

ZONE CHANGE STAFF REPORT

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

Summary: The applicant proposes to rezone a tract of property from **RM-4** (Multifamily Residential) to **OP-C** (Office and Professional – Commercial) in order to construct an addition to an already existing dentist office. The applicant has also agreed to certain site restrictions as outlined in the Binding Elements.

Docket Number: 2011-06-Z-BG
Public Hearing Date: March 3, 2011
Pre-application Conference: January 3, 2011

Applicant(s):
Tim and Jamie Whitaker
(Whitaker Enterprises Limited Partnership)
109 Talbott Drive
Bowling Green, KY 42103

Development Plan:
This zoning map amendment request was filed with a General Development Plan (Binding Elements).

Zone Map Amendment Request:
FROM: RM-4 (Multifamily Residential)
TO: OP-C (Office and Professional – Commercial)

Location of Proposed Zone Change:
1602 Westen Street – at the corner of Westen Street and Patrick Way
Acreage or Square Footage of Tract:
0.684 Acres (29,795.04 Sq. Ft.)
PVA Parcel Number:
040B-44-110 (Portion) & 040B-44-111

Site District: Urban Density Development
Focal Point: 106-4A Highland Gardens
Development Status: Growth
Infra Status: S (Sanitary sewer is available)
Characteristics: Residential. Mixed density residential and professional offices with a substantial amount of land that remains undeveloped.

Existing Land Use: Office
Zoning History: **AG** (Agriculture) is the original zoning for this property. The property was rezoned in 1974 from **AG** to **R-4** (Multi-Family Residential) then later converted to **RM-4** (Multi-Family Residential) in 2001.
Surrounding Zoning and Land Use: See 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 FIRM map # 21227CO304 E.

Traffic Considerations: The property has frontage on Westen Street, a City maintained minor collector roadway with eighty feet (80') of right-of-way and varying pavement width. The property also has frontage on Patrick Way, a City maintained local residential roadway with fifty feet (50') of right-of-way and twenty four feet (24') of pavement width.

Additional Documentation Required:
N/A Traffic Impact Study
N/A Environmental Assessment
N/A Other

Water: There is an eight inch (8") waterline available along Westen Street providing more than six hundred (600) GPM with more than twenty (20) PSI. This meets the City fire control standards of Bowling Green. There is also an eight inch (8") waterline available along Patrick Way providing more than six hundred (600) GPM with more than twenty (20) PSI. This also meets the city fire control standards of Bowling Green.

Sewer: There is an eight inch (8") sewer line available along Patrick Way.

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 applicant is proposing to construct an addition on an already existing office building. The proposed addition will be approximately 1,650 square feet. The applicants have committed that the total square footage will not exceed 5,400 square feet and will not exceed 42 feet in height.</p>
<p>Design elements (the treat-ments, signs, drainage, utilities, sidewalks, gutter and curb, etc).</p>	<p>The applicants intend to match the proposed addition to the existing office. The applicants have committed that the exterior façade will be at least 80% brick or stone and the roof system will either be composite (shingle) or metal.</p>
<p>Landscaping.</p>	<p>The Property will be developed with a buffer consisting of at least three (3) deciduous shade trees and six evergreen trees per each 100 linear feet of buffer, or two deciduous shade trees, three evergreen trees and twelve shrubs per 100 linear feet. Ornamental trees may be uses as a substitute for the deciduous trees at a rate of two to one. (Binding Element IV)</p>

Staff Items of Concern

- *Total Square footage of Building;*
- *Adequate Landscaping;*
- *Compatibility with surrounding properties.*

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. The applicants have informed staff that an attempt will be made to contact the adjacent property owners either by telephone or in person.</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>There is an eight inch (8") waterline available along Westen Street providing more than six hundred (600) GPM with more than twenty (20) PSI. This meets the City fire control standards of Bowling Green. There is also an eight inch (8") waterline available along Patrick Way providing more than six hundred (600) GPM with more than twenty (20) PSI. This also meets the city fire control standards of Bowling Green.</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 an eight inch (8") sewer line available along Patrick Way.</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-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-12</u> New commercial development should follow sound design principles for buildings, parking, landscaping, signage, and setbacks.</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-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>Prior to 2001, the Zoning Ordinance of Warren County did allow for office uses as Conditional Uses within the R-4 (now RM-4) zoning districts. The property did request a Conditional Use (Special Exception) Permit in 1977 and was granted a Conditional Use (Special Exception) Permit by the Board of Adjustments. The current RM-4 zoning district does not allow for office uses as a Conditional Use. Since the office is proposing to expand, a zone change was required.</p> <p>As can be seen from the attached Zoning Map, the properties that surround the zone change request are zoned RS-1A (Single Family Residential) or RM-4 (Multi-Family Residential); however, in the general vicinity there are existing offices – a church and a Masonic Temple.</p> <p>The Property will be developed with a buffer consisting of at least three (3) deciduous shade trees and six evergreen trees per each 100 linear feet of buffer, or two deciduous shade trees, three evergreen trees and twelve shrubs per 100 linear feet. Ornamental trees may be used as a substitute for the deciduous trees at a rate of two to one. (Binding Element IV)</p> <p>The exterior facade shall consist of at least 80% brick or stone. No vinyl siding shall be permitted except for cornices or soffits. The roof system will be pitched and of either a composite or metal material. (Binding Element III)</p> <p>The proposed addition will require some additional parking spaces to be added to the site. As can be seen from Exhibit "B", only two of those spaces are proposed within the building setback.</p> <p>Prior to the issuance of any building permit, the two existing platted lots, Lot 110 and Lot 111, will be revised by plat to the configuration as generally shown on Exhibit "B". (Binding Element I) The proposed subdivision (platting) will leave the property with a 54.3% lot coverage (impervious surface) and a green space of 45.7%.</p>

COMPREHENSIVE PLAN COMPLIANCE (Continued)

Comprehensive Plan Policy:	Application:
<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 proposed addition will not require any additional signage for the property and no new signage is proposed; however, the applicants have committed that if there is a need for new signage, that the signage for the Property shall be limited to a single monument style sign, not greater than ten (10) feet in height and 100 square feet per sign face and wall signage as allowed by the Zoning Ordinance.</p> <p>All outside lighting will be focused inward and downward to minimize light trespass onto adjacent residential property. (Binding Element IX)</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>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><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>The property has frontage on Westen Street, a City maintained minor collector roadway with eighty feet (80') of right-of-way and varying pavement width. The property also has frontage on Patrick Way, a City maintained local residential roadway with fifty feet (50') of right-of-way and twenty four feet (24') of pavement width.</p> <p>The proposed addition would be considered a low traffic generator and no additional access points are planned for the site. The property shall continue to utilize the existing access point along Patrick Way as conceptually shown on Exhibit "B". (Binding Element VII)</p>

COMPREHENSIVE PLAN COMPLIANCE SUMMARY

The Staff finds that the proposed **zoning** is generally in agreement with the adopted Comprehensive Plan. The staff evaluated the following **sixteen (16)** policies for compliance:

POLICIES **GENERALLY** IN COMPLIANCE

- *LU-1A-2;*
- *LU-5A-4, 5, 6, 9, 11, 12, 13, 14, 15 & 16;*
- *LU-5B-1, 2, & 3*
- *TR-2 & 2H*

POLICIES **GENERALLY NOT** IN COMPLIANCE

- *LU-5A-6*
- *LU-5A-14*

MOTIONS

I make the motion to **approve** the proposed zoning map amendment, together with and conditioned upon the General Development Plan, docket number, **2011-05-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-5A-4, 5, 6, 9, 11, 12, 13, 14, 15 & 16;
LU-5B-1, 2, & 3
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 **2011-05-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 as demonstrated by its non-compliance with the Comprehensive Plan's following Policies:

(State specific policies, such as:)

LU-5A-6 and/or LU-5A-14

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.