

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 6.01 acres of property from **AG** (Agriculture) to **R-E** (Residential Estate) located at 606 Perry Martin Road in order to create three (3) single family residential lots. The applicants have agreed to certain site restrictions as outlined in the Binding Elements.

Docket Number: 2010-04-Z-CO
Public Hearing Date: March 4, 2010
Pre-application Conference: February 5, 2010

Owner(s): James T. Banton
Address: 1018 Ridgecrest Way
Bowling Green, KY 42104

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:
606 Perry Martin Road
Acreage or Square Footage of Tract:
6.01 Acres
PVA Parcel Number:
033A-04A

Site District: Rural Conservancy District
Focal Point: 119 Woodburn-Plano
Development Status: Stable
Infra Status: U (Sanitary sewer not available)
Characteristics: Agriculture/Open Space. Mostly agriculture but with scattered low density residential.

Existing Land Use: Residential
Zoning History: AG (Agriculture) is the original zoning.
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 50 feet of right-of-way and 16 feet of pavement width.

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

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 has submitted a signed Fire Protection Threshold Waiver.

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

The applicant is proposing to rezone 6.01 acres of property from **AG** (Agriculture) to **R-E** (Residential Estate) in order to create three (3) single family residential lots. Each lot proposed will be a minimum of one and a half acres as stated in the binding elements submitted by the applicant. This proposed lot size is in compliance with the minimum lot size required by the Warren County Zoning Ordinance for **R-E** (Residential Estate) development.

Items of concern:

- *Adequate Fire Protection;*
- *Total number of residential 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-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>This property proposed for R-E (Residential Estate) development is 6.01 acres in size.</p> <p>The subject property shall be developed with a minimum lot size for each lot of at least one and a half (1.5) acre. (Binding Element II). This meets the minimum lot size required by the Warren County Zoning Ordinance.</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>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 has submitted a signed Fire Protection Threshold Waiver.</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 is no sanitary sewer available along Perry Martin Road. An on-site septic system must be utilized to serve the proposed development. The applicant will need to 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>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 property has frontage on Perry Martin Road, a County maintained rural roadway with 50 feet of right-of-way and 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><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 has agreed the property shall be developed into a maximum of three (3) lots. (Binding Element I)</p> <p>As can be seen from the attached zoning map, there are lots of similar size in the general vicinity. (See Zoning Map)</p> <p>No additional changes are proposed at this time.</p>

STAFF REVIEW AND RECOMMENDATION

The Staff finds that the proposed **zoning** is in agreement with the adopted Comprehensive Plan and recommends that the Zoning Map Amendment, together with the General Development Plan, be **APPROVED**.

MOTIONS

I make the motion to **approve** the proposed zoning map amendment, together with and conditioned upon the General Development Plan, docket number, **2010-04-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-9;

LU-4C-1, 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 **2010-04-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-4C-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.