

# DEVELOPMENT PLAN AMENDMENT STAFF REPORT

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

**Summary:** The applicants have filed a second application to amend the general development plan on 6.6784 acres, located on the Dishman Lane Extension and Denzil Avenue in order to change the style and mixture of unit types along with the number of building lots for this development. This property is zoned **PUD** (Planned Unit Development) with Binding Elements.

**Docket Number:** 2011-12-DP  
**Public Hearing Date:** September 15, 2011  
**Pre-application Conference:** March 23, 2011

**Owner:** Dishman Lane Properties, LLC  
**Address:** 300 East Promenade  
Bowling Green, KY 42103

**Development Plan Amendment:** This requested amendment to Binding Elements was filed under Section 3.11.8 of the Zoning Ordinance.

**Request:** To amend the existing Development Plan (Binding Elements) currently zoned **PUD** (Planned Unit Development)

**Location of Proposed Zone Change:**  
Dishman Lane Extension and Denzil Avenue (Woodland Station Subdivision)  
**Acreeage or Square Footage of Tract:**  
6.6784 Acres (290,911.104 Sq. Ft.)  
**PVA Parcel Numbers:**  
041C-12B-23 through 39 & 041C-12B-41 through 58

**Site District:** Urban Density Development District  
**Focal Points:** 107-3B Grider Pond  
**Development Status:** Growth  
**Infra Status:** S (Sanitary Sewer is Available)  
**Characteristics:** Residential. Low density, single family residential. Substantial undeveloped land remains.

**Existing Land Use:** Residential  
**Zoning History:** Agriculture and R1 (Single-Family Residential) was the original zoning. The portion zoned OP was converted to OP-R in 2001. The OP-R property was then converted to OP-C by an appeal to the Board of Adjustments in 2003. In 2004, a portion of the property zoned OP-C and RS-1A were zoned PUD.  
**Surrounding Zoning, Land Use, and Subdivisions:**  
See attached maps.

**Soil Analysis:**  
**100% CrB:** – Crider silt loam, 2-6% slopes.  
**Flood Plain:** Part of the property is located in the 100 year flood area according to FEMA map #21227 C0094 D.

**Traffic Considerations:** The property has frontage on Dishman Lane Extension, a four-lane urban collector road with seventy-two feet (72') of right-of-way. The property is also developed with a thirty-two foot (32') wide internal street, Denzil Avenue, which connects Dishman Lane Extension to Rain Tree Drive.

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

**Water:** A waterline providing 1169 GPM at over 20 PSI is available along the Dishman Lane Extension. This is sufficient to provide for residential use, and to meet the fire control standards of Bowling Green, Kentucky.

**Sewer:** An 8" sewer line is available along the Dishman Lane Extension. The development is connected to this sewer line.

## DEVELOPMENT PLAN REVIEW

The applicants are proposing to amend the Binding Elements that were approved in 2008. The proposed amendments are to delete the previous set of Binding Elements with regard to the property in its entirety; however, only two (2) Binding Elements are being changed and one (1) Binding Element is being eliminated.

In 2004, this property was zoned **PUD** (Planned Unit Development) and was intended to be developed as a high density single family residential development. The General Development Plan for this property at the time called for a minimum living space of 1,700 square feet for each residential unit, exclusive of garages and porches. The Plan also called for thirty-six (36) single-family living units. In 2008, the developers submitted an application to amend the Binding Elements that were approved in 2004. These amendments included changing the maximum number of lots from thirty-six (36) to twenty-eight (28) and added a maximum number of units of forty-eight (48). The developers also amended the minimum square footage of the units from 1,700 square feet to 1,600 square feet and deleted the 2004 language that limited the number of residential structures on the property that would permit garages having garage doors facing the street. The developers also deleted 2004 language that limited the property to having no more than two (2) residential structures having garages with garage doors facing the street located on adjacent lots.

Now the developers are intending to amend the Binding Elements that were approved in 2008. The 2008 Binding Element VII stated that the property would be developed with a maximum of forty-eight (48) single-family living units on a maximum of twenty-eight (28) building lots and all lots would be limited to single-family. The applicants are proposing to amend Binding Element VII to allow for a maximum of forty-seven (47) building lots as generally shown on the Concept Plan and added that all lots would be limited to single-family or twin-home residential living units.

The second proposed amendment to the Binding Elements is to change the language of Binding Element X that was approved in 2008 to decrease the minimum square footage of living space, including attached garages, from 1,700 square feet to 1,600 square feet. The 2008 Binding Element X used the term “single-family condominiums”, which is being replaced with the term “single-family residences” in this proposed amendment.

The last proposed amendment to the Binding Elements is to delete the original Binding Element XIII that read, *“The entire perimeter of the property will be enclosed with a fence at or near the rear lot line of each lot. The fence will be constructed out of a combination of brick, stone, wrought iron and wrought iron-style aluminum”*

As can be seen on the Concept Plan labeled Exhibit “B”, the minimum lot area for single-family units is 4,750 square feet and 3,400 square feet for the twin-home units. It should be noted that the minimum lot size for traditional a Twin-home development is 5,500 square foot per unit and the smallest lot size permitted by the Zoning Ordinance for a traditional single-family development is 5,000 square feet, however, the PUD (Planned Unit Development) allows the developer to create their own development standards in terms of bulk and scale.

The developers of Woodland Station intend to improve the original development plan from a dense, residential subdivision to a more desirable single-family and twin-home residence plan. The developers have communicated to staff that the housing market suggests a more versatile usage for Woodland Station and with these changes the developers hope to offer City convenience combined with a feeling of security and sense of community.

**Items of Concern:**

- *Maximum number of units and/or lots;*
- *Reduction of minimum lot size below 5,000 square feet per unit / Reduction of the minimum twin home standard per the Zoning Ordinance;*
- *Rear yard buffer;*
- *Compatibility with adjacent developments.*

**COMPREHENSIVE PLAN COMPLIANCE**

<b>Comprehensive Plan Policy:</b>	<b>Application:</b>
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<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 request to the Planning Commission.</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. No information of a neighborhood meeting was forwarded to the Planning Commission Staff.</p>
<p><b><u>LU-4B-2</u> Urban density single family detached residential development must be served by a public water supply capable of 250 GPM at 20 PSI residual pressure (600 GPM within the city limits of Bowling Green). Fire hydrants must be provided to meet the fire protection standards of the applicable jurisdiction.</b></p> <p><b><u>LU-4B-3</u> All multi-family and single family attached urban density residential development must be served by a public water supply capable of 600 GPM at 20 PSI residual pressure. Fire hydrants must be provided to meet the fire protection standards of the applicable jurisdiction.</b></p>	<p>A waterline providing 1169 GPM at over 20 PSI is available along the Dishman Lane Extension. This is sufficient to provide for residential use, and to meet the fire control standards of Bowling Green.</p> <p>The applicants have committed that the property will have sufficient water supply and fire hydrants to meet the fire control standards of the City of Bowling Green Kentucky (Binding Element II).</p>
<p><b><u>LU-4B-4</u> All urban density residential development shall be served by public sanitary sewer.</b></p>	<p>An 8" sewer line is available along the Dishman Lane Extension. The development is connected to this sewer line.</p> <p>Improvements to the property will be served by sanitary sewer (Binding Element II).</p>
<p><b><u>LU-4B-5</u> Electric, telephone and CATV utilities should be placed underground in urban density residential developments.</b></p>	<p>All utility lines will be located underground (Binding Element III).</p>
<p><b><u>LU-4B-7</u> Urban density residential development shall have street lights, sidewalks, curbs, and gutters installed at the time of development.</b></p>	<p>Street lighting will be of a uniform design on a metal, composite or fiberglass pole (Binding Element V).</p> <p>The property will be developed with mountable curb and gutter on both sides of the street and with a five-foot sidewalk and two-foot grass utility strip on one side of the street (Binding Element IV).</p>

**COMPREHENSIVE PLAN COMPLIANCE (Cont'd)**

<p><b>Comprehensive Plan Policy:</b></p>	<p><b>Application:</b></p>
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<p><b><u>TR-2H</u> Development within the City limits of Bowling Green shall comply with the City's adopted Traffic Access Management Manual.</b></p> <p><b><u>TR-2D</u> All residential developments of more than 10 lots should be served by an interior street system.</b></p> <p><b><u>LU-4B-6</u> Urban density residential development shall provide for the continuity of the interior street system and pedestrian linkages with streets already in place or planned in neighboring areas as well as provide for the coordination of this local street system with the major transportation network.</b></p>	<p>The property has frontage on Dishman Lane Extension, a four-lane urban collector road with seventy-two feet (72') of right-of-way. The property is also developed with a thirty-two (32) foot wide internal street, Denzil Avenue, which connects Dishman Lane Extension to Rain Tree Drive. Rain Tree Drive is a local urban street with fifty feet (50') of right-of-way and twenty-four feet (24') of pavement width.</p>
<p><b><u>LU-4A-10</u> All proposals for urban density residential development should make provisions for implementation of the Greenbelt System Master Plan, where applicable or when identified in the Plan.</b></p>	<p>As stated in Binding Element IV, the property will be developed with a five (5) foot sidewalk on one side of the street. As stated in the original zone map amendment of the 2004 Staff Report, this property will be used as part of the Greenways and as an extension of the Lost River Cave properties.</p>
<p><b><u>LU-4A-3</u> Residential neighborhoods are viewed as personal, economic and lifestyle necessities. Measures must be instituted for the protection of both existing and newly created residential neighborhoods.</b></p> <p><b><u>LU-4A-4</u> Future growth and development must not jeopardize existing neighborhoods. Therefore, future growth and development shall be compatible with adjacent properties and neighborhoods with respect to (but not limited to) scale, identity, bulk and site planning.</b></p>	<p>The property shall be developed with a maximum of forty-seven (47) building lots as generally shown on Exhibit "B". All lots will be limited to single-family or twin-home residential living units. (Binding Element VII).</p> <p>All structures on the property will be built with at least eighty percent (80%) brick, stone, EFIS, or a combination of these materials (Binding Element VIII).</p> <p>All single-family residences on the property shall be a minimum of 1,600 square feet in living space, including attached garages (Binding Element X).</p> <p>Signage for the property will be limited to a single monument-style sign (Binding Element XII).</p> <p>Mailboxes will be of a uniform design and/or located at a central pickup location (Binding Element VI).</p>

### COMPREHENSIVE PLAN COMPLIANCE (Cont'd)

<b>Comprehensive Plan Policy:</b>	<b>Application:</b>
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<p><b><u>LU-4A-9</u> Residential development should not exceed density of surrounding developments by more than 50 percent.</b></p>	<p>Staff reviewed several surrounding developments, they are as follows: Covington Grove, 80.82 acre with 54 units (residential lots) for a density of .67 units/acre; Southmeade Subdivision, 56.34 total acres with 171 total dwelling units for a density of 3.04 units/acre; Shawnee Estates Subdivision, 88.44 total acres with 266 units for a density of 3.01 units/acre; and Hunting Creek Subdivision, 398.23 total acres with 440 units for an average density of 1.10 units/acre.</p> <p>The developers are proposing to increase the maximum number of lots from the previously approved twenty-eight (28) to forty-seven (47). The proposed amendment of 47 units and/or lots (single family) on 6.6784 acres is a density of 7.01 units per acre. This density exceeds the previously mentioned surrounding developments by more than fifty percent (50%).</p>
<p><b><u>LU-4B-10</u> All urban density single family residential development shall maintain at least 6.5 percent “common” open space, as defined by the Subdivision Regulations for Warren County. All urban density multi-family residential development should maintain a minimum of 25 percent open space, excluding paved areas and individual lots. Provision of additional open space is encouraged.</b></p> <p><b><u>LU-4E-1</u> Growth focal points represent unique opportunities to introduce new residential ideas and design concepts.</b></p> <p><b><u>LU-4E-2</u> Innovation in design and variety in size, style, and cost of housing is encouraged.</b></p>	<p>The property owner shall record restrictive covenants applicable to the property prior to the sale of any lot, which restrictive covenants shall provide for architectural standards, property maintenance standards, and provisions for review and enforcement of those standards. Membership in a property owners’ association shall be mandatory for each lot owner. The entire property will be fenced and vehicular access to the property will be gated (Binding Element IX).</p> <p>Responsibility for maintenance of the streets and common area on the property shall be borne by the property owners’ association (Binding Element XI).</p> <p>As mentioned above, the property will be developed with sidewalks on one (1) side of the street.</p>

## COMPREHENSIVE PLAN COMPLIANCE SUMMARY

The staff evaluated the following **sixteen (16)** policies for compliance

### POLICIES IN COMPLIANCE

- LU-4A-3 & 10;
- LU-4B-2, 3, 4, 5, 6, 7, & 10;
- TR- 2D, & 2H;
- LU-4E-1 & 2

### POLICIES **NOT** IN COMPLIANCE

- LU-1A-2;
- LU-4A-4 & 9;

## MOTIONS

I make the motion to **approve** the proposed General Development Plan Amendment, docket number, **2011-12-DP**. 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 General Development Plan Amendment is in agreement with the adopted Comprehensive Plan as demonstrated by its compliance with the Comprehensive Plan's following Policies:

***LU-4A-3, & 10;  
LU-4B-2, 3, 4, 5, 6, 7& 10;  
TR-2D, & 2H  
and  
LU-4E-1 & 2***

Further, I find that there have been major changes of an economic, physical or social nature within the area of the property in question and 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 General Development Plan Amendment, docket number **2011-12-DP**. 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-1A-2;  
LU-4A-4 & LU-4A-9***

Further, I find that there have **not** been major changes of an economic, physical or social nature within the area of the property in question and 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.