

ZONE CHANGE STAFF REPORT

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

Summary: The applicant is proposing to rezone a tract of land from **LI** (Light Industrial) to **HI** (Heavy Industrial) in order to expand the recycling center currently located at 330 Power Street. The applicant has agreed to certain site restrictions as outlined in the Binding Elements.

Docket Number: 2011-22-Z-BG
Public Hearing Date: August 18, 2011
Pre-application Conference: July 11, 2011

Owners: Shelby Recycling
Address: 330 Power Street
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: LI (Light Industrial)
TO: HI (Heavy Industrial)

Location of Proposed Zone Change:
230 Power Street
Acreage or Square Footage of Tract:
0.44 acres or 19,366 Square Feet
PVA Parcel Number:
039B-03-041

Site District: Urban Density Development District
Focal Point: 102-5 Hobson Grove
Development Status: Trans
Infra Status: U (Sanitary Sewer is Unavailable)
Characteristics: Dominant Use Area. Deteriorated housing mixed with commercial and light industrial. Potential redevelopment area for industrial uses. Includes public park and museum.

Existing Land Use: Vacant
Zoning History: LI (Light Industrial) is the original zoning for the property.
Surrounding Zoning, Land Use, and Subdivisions:
See attached maps.

Soil Analysis:
Approx. 63% FnC2: Fredonia-Vertrees-Urban land complex, 6-12% slopes, eroded, rocky
Approx. 37% FnB: Fredonia-Vertrees-Urban land complex, 2-6% slopes, rocky

Traffic Considerations: The property has frontage on Power Street, a city-maintained local roadway with fifty (50) feet of right-of-way and twenty (20) feet of pavement width.

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

Water: A 4" water line providing 585 GPM with a static pressure of 68 PSI (residual pressure of 10 PSI) is available behind the property. This line runs from Beauty Avenue through Power Street. It should be noted, however, that there is an 8" water line providing 1,079 GPM with a static pressure of 66 PSI (residual pressure of 33 PSI) available along Beauty Avenue. This is adequate for industrial uses, and to meet the fire control standards of Bowling Green, Kentucky

Sewer: Sanitary sewer is not available to the property; however an 8" sewer line is available along Beauty Avenue.

DEVELOPMENT PLAN REVIEW

Application Review Summary

The applicant, Shelby Recycling, owns a collection and recycling operation located at 330 Power Street, adjacent to the subject property. The applicant intends to rezone the subject property (230 Power Street) from **LI** (Light Industrial) to **HI** (Heavy Industrial) in order to expand their existing operation. The applicant has submitted a Statement of Binding Elements that matches the Binding Elements heard by the Planning Commission on December 17, 2009 and approved by the Bowling Green City Commission on February 2, 2010 for 330 Power Street. The Binding Elements submitted addresses access, hours of operation, property uses, buffering/landscaping, drainage/storage, height, fire control, lighting and signage.

The subject property is .44 acres (19,366 square feet) in size and has frontage on Power Street. This property is within 1,500 feet of public sanitary sewer; however, it is not available to the property. The primary use of the new expansion will be for equipment storage.

Items of Concern:

- *On-site Environmental Protection measures for industrial uses;*
- *Access to the property;*
- *Proposed uses;*
- *Adequate Landscaping/Screening; and*
- *Adequate lighting controls*

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-2</u> Sites for all industrial development must be carefully selected giving appropriate consideration to the karst topography, the carrying capacity of the underlying soils and to prevailing wind directions so the possibility of adverse effects on the environment or surrounding uses will be minimized.</p> <p><u>LU-6A-3</u> All new industrial development must be planned in a manner that will prevent adverse impacts on the environment or other activities in the community and must demonstrate this by an approved general development plan.</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>If required, Collection and Recycling Operations will not commence until the Spill Prevention Control and Countermeasures Plan, the Groundwater Protection Plan, and the Best Management Practices Plan (collectively, the "Plans"), are in compliance with the Kentucky Pollution Discharge Elimination System of the Kentucky Division of Water. The Plans shall be filed in the Warren County Department of Environmental Planning and Assistance (Binding Element 5A).</p> <p>Within the fenced in property, areas used for storage of equipment or materials must be paved within eighteen (18) months of the approval of the zone change request with impervious material and completely encompassed by curb to prevent storm water run-off. (Binding Element 5B) The applicant has also stated that equipment stored within the fenced in area shall not exceed twenty-five (25) feet in height. Storage bins for collection and recycling operations materials shall not exceed twelve (12) feet in height and any future buildings for other uses shall not exceed one-story in height (Binding Element 6A & 6B).</p> <p>The applicant has agreed to certain site restrictions in the Binding Elements to prohibit the following land uses: any daycare facilities; adult entertainment; explosives or ammunition storage; retail sale/services; agricultural uses; passenger terminals and mining activities. There will be no smelter or use of furnaces (Binding Element 3A).</p> <p>No obnoxious fumes, odors or litter will be emitted beyond the perimeter of the property (Binding Element 3B).</p> <p>No hazardous wastes, as defined by State and/or Federal law, will be accepted for storage on the property. No hazardous wastes, as defined by State and/or Federal law, will be generated by or transported across the property (Binding Element 3C).</p> <p>No organic wastes or used storage drums will be accepted for storage (Binding Element 3D).</p>
<p><u>LU-6A-6</u> New industrial uses shall be served by public sanitary sewer, when sewer is available.</p>	<p>Sanitary sewer is not available to the property; however an eight (8) inch sewer line is available along Beauty Avenue. The applicant has indicated that they can obtain an easement to run sewer from 330 Power Street to the property, if needed.</p>

COMPREHENSIVE PLAN COMPLIANCE (Continued)

Comprehensive Plan Policy:	Application:
<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>A 4" water line providing 585 GPM with a static pressure of 68 PSI (residual pressure of 10 PSI) is available behind the property. This line runs from Beauty Avenue through Power Street. This is not adequate for industrial uses, and does not meet the fire control standards of Bowling Green, Kentucky. It should be noted, however, that there is an 8" water line providing 1,079 GPM with a static pressure of 66 PSI (residual pressure of 33 PSI) available along Beauty Avenue. This is adequate for industrial uses, and to meet the fire control standards of Bowling Green, Kentucky</p> <p>The applicant will comply with Ordinance BG 12-1.22, Fire Hydrant and Water Supply Requirements, including installation of all necessary fire hydrants (Binding Element 7).</p>
<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>LU-6C-2</u> Where dominant use areas are adjacent to residential focal points, industrial development must be located on a major collector street and must have no ingress or egress into the residential neighborhood.</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>No Traffic Impact Study was required due to the proposed use being classified as a low traffic generator. The applicant has stated that the hours of operation for the collection and recycling operations shall be limited from 6:00 a.m. to 8:00 p.m. - Monday through Friday, 6:00 a.m. to 5:00 p.m. on Saturday, with limited hours for Sunday operations no later than 6:00 p.m. (Binding Element 2).</p> <p>Access to the property shall be limited to three (3) entrances or access points from Power Street and shall be in conjunction with the City of Bowling Green's Access Management Manual. All driveways and parking areas must be asphalt or concrete pavement from the paved surface of Power Street. (Binding Element I)</p> <p>There are no residential neighborhoods sharing ingress or egress into the subject property. The property fronts Power Street.</p>
<p><u>LU-6A-12</u> Loading docks, vehicle use areas, public use areas, and outside storage areas should be screened from adjacent residential developments or from streets classed as a major collector or higher, and in compliance with any adopted landscaping ordinance.</p>	<p>The property owner agrees to install and maintain an eight (8) foot opaque fence that will provide screening and buffering to the perimeter of the property on the west, east, and south property boundaries within ninety (90) days of approval of the zone change request (Binding Element 4A)</p>

COMPREHENSIVE PLAN COMPLIANCE (Continued)

Comprehensive Plan Policy:	Application:
<u>LU-6A-13</u> Parking areas are discouraged within the building setback areas to allow for street landscaping.	All driveways and parking areas must be asphalt or concrete pavement from the paved surface of Power Street (Binding Element I).
<u>LU-6C-3</u> All industrial uses should incorporate dense vegetation screening where the use is visible from the street or abutting a residential neighborhood.	The property owner also agrees to install and maintain landscaping along Power Street. The landscaping buffer shall consist of a single row of shrubbery not to exceed twelve (12) feet on center that will not inhibit visibility and will not create a safety hazard. (Binding Element 4B).
<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.	The property shall have a single monument style sign which shall not exceed ten (10) feet in height and no sign face shall exceed 100 square feet (Binding Element 9).
<u>LU-6A-15</u> When located adjacent to a residential area, site lighting should be directed downward and away from adjacent residential uses and should be shielded to prevent light trespass or reflection onto adjoining properties.	Lighting at the perimeter of the property shall be of shoebox design and focused inward and downward onto the property and away from the adjoining property. Lighting will be shielded to minimize light trespass or reflection onto adjoining properties. All lighting will be designed to maximize safety and minimize intrusion onto adjoining properties. (Binding Element 8).
<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-6C-1</u> Industrial development or re-development is permitted where the existing dominant use of the area is industrial.</p>	As can be seen from the zoning map, the subject property is located near and adjacent to other industrial uses. This area lies within a focal point that has characteristics of potential redevelopment for industrial uses.

COMPREHENSIVE PLAN COMPLIANCE SUMMARY

The staff evaluated the following **seventeen (17)** policies for compliance:

POLICIES **IN** COMPLIANCE

- LU-6A-2, 3, 5, 6, 7, 11, 12, 13, 14 & 15;
- LU-6C-1, 2 & 3;
- TR-2 & 2H

POLICIES **NOT** IN COMPLIANCE

- LU-1A-2
- LU-6A-9

MOTIONS

I make the **motion to approve** the proposed zoning map amendment, together with and conditioned upon the General Development Plan, docket # **2011-22-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-6A-2, 3, 5, 6, 7, 11, 12, 13, 14 & 15;

LU-6C-1, 2, & 3;

&

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 **2011-22-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:

(State specific policies)

LU-1A-2 & LU-6A-9

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.