road. The nearest fire hydrant is located in Simpson County and is approximately 700 feet South of the Warren County line. Numerous water meters exist on Perry Martin Road near the Warren County line. This does not meet the Warren County Fire Protection Standards for domestic uses; To overcome this deficiency, the applicant submitted a signed Fire Protection Threshold Waiver with their original zone change.</p> <p>The applicant has 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 II).</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 one soil type: FeC – Fredonia-Vertrees complex, 6 to 12 percent slopes and The FeC soil type is 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 a restricted permeability, and has limitations in regards to slope and depth to bedrock.</p>
<p><u>LU-4G-1</u> One single family residential development is allowed on existing lots of record.</p>	<p>The applicant agreed in the original zone change that the property shall be developed into a maximum of three (3) lots (Binding Element III). No additional lots are being proposed through this amendment.</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 property has frontage on Perry Martin Road, a County maintained rural roadway with fifty (50) feet of right-of-way and sixteen (16) feet of pavement width. The property has an existing access point on Perry Martin Road. Each new access point proposed must be placed in coordination with the Warren County Road Department.</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>The proposed site consists of three (3) R-E (Residential Estate) lots on 6.01 acres. The applicant proposes to amend the minimum lot size from one and a half (1.5) acres to one (1.0) acre. 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 .78 acres up to 143.5 acres.</p> <p>The proposed property is located in the 119 Woodburn-Plano focal point that has characteristics of Agriculture/Open Space and scattered low density residential. The proposed Development Plan Amendment request is a reflection of these focal point characteristics in proposing to create three (3) single family lots of a minimum lot size of one (1.0) acre (Binding Elements II & III). It can be seen from the attached zoning map, that there are a few developments in the area of similar densities that all have low density residential land uses, just as this proposed Development Plan Amendment. The applicant has committed in their Statement of Binding Elements that the property will be developed into a maximum of three (3) single family residential lots (Binding Element III). Any structure built on the property must be stick-built construction (Binding Element V).</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 General Development Plan Amendment, docket number, **2011-15-DP**. 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 General Development Plan 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 find that there have been major changes of an economic, physical or social nature within the area of the property in question and 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 General Development Plan Amendment, docket number **2011-15-DP**. 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 find that there have **not** been major changes of an economic, physical or social nature within the area of the property in question and 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.