

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 land from **HI** (Heavy Industrial) to **LI** (Light Industrial) to utilize the property for retail sales and services. The applicants have agreed to certain restrictions as outlined in the Binding Elements.

Docket Number: 2010-17-Z-BG
Public Hearing Date: July 1, 2010
Pre-application Conference: May 19, 2010

Owner(s):
Sherwood L. Davis II & Deloris J. Davis
292 Old Greenville Road
Bowling Green, KY 42101

Development Plan:
This zoning map amendment request was filed with a general development plan (binding elements).

Zone Map Amendment Request:
FROM: HI (Heavy Industrial)
TO: LI (Light Industrial)

Location of Proposed Zone Change:
2777 Pioneer Drive
Acreage or Square Footage of Tract:
.38 Acres / (16,405 sq. ft.)
PVA Parcel Numbers: 041A-32-007

Site District: Urban Density Development District
Focal Point: 110-5 Dishman Industrial
Development Status: Stable
Infra Status: (S) Sewer available
Characteristics: Dominant Use Area. Light and heavy industry.

Existing Land Use: Existing building used for a cheerleading school.
Zoning History: The property was originally zoned Agriculture (AG). In 1965, the property was rezoned to Light Industrial (I-1). In 1974, the property was rezoned to Heavy Industrial (I-2) and was converted to HI (Heavy Industrial) in 2001.
Surrounding Zoning, Land Use, and Subdivisions:
See attached maps

Soil Analysis:
100% CuB: Crider-Urban land complex, 2-6 % slopes
Flood Plain: The property is not located in the 100 year flood area according to FEMA map #21227 C0303E.

Traffic Considerations: The property has frontage on Pioneer Drive, a City maintained urban roadway with eighty (80) 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 Geotechnical Report

Water: A twelve inch (12") waterline providing more than 1170 GPM at fifty two (52) PSI is available along Pioneer Drive. This is sufficient for industrial uses, and to meet the fire control standards of Bowling Green.

Sewer: An 8" sewer line is available along Pioneer Drive.

DEVELOPMENT PLAN REVIEW

| Comprehensive Plan Element: | Application: |
|---|---|
| Intended use of the property and building(s). | The applicants intend to use the property located on Pioneer Drive for retail sales and services which is an allowed use within the LI (Light Industry) zoning district, but is not allowed in the HI (Heavy Industry) zoning district. |
| General placement of the building(s), maximum height of the building(s), and the bulk of the building(s). | The applicants propose to use the existing 50' x 60' building located on the property. Please see the attached maps for the general location of the structure on the property. |
| General location of internal streets and travelways, average daily trips (ADT) generated by the proposed use, access points to existing streets and parking. | The existing building on the property has two access points to Pioneer Drive. If the property should ever be redeveloped, both access points must come into compliance with the City of Bowling Green's Traffic Access Management Manual. |
| Landscape, screening and/or buffering plan. | All landscaping will be required to meet the landscape requirements of the Warren County Zoning Ordinance. |

Items of Concern:

- *Proposed uses;*
- *Access to the site;*
- *Signage.*

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, if possible. No information of a neighborhood meeting was forwarded to the Planning Commission Staff.</p> |
| <p><u>LU-6A-6</u> New industrial uses shall be served by public sanitary sewer, when sewer is available.</p> | <p>All improvements on the property are connected to sanitary sewer. (Binding Element II).</p> |
| <p><u>LU-6A-7</u> All industrial uses must be served with public water providing a minimum fire flow of 600 GPM at 20 PSI or meet the standards of the applicable jurisdiction, and have fire protection service in accordance with the ISO standards for the use and location.</p> | <p>The property has been developed with sufficient water supply and fire hydrants and meets the fire control standards of Bowling Green, Kentucky. (Binding Element I)</p> |
| <p><u>LU-6A-5</u> Industrial sites should be properly served, accessible, and protected from encroachment by incompatible uses. New industries should be strongly directed toward the industrial parks.</p> <p><u>LU-6A-11</u> Provisions must be made for proper control of industrial uses which have or make products which could be hazardous to human life and property.</p> <p><u>LU-6A-13</u> Parking areas are discouraged within the building setback areas to allow for street landscaping.</p> <p><u>LU-6A-14</u> Free standing signs should be in proper scale, style and bulk with the surrounding area. In general, all signs should not be taller than the tallest structure on the site.</p> | <p>The applicant has agreed to certain restrictions on the property to limit the use of the property. The following uses shall be prohibited: any sale, rental, or display of pornographic, adult books or adult entertainment; pawn shops, bingo parlor, eating establishment with a drive-thru, bar or lounge. (Binding Element VII)</p> <p>As can be seen from the Zoning Map, the property is surrounded HI (Heavy Industrial) zoned property. (See attached Zoning Map)</p> <p>The property is currently developed to meet the landscape standards of the Warren County Zoning Ordinance. (Binding Element IV)</p> <p>The property will be developed with a maximum of one wall sign with a total of seventy five (75) square feet and one monument style sign not to exceed ten feet (10') in height and seventy five (75) square feet per side. (Binding Element V)</p> |

COMPREHENSIVE PLAN COMPLIANCE (Continued)

| Comprehensive Plan Policy: | Application: |
|--|---|
| <p><u>LU-6A-9</u> All industrial uses shall be located with access to at least a collector street. There shall be no ingress or egress into any residential neighborhood.</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><u>TR-2H</u> Development within the City limits of Bowling Green shall comply with the City's adopted Traffic Access Management Manual.</p> | <p>Both access points on the property are existing onto Pioneer Drive. If the property is ever redeveloped, access will be brought into compliance with the City of Bowling Green's Traffic Access Management Manual. (Binding Element III)</p> <p>The property has frontage on Pioneer Drive, a City maintained urban roadway with eighty feet (80') of right-of-way and twenty four feet (24') of pavement width.</p> |

COMPREHENSIVE PLAN COMPLIANCE SUMMARY

The Staff finds that the proposed **zoning** is generally in agreement with the adopted Comprehensive Plan through the submission of the General Development Plan (Binding Elements). The staff evaluated the following **ten (10)** policies for compliance:

POLICIES GENERALLY IN COMPLIANCE

- *LU-6A-5, 6, 7, 9, 11, 13 & 14*
- *TR-2 & TR-2H*

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, **2010-17-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 as demonstrated by its compliance with the Comprehensive Plan's following Policies:

LU-1A-2;
LU-6A-5, 6, 7, 9, 11, 13 & 14;
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

I make a **motion to deny** the proposed zoning map amendment, docket number **2010-17-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 not in agreement with the adopted Comprehensive Plan as demonstrated by its non-compliance with the Comprehensive Plan's following Policies:

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.