

# ZONE CHANGE & CONDITIONAL USE PERMIT STAFF REPORT

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

**Summary:** The applicants are proposing to rezone properties from **AG** (Agriculture) to **GB** (General Business) and **R-E** (Residential Estate) for existing residential use and for a proposed Dollar General Store. The applicants have also applied for a Conditional Use Permit in order to have a commercial building of up to 10,000 square feet on 3.0 acres. The applicants have also agreed to certain site restrictions on the **GB** (General Business) portion of the property as outlined in the Binding Elements.

**Docket Number:** 2010-14 –Z-CO  
2010-C-03 (CUP)

**Public Hearing Date:** May 20, 2010

**Pre-application Conference:** April 2, 2010

**Owner(s): Bessie Runner & Cynthia Sprouse**  
**Address:** 2014 Richardsville Road &  
217 Hines Street  
Bowling Green, KY 42101

**Contract Vendee: Susan A. Cox**  
23 Weatherford Square  
Jackson, TN 38305

**Development Plan:**  
This zoning map amendment request was filed with a general development plan (Binding Elements) for the commercial portion (**GB**) only. No Binding Elements were required for the residential portion (**R-E**).

**Zone Map Amendment Request:**  
**FROM: AG** (Agriculture)  
**TO: GB** (General Business) & **R-E** (Residential Estate)

**Location of Proposed Zone Change:**  
KY HWY 263 (Richardsville Road) approximately 1,260 feet north of the intersection of Hines Street & 217 Hines Street

**Acreage or Square Footage of Tract:**  
4.09 acres (3.09 acres to **GB**; 1.00 acre to **R-E**)

**PVA Parcel Number:**  
036A-01-150 & 036A-01-078B

**Site District:** Rural Density Development District  
**Focal Point:** 118-1A Richardsville Village  
**Development Status:** Stable  
**Infra Status:** Sanitary Sewer Not Available  
**Characteristics:** Traditional rural, unincorporated, agriculture service center surrounded by agriculture.

**Existing Land Use:** Residential / Vacant

**Zoning History:** Agriculture is the original zoning.

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

**Flood Plain:** The property is not located in the 100 year flood area according to FEMA map #21227 C0155E.

**Soil Analysis:**

**Approx. 69% ZaC2:** Zanesville silt loam, 6-12% slopes, eroded

**Approx. 24% ZuB:** Zanesville-Urban land complex, 2-6% slopes

**Approx. 7% Nf:** Newark silt loam, ponded

<p><b>Traffic Considerations:</b> The property has frontage on KY HWY 263 (Richardsville Road), a State maintained rural roadway with sixty feet (60') of right-of-way and twenty-one feet (21') of pavement width. The property also has frontage on Hines Street, a County maintained local rural roadway with fifty feet (50') of right-of-way and fifteen feet (15') of pavement width.</p>	<p><b>Additional Documentation Required:</b></p> <p><u>  N/A  </u> Traffic Impact Study</p> <p><u>  N/A  </u> Environmental Assessment</p> <p><u>  X  </u> Fire Protection Threshold Waiver (<b>R-E</b> parcel only)</p>
<p><b>Water:</b> A 6" waterline providing more than 600 GPM with more than 20 PSI is available along KY HWY 263 (Richardsville Road). This is adequate for commercial uses, and meets the fire control standards of Warren County. There is also a 2" waterline providing less than 250 GPM with less than 20 PSI along Hines Street. This does not meet the minimum residential fire control standards of Warren County; however, the applicants have submitted a Fire Protection Threshold Waiver for the existing residential dwelling unit.</p>	<p><b>Sewer:</b> There are no public sanitary sewers within 1,500 feet of the property; on-site septic systems will be utilized for the commercial property. The existing residential structure is already connected to on-site septic systems.</p>

## DEVELOPMENT PLAN REVIEW

<b>Comprehensive Plan Element:</b>	<b>Application:</b>
<b>Intended use of the property and building(s).</b>	The applicants plan to use the proposed <b>GB</b> zoning for retail sales and services. The <b>R-E</b> zoning is for the existing residential use.
<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 build a 9,100 square foot commercial building on 3.09 acres. The property will be limited to a maximum of 10,000 square feet, provided a Conditional Use Permit is approved to have a commercial building of up to 10,000 square feet on 3.0 acres
<b>Design elements (façade treatments, signs, drainage, utilities, sidewalks, gutter and curb, etc).</b>	The proposed building will have a front façade facing Richardsville Road that will consist of at least 70% percent brick, stone, or other modern masonry material.
<b>Maximum density level or maximum number of lots.</b>	The proposed <b>GB</b> (General Business) property is 3.09 acres and the proposed <b>R-E</b> (Residential Estate) property is 1.00 acre.
<b>General location of internal streets, average daily trips (ADT) generated by the proposed use, access points to existing streets.</b>	The proposed commercial property will have access to KY HWY 263 (Richardsville Road). The proposed residential property is an existing residential use and no new access points are being proposed.
<b>Landscape and/or buffering areas.</b>	The proposed commercial property will be landscaped in accordance with the landscaping ordinance of Warren County, Kentucky.
<b>Lighting plans.</b>	Lighting on the proposed commercial property will be shoebox-style downlighting designed to minimize light trespass on adjacent residential areas and shall not exceed 0.5 foot-candles at the property line. (Binding Element II)
<b>Provisions for fire protection.</b>	The property will be developed with sufficient water supply and fire hydrants to meet the fire control standards of Warren County, Kentucky. (Binding Element I)

### Items of Concern:

- *Proposed uses;*
- *Landscaping and buffering adjacent to the residential and AG properties;*
- *Adequate Fire Protection;*
- *Access to property*

## COMPREHENSIVE PLAN COMPLIANCE

Comprehensive Plan Policy:	Application:
<p><b><u>LU-1A-2</u> In preparing a general development plan, surrounding property owners must be consulted prior to submitting a zone change.</b></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. The applicants stated during the pre-application conference that they have visited with their neighbors. The applicants have informed the Planning staff that a neighborhood meeting will be conducted on Monday, May 17, 2010 at the Richardsville Community Center.</p>
<p><b><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.</b></p> <p><b><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.</b></p> <p><b><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.</b></p>	<p>The applicants propose to subdivide an individual lot for single family residential use with an existing residential structure. The proposed lot is one (1.00) acre in size and is in compliance with the minimum lot size for the R-E (Residential Estate) zoning district.</p> <p>As can be seen from the attached zoning map, there are residential lots of similar size in the general vicinity. (See attached Zoning Map)</p> <p>No additional changes are proposed at this time.</p>
<p><b><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.</b></p> <p><b><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.</b></p>	<p>Although a Traffic Impact Study was not required for the proposed zone change, the applicants have committed that the Property shall be developed with only one (1) access point along Richardsville Road (KY 263) which shall be placed in conjunction with the Kentucky Transportation Cabinet (KYTC). The access shall have a dedicated right and left turn lane from the site as generally depicted on Exhibit "B". (Binding Element VIII)</p> <p>The proposed residential property is an existing residential use and no new access points are being proposed.</p>
<p><b><u>LU-5A-10</u> Any commercial use or development occupying structures less than 6,000 square feet may use on-site sewage disposal systems where public sanitary sewer is not available and where the site is at least three acres (or structures more than 6,000 square feet but less than 10,000 square feet located on at least five acres) and a site evaluation by the Health Department indicates that a conventional or alternative septic system is acceptable.</b></p> <p><b><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.</b></p>	<p>There are no public sanitary sewers within 1,500 feet of the property; on-site septic systems will be utilized for the commercial property and the site will be limited to 10,000 square feet of commercial building with the approval of a Conditional Use Permit.</p> <p>The existing residential structure is already connected to on-site septic systems.</p>

## COMPREHENSIVE PLAN COMPLIANCE (Continued)

Comprehensive Plan Policy:	Application:
<p><b><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.</b></p> <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>There is a 2” waterline providing less than 250 GPM with less than 20 PSI along Hines Street. This does not meet the minimum residential fire control standards of Warren County; however, the applicants have submitted a Fire Protection Threshold Waiver for the existing residential dwelling unit.</p> <p>A 6” waterline providing more than 600 GPM with more than 20 PSI is available along KY HWY 263 (Richardsville Road). This is adequate for commercial uses, and meets the fire control standards of Warren County. The Property (Commercial) will be developed with sufficient water supply and fire hydrants to meet the fire control standards of Warren County, Kentucky. (Binding Element I)</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><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><b><u>LU-5A-12</u> New commercial development should follow sound design principles for buildings, parking, landscaping, signage, and setbacks.</b></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><b><u>LU-5A-14</u> Parking areas are discouraged within the building setback areas to allow for street landscaping.</b></p>	<p>The applicants have committed to several Binding Elements that will try to ensure compatibility of the proposed 9,100 square foot commercial building with the surrounding properties, as follows:</p> <ul style="list-style-type: none"> <li>• The Property will be developed in compliance with the landscaping provisions of the Joint Zoning Ordinance/Resolution of Warren County, Kentucky. (Binding Element III)</li> <li>• Improvements and paved areas on the Property will not exceed 70% lot coverage. (Binding Element VI)</li> <li>• The principal building on the Property will be developed with a front facing façade consisting of at least 70% brick, stone, or other modern masonry material (excluding plain faced block). (Binding Element V)</li> <li>• Hours of business operation on the property shall be no earlier than 7:00 a.m. and no later than 9:00 p.m. (Binding Element VII)</li> <li>• The following uses shall be prohibited: group living, bar/lounge, commercial parking, planned shopping center vehicle repair, vehicle sales, kennel and manufactured homes sales. (Binding Element IX)</li> </ul>

## COMPREHENSIVE PLAN COMPLIANCE (Continued)

Comprehensive Plan Policy:	Application:
<p><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></p> <p><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></p>	<p>To lessen the impact of light on adjacent properties, the applicants have committed that the lighting on the property will be shoebox-style downlighting designed to minimize light trespass on adjacent residential areas and shall not exceed 0.5 foot-candles at the property line. (Binding Element II)</p> <p>The applicants have proposed that the Property will be developed with a single monument-style sign no taller than 10 feet high and with no more than 100 square feet on each sign face. (Binding Elements IV)</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 (Zone Change), together with the General Development Plan, be **APPROVED, pending minor revisions to the Binding Elements.**

<p align="center"><b>CONDITIONAL USE PERMIT STAFF REPORT</b></p>	<p align="center">1141 State Street Bowling Green, Kentucky 42101 (270) 842-1953</p>
<p><b>Summary:</b> The applicants are requesting a conditional use permit for property located on Richardsville Road in order to construct a commercial building up to 10,000 square feet on a lot of at least three (3) acres in size utilizing an on-site septic system.</p>	
<p><b>Docket Number:</b> 2010-C-03</p> <p><b>Public Hearing Date:</b> May 20, 2010</p> <p><b>Pre-application Conference:</b> April 2, 2010</p>	<p><b>Owner(s): Bessie Runner &amp; Cynthia Sprouse</b> <b>Address:</b> 2014 Richardsville Road &amp; 217 Hines Street Bowling Green, KY 42101</p> <p><b>Contract Vendee: Susan A. Cox</b> 23 Weatherford Square Jackson, TN 38305</p>
<p><b>Site Plan:</b> See attached maps.</p>	<p><b>Conditional Use Permit Request:</b> The applicants are proposing to build a 9,100 square foot commercial building on 3.09 acres. The property will be served by an on-site septic system.</p>
<p><b>Acreage or Square Footage of Tract:</b> 3.09 acres</p> <p><b>PVA Parcel Number:</b> A Portion of 036A-01-078B &amp; 036A-01-150</p>	<p><b>Site District:</b> Rural Density Development District</p> <p><b>Focal Point:</b> 118-1A Richardsville Village</p> <p><b>Development Status:</b> Stable</p> <p><b>Infra Status:</b> Sanitary Sewer Not Available</p> <p><b>Characteristics:</b> Traditional rural, unincorporated, agriculture service center surrounded by agriculture.</p>
<p><b>Existing Land Use:</b> Vacant</p> <p><b>Zoning History:</b> AG (Agriculture) is the original zoning.</p> <p><b>Surrounding Zoning, Land Use, and Subdivisions:</b> See attached maps.</p>	<p><b>Flood Plain:</b> The property is <b>not</b> in the 100-year flood area according to FEMA map #21227C0 155E.</p>
<p><b>Traffic Considerations:</b> The property has frontage on KY HWY 263 (Richardsville Road), a State maintained rural roadway with sixty feet (60') of right-of-way and twenty-one feet (21') feet of pavement width.</p>	<p><b>Location of Proposed Conditional Use Permit:</b> KY HWY 263 (Richardsville Road) approximately 1,260 feet north of the intersection of Hines Street</p>

**Items of concern**

- NONE.

**Previous CUP Requests in the Immediate Area**

No Conditional Use Permits in the immediate area.

**ZONING ORDINANCE REVIEW**

**Zoning Ordinance**

Article 1.12.2.A.3.(c)

**1.12.2 Not Within 1,500 Feet of Public Sewer:**

Development of land farther than 1,500 feet from existing public sanitary sewer shall show one of the following: the total of all structures on the site is between 6,000 and 10,000 square feet and the site is at least three acres and a Conditional Use Permit has been obtained for the use.

**ZONING ORDINANCE COMPLIANCE**

**Zoning Ordinance Article:**

**Application:**

Article 1.12.2.A.3.(c)

The property is pending a zone change approval from **AG** (Agriculture) to **GB** (General Business) and situated on 3.093 acres of land. In order for the property to legally use up to 10,000 square feet of building area for a commercial use utilizing its on-site septic system on less than five acres, the property must receive a Conditional Use Permit in order to comply with the Warren County Zoning Ordinance.

## **CONDITIONAL USE PERMIT REQUEST**

Docket number: 2010-C-03

Section 3.8.4 of the Zoning Ordinance states that an application for a Conditional Use Permit shall be approved if, and only if, the application demonstrates for the proposed use/development that:

- A. Granting the conditional use permit does not substantially conflict with the Comprehensive Plan and the purposes of this Ordinance;
- B. Will be consistent with the “intent” statement for the district in which it is located;
- C. Will be compatible with existing uses adjacent to and near the property;
- D. Will not be hazardous, detrimental or disturbing to present surrounding land uses due to noise, glare, smoke, dust, odor, fumes, or other general nuisance;
- E. Will not otherwise adversely affect the development of the general neighborhood or of the district in which the use is proposed;
- F. Will be consistent with existing and planned pedestrian and vehicular circulation adjacent to and near the property;
- G. Will have adequate water and sewer supply, storm water facilities, transportation facilities, waste disposal and other public services;
- H. Will be developed in a way that will preserve and incorporate any important natural features of the site; and
- I. Will conform to any specific criteria or conditions specified for that use elsewhere in the Zoning Ordinance.
  - Section 1.12.2.A.3.(c) requires a Conditional Use Permit for any commercial use on less than five acres who wish to use up to 10,000 square feet of commercial building utilizing a septic system.

### **STAFF REVIEW AND RECOMMENDATION**

The Staff finds that the proposed **Conditional Use Permit** is in compliance with KRS 100.237. Staff recommends that the Conditional Use Permit request 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, **2010-14-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-4C-1, 3, 4 & 5;***  
***LU-5A-4, 5, 6, 10, 11, 12, 13, 14, 15 & 16;***  
***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 **2010-14-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 policy:

***(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.

## MOTIONS

### MOTION TO **APPROVE** THE **CONDITIONAL USE PERMIT** REQUEST:

I make the Motion to **approve** the Conditional Use Permit, Docket # 2010-C-03, in order to build a commercial structure up to 10,000 square feet on property located on Richardsville Road.

The testimony presented in this public hearing has shown that the use:

- Is not detrimental to the public health, safety or welfare in the zone in which it is proposed,
- Will not contribute toward an overburdening of municipal services,
- Will not result in increased traffic congestion, additional parking problems, substantial increase in population density, environmental problems or constitute a nuisance, and
- Otherwise meets the requirements of the Zoning Ordinance.

*(Choose appropriate findings and specific items)*

OR

### MOTION TO **DENY** THE **CONDITIONAL USE PERMIT**:

I make the Motion to **deny** the Conditional Use Permit, Docket # 2010-C-03, in order to build a commercial structure up to 10,000 square feet on property located on Richardsville Road.

*(Choose appropriate findings and specific items)*

- The use **would** be detrimental to the public health, safety or welfare in the zone in which it is proposed.
- The use **will** contribute toward an overburdening of municipal services.
- The use **will** result in increased traffic congestion, additional parking problems, substantial increase in population density, environmental problems or constitute a nuisance.
- The use **does not** meet the requirements of the Zoning Ordinance.
- is **not** in agreement with the Zoning Ordinance of Warren County and with several Warren County Comprehensive Plan Policies