

ZONE CHANGE STAFF REPORT

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

Summary: The applicants are proposing to re-zone a tract of land totaling 1.87 acres from **RM-3** (Townhouse/Multi-Family Residential) to **HB** (Highway Business) for a proposed commercial development. The applicant has also agreed to certain site restrictions as outlined in the Binding Elements.

Docket Number: 2010-16-Z-CO
Public Hearing Date: June 3, 2010
Pre-application Conferences: April 22, 2010

Owner: **Barbara J. Douglas**
Address: 6610 Louisville Road
Bowling Green, KY 42101
Contract Vendee: **Ernest Cowles**
Address: 2721 Girkin 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: RM-3 (Townhouse/Multi-Family Residential)
TO: HB (Highway Business)

Location of Proposed Zone Change: 6610 Louisville Road; located at the intersection of Louisville Road (US 31-W) and Brenner Street, east of Kelly Road.

Acreage or Square Footage of Tract:

1.87 Acres

PVA Parcel Number: 062A-76C

Site District: Urban Density Development District
Focal Points: 117 - ⁴/₅ Boiling Springs Bristow
Development Status: Growth
Infra Status: **S** (Sanitary sewer is available in most areas.)
Characteristics: Agricultural/Open space. Mostly agricultural but with scattered low density single family residential.

Existing Land Use: Residential

Zoning History: The original zoning was **AG**. In 1975, the zoning was changed from **AG** to **R-3**. The **R-3** zoning was converted to **RM-3** in 2001.

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

Soil Analysis:
Approx. 86% CuB: Crider-Urban land complex, 2-6% slopes
Approx. 14% CuC: Crider-Urban land complex, 6-12% slopes
Flood Plain: No portion of the property is located in the 100 year flood area according to FEMA map # 21227C0200E.

Traffic Considerations: The property has frontage on Louisville Road, a rural major collector with varying rights-of-way and varying pavement widths. The property also has frontage on Brenner Street, an urban local roadway with sixty (60) feet of right-of-way and thirty (30) feet of pavement width.

Additional Documentation Required:

N/A Traffic Impact Study
 N/A Environmental Assessment
 N/A Other

Water: A 14" water line and 6" water line providing greater than 600 GPM at greater than 20 PSI is available along U.S. 31-W (Louisville Road). This meets the commercial requirement for the Fire Control Standards of Warren County.

Sewer: A 15" sewer line is available along U.S. 31W (Louisville Road).

DEVELOPMENT PLAN REVIEW

Comprehensive Plan Element:	Application:
<p>Intended use of the property and building(s).</p> <p>General placement of the building(s), maximum height of the building(s), and the bulk of the building(s).</p>	<p>The property consists of 1.87 acres with a zoning classification of (RM-3) Townhouse/Multi-Family Residential. The applicant is proposing to rezone the property for a proposed commercial development.</p> <p>The applicant has provided that the total improvements on the property (buildings under roof) will not exceed 11,000 square feet.</p>
<p>General location of internal streets and travelways, average daily trips (ADT) generated by the proposed use, access points to existing streets and parking.</p>	<p>The applicant proposes a maximum of three (3) access points to public roads, subject to approval by the Kentucky Transportation Cabinet and compliance with the City of Bowling Green’s Access Management Manual. One of the proposed access points will be a right out, only, onto Louisville Road (U.S 31-W) and the other two proposed access points will be onto Brenner Street.</p>
<p>Design elements (façade treatments, signs, drainage, utilities, sidewalks, gutter and curb, etc).</p>	<p>The facades of all primary improvements shall be constructed with at least eighty percent (80%) brick, stone, glass, steel, EFIS, or other modern building materials. Improvements shall not have facades of metal siding, vinyl siding or plain faced concrete block, except for accessory storage buildings.</p>
<p>Lighting plans.</p>	<p>Lighting for the parking lots shall be a “shoebox style” down lighting focused downward and inward to minimize light trespass onto adjacent residential areas, with no more than 0.5 foot-candles of light measurable on the southwestern line of the Property.</p>

Staff Items of Concern:

- *Number and location of proposed access points;*
- *Architectural controls for the exterior of all buildings;*
- *Light control standards;*
- *Sign limitations; and*
- *Proposed uses.*

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 provided to the Planning Commission staff.</p>
<p><u>LU-5A-9</u> All new commercial uses shall be served by public sanitary sewer, when sewer is available.</p>	<p>There is a 15" sewer line available along Louisville Road (US 31-W). The applicant has stated that prior to any new development; the Property will be served by public sanitary sewer. (Binding Element I)</p>
<p><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.</p>	<p>A 14" water line and 6" water line providing greater than 600 GPM at greater than 20 PSI is available along U.S. 31-W (Louisville Road). This meets the commercial requirement for the fire Control Standards of Warren County. The Property will have sufficient water supply and fire hydrants to meet the Fire Control Standards of Warren County, Kentucky. (Binding Element II)</p>
<p><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.</p> <p><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.</p> <p><u>LU-5A-12</u> New commercial developments should follow sound design principles for buildings, parking, landscaping, signage, and setbacks.</p> <p><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.</p> <p><u>LU-5A-14</u> Parking areas are discouraged within the building setback areas to allow for street landscaping.</p> <p><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.</p> <p><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.</p>	<p>The applicant has agreed that prior to the use of the existing structure for commercial or office purposes, the structure will be brought into compliance with the commercial building code prior to occupancy. (Binding Element V)</p> <p>The facades of any new developments shall be constructed with at least 80% brick, stone, glass, steel, EFIS or other modern building materials. Improvements shall not have facades of metal siding, vinyl siding or plain faced concrete block, except for accessory storage buildings. (Binding Element X)</p> <p>The Property will be developed in compliance with the current parking and landscaping provisions of the Zoning Ordinance of Warren County, Kentucky. At a minimum, non-paved areas adjacent to residential uses shall have a landscape buffer averaging ten (10) feet in width with a minimum of five (5) feet and shall be planted with six (6) evergreen trees and three (3) deciduous shade trees per 100 linear feet for two (2) deciduous shade trees, three (3) evergreen trees and twelve (12) shrubs per 100 linear feet. (Binding Element IX)</p> <p>The applicant has committed that each lot developed on the property shall be limited to a single sign no taller than twenty feet (20') in height with no more than one hundred and fifty (150) square feet on each sign face. (Binding Element VI)</p> <p>The applicant has committed that lighting for parking lots shall be a "shoebox style" down lighting focused downward and inward to minimize light trespass onto adjacent residential areas, with no more than 0.5 foot-candles of light measurable on the southwestern line of the Property. (Binding Element VII)</p>

COMPREHENSIVE PLAN COMPLIANCE (continued)

Comprehensive Plan Policy:	Application:
<p><u>LU-5B-1</u> Infill sites with access to at least a minor collector street may be developed as commercial uses which are low volume traffic generators. The proposed development shall maintain the residential scale, size, and style of the neighborhood. At least 25 percent of the site shall be landscaped open space.</p> <p><u>LU-5B-2</u> Peripheral commercial development must be located on at least a minor collector street.</p> <p><u>LU-5B-3</u> Primary ingress or egress to the commercial site shall not adversely impact any residential neighborhood.</p>	<p>The proposed development intends on using an existing house that will need to be improved to meet the commercial building code prior to occupancy. The applicant has made the commitment that no high traffic generating uses will be permitted on the property unless a Traffic Impact Study (TIS) is conducted. The applicant has also made the commitment to comply with the landscaping provisions of the Warren County Zoning Ordinance.</p> <p>The proposed development has frontage on US 31-W (Louisville Road) and Brenner Street. The applicant has made commitments on access subject to the approval of the Kentucky Transportation Cabinet.</p> <p>The applicant proposes limited access to US 31-W (Louisville Road) and intends on using most of the access on Brenner Street.</p>
<p><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.</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-2A</u> Adjacent developments shall provide for internal circulation between them in accordance with the subdivision regulations.</p> <p><u>TR-2I</u> Within urban areas, private access to existing state, county or city streets should be as restrictive as possible, of few as necessary, and align with other existing entrances.</p>	<p>The proposed development consists of 1.87 acres with almost two-hundred feet (200') of road frontage along Louisville Road (US 31-W) and four-hundred feet (400') of road frontage along Brenner Street. No Traffic Impact Study was required for the proposed development since the applicant has made additional commitments on proposed uses, number of access points and size of the development as follows:</p> <ul style="list-style-type: none"> • The following uses shall not be permitted on the Property: a bar, lounge or other facility serving alcoholic beverages by the drink (except in conjunction with a restaurant), the sale or rental of adult or pornographic materials. No restaurants or any business which generates a high traffic volume will be permitted unless a Traffic Impact Study (TIS) is conducted and proper compliance has been met. (Binding Element VIII) • The total improvements on the property (buildings under roof) shall not exceed 11,000 square feet, until such time as a Traffic Impact Study (TIS) is conducted and submitted to the City-County Planning Commission. (Binding Element IV) • The Property shall be served with a maximum of three (3) access points to public roads, subject to the approval of the Kentucky Transportation Cabinet and in compliance with the City of Bowling Green's Traffic Access Management Manual. One of the proposed access points will be a right out only onto Louisville Road (US 31-W) and two of the proposed access points will be onto Brenner Street. (Binding Element III)

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

I make the motion to **approve** the proposed zoning map amendment, together with and conditioned upon the General Development Plan, docket number, **2010-16-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-5A-4, 5, 6, 9, 11, 12, 13, 14, 15 & 16;
LU-5B-1, 2, & 3;
and TR-2, TR-2A, & 2I

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 **2010-16-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:

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.