

# 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 a tract of property from **RM-4** (Multi-Family Residential) to **GB** (General Business) in order to establish an office. The applicants have also agreed to certain site restrictions as outlined in the Binding Elements.

<p><b>Docket Number:</b> 2009-16-Z-BG</p> <p><b>Public Hearing Date:</b> October 1, 2009</p> <p><b>Pre-application Conference:</b> August 25, 2009</p>	<p><b>Petitioners:</b>  <b>DWC Properties LLC (Property Owner)</b>                  1138 High Street                  Bowling Green, KY 42101</p> <p><b>Kevin Crowe &amp; Robert Wheeler (Applicants)</b>                  1138 High Street                  Bowling Green, KY 42101</p>
<p><b>Development Plan:</b>                  This zoning map amendment request was filed with a General Development Plan (Binding Elements).</p>	<p><b>Zone Map Amendment Request:</b>  <b>FROM: RM-4</b> (Multi-Family Residential)  <b>TO: GB</b> (General Business)</p>
<p><b>Location of Proposed Zone Change:</b>                  529 Park Street</p> <p><b>Acreeage or Square Footage of Tract:</b>                  26,040.54 square feet or 0.588 acres</p> <p><b>PVA Parcel Number:</b>                  039A-02-038</p>	<p><b>Site District:</b> Committed to Urban Development</p> <p><b>Focal Point:</b> 102-1 Fairview</p> <p><b>Development Status:</b> Transitional</p> <p><b>Infra Status:</b> S (Sanitary sewer available)</p> <p><b>Characteristics:</b> Residential. In transition from low-moderate priced homes to semi-public, institutional and office uses surrounding the medical complex.</p>
<p><b>Existing Land Use:</b> Multi-Family Residential</p> <p><b>Zoning History:</b> <b>RM-4</b> (Multi Family Residential) is the original zoning.</p> <p><b>Surrounding Zoning and Land Use:</b> See maps.</p>	<p><b>Soil Analysis:</b></p> <p><b>100% CuB:</b> Crider-Urban land complex, 2-6 % slopes</p> <p><b>Flood Plain:</b> The property is not located in the 100 year flood area according to FEMA map #21227CO 306E.</p>
<p><b>Traffic Considerations:</b> The property has frontage on Park Street, a local city street with 50 feet of right-of-way and 30 feet of pavement width. The property also has access from an unnamed paved alley to the rear of the property.</p>	<p><b>Additional Documentation Required:</b></p> <p><input type="checkbox"/> N/A Traffic Impact Study</p> <p><input type="checkbox"/> N/A Environmental Assessment</p> <p><input type="checkbox"/> N/A Other</p>
<p><b>Water:</b>                  A 24" waterline providing 1360 GPM with a static pressure of 65 PSI and a residual pressure of 54 PSI is available along Park Street. This is sufficient to meet the fire control standards of Bowling Green, Kentucky.</p>	<p><b>Sewer:</b>                  An 8" sewer line is available along Park Street.</p>

## DEVELOPMENT PLAN REVIEW

Comprehensive Plan Element:	Application:
<b>Intended use of the property and building(s).</b>	The applicants are proposing to rezone the property from <b>RM-4</b> (Multi Family Residential) to <b>GB</b> (General Business) to use the existing house as an office and retain the multi-family residential use on the property.
<b>General placement of the building(s), maximum height of the building(s), and the bulk of the building(s).</b>	The applicants are proposing to use an existing structure for the proposed office and residential uses; however, the applicants have agreed that in the event the existing residential structure is removed, any replacement structure shall have a residential appearance with features such as pitched roof, compatible exterior covering, entrances, porches and windows.
<b>General location of internal streets and travelways, average daily trips (ADT) generated by the proposed use, access points to existing streets and parking.</b>	The property has frontage on Park Street, a local city street with 50 feet of right-of-way and 30 feet of pavement width. The property also has access from an unnamed paved alley to the rear of the property. The applicants have agreed that all vehicular access to the property shall be from the alley to the rear of the property.

### Staff Items of Concern

- *Site access to the property;*
- *Proposed uses on the property;*
- *Hours of Operation for any commercial uses.*

## COMPREHENSIVE PLAN COMPLIANCE

Comprehensive Plan Policy:	Application:
<p><b><u>LU-1A-2</u></b> 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, if possible. No information of a neighborhood meeting was forwarded to the Planning Commission Staff.</p>
<p><b><u>LU-5A-4</u></b> 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.</p> <p><b><u>LU-5C-2</u></b> Where the focal point is adjacent to residential developments or residential districts, new commercial development must not have its primary ingress or egress into the residential development or district.</p> <p><b><u>TR-2</u></b> 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><b><u>TR-2H</u></b> Development within the City limits of Bowling Green shall comply with the City's adopted Traffic Access Management Manual.</p>	<p>The property has frontage on Park Street, a local city street with 50 feet of right-of-way and 30 feet of pavement width. The property also has access from an unnamed paved alley to the rear of the property.</p> <p>The proposed uses (office and residential) for the property are considered low traffic generators. The applicants have further limited the amount of traffic that could be generated by the development by limiting the hours of operation. Hours of operation for any office use shall be limited to 7:00 a.m. to 5:00 p.m., Mondays through Fridays. (Binding Element VII).</p> <p>The applicants have also agreed that all vehicular access to the property shall be from the alley to the rear of the property. (Binding Element IV).</p>

## COMPREHENSIVE PLAN COMPLIANCE (Continued)

Comprehensive Plan Policy:	Application:
<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>A 24" waterline providing 1360 GPM with a static pressure of 65 PSI and a residual pressure of 54 PSI is available along Park Street. The applicants have also agreed that the property will be developed to meet the fire control standards of the City of Bowling Green. (Binding Element I)</p>
<p><b><u>LU-5A-9</u> All new commercial uses shall be served by public sanitary sewer, when sewer is available.</b></p>	<p>An 8" sewer line is available along Park Street. Improvements on the property will be connected to sanitary sewer. (Binding Element II)</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>The applicants have an existing structure currently used as a multi-family residential dwelling unit. The applicants plan to move their business office to the site. The applicants have agreed that prior to the occupancy for a use other than residential; the principal structure will meet commercial code prior to occupancy. (Binding Element V)</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>Given the wide variety of uses that are permitted within the General Business (<b>GB</b>) District and given the variety of zoning districts that are in close proximity to the development – see attached zoning map; the applicants have agreed that the property shall be limited to residential use and office use as defined by the Joint Zoning Ordinance of Warren County, Kentucky for the General Business (GB) zoning district. (Binding Element VI)</p>
<p><b><u>LU-5A-12</u> New commercial development should follow sound design principles for buildings, parking, landscaping, signage, and setbacks.</b></p>	<p>The applicants have further restricted the possible office uses in limiting the hours of operation. The applicants have agreed that the hours of operation for any office use shall be limited to 7:00 a.m. to 5:00 p.m., Mondays through Fridays. (Binding Element VII)</p>
<p><b><u>LU-5A-13</u> Commercial developments, including loading docks, vehicle use areas, public use areas, and outside storage areas should be screened from adjacent residential developments or districts.</b></p>	<p>Parking for the site will be required to meet the minimum space allocations as described in the Joint Zoning Ordinance of Warren County; however, the access for these parking spaces will be limited to the rear of the property. The applicants have agreed that vehicular access to the property shall be limited to the alley located in the rear. (Binding Element IV).</p>
<p><b><u>LU-5A-14</u> Parking areas are discouraged within the building setback areas to allow for street landscaping.</b></p>	

## COMPREHENSIVE PLAN COMPLIANCE (Continued)

Comprehensive Plan Policy:	Application:
<b><u>LU-5A-15</u> Free standing 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>	The applicants have agreed that the signage on the property shall be no greater than 10 feet in height and 50 square feet of sign area per side. (Binding Element III) The sign will be located farthest away from any residentially zoned property.
<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>	Given the nature of the request, the limited proposed uses and the limited hours of operation, lighting on the property should not be a nuisance to the surrounding residential properties.
<b><u>LU-5C-1</u> Commercial development or redevelopment is permitted where the existing dominant use of the focal point is commercial and must not adversely impact the existing scale and architecture within the focal point.</b>	As mentioned above, the applicants have agreed – to keep the property with a residential look – that in the event the existing residential structure is removed, any replacement structure shall have a residential appearance with features such as pitched roof, compatible exterior covering, entrances, porches and windows. (Binding Element VIII)

### 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 (Zone Change), together with the General Development Plan, be **APPROVED**.

## MOTIONS

### **MOTION TO APPROVE ZONING MAP AMENDMENT:**

I make the motion to approve the proposed zoning map amendment, together with and conditioned upon the General Development Plan, docket number **2009-16-Z-BG**. 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 policies:

**LU-1A-2**

**LU-5A-4, 5, 6, 9, 11, 12, 13, 14, 15, 16;**

**LU-5C-1 & 2;**

**and TR-2 & 2H.**

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**

### **MOTION TO DENY ZONING MAP AMENDMENT:**

I make a motion to deny the proposed zoning map amendment, docket number **2009-16-Z-BG**. 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 policy:

**State specific policies, such as:**

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.