

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-3** (Multi-Family Residential) to **OP-R** (Office and Professional – Residential) in order to create an office space on the ground floor for the applicants business, as well as a residential space on the second floor. The applicant has also agreed to certain site restrictions as outlined in the Binding Elements.

Docket Number: 2011-25-Z-BG
Public Hearing Date: October 6, 2011
Pre-application Conference: August 25, 2011

Applicant(s):
Senad and Sladjana Veletanlic
1225 Chestnut 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: RM-3 (Multi-Family Residential)
TO: OP-R (Office and Professional – Residential)

Location of Proposed Zone Change:
1225 Chestnut Street
Acreage or Square Footage of Tract:
.23 Acres (9,800 Sq. Ft.)
PVA Parcel Number:
040B-02-059

Site District: Urban Density Development
Focal Point: 101 Downtown Bowling Green
Development Status: Stable
Infra Status: S (Sanitary Sewer is Available)
Characteristics: Dominant Use Area. Traditional Central Business District including Fountain Square and several government administrative buildings with associated office and professional uses. Residential, including College Hill Historic District, and several large early 20th century single family dwellings, some in transition to mixed density housing and offices. Some areas warrant clearance and redevelopment.

Existing Land Use: Residential
Zoning History: **R-3** (Medium High Density Residential) is the original zoning. The property was converted to **RM-3** (Townhouse/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 # 21227CO302 E.

Traffic Considerations: The property has frontage on Chestnut Street, a City maintained local roadway with fifty feet (50') of right-of-way and forty-six feet (46') 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 Chestnut Street providing more than six hundred (600) GPM with more than twenty (20) PSI. This meets the fire control standards for the City of Bowling Green.

Sewer: A sanitary sewer line is available along the alley behind the property.

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 applicants are proposing to convert the current residence into two separate uses. The first floor will be devoted to an office use for the applicants' business. The second floor will serve as a residential space.</p>
<p>Design elements (facade treatments, signs, drainage, utilities, sidewalks, gutter and curb, etc).</p>	<p>The applicants intend to maintain the existing residential appearance of the current structure. Any improvements to the property will meet the guidelines set forth by the Historic Preservation Board (Binding Element 1)</p> <p>Signage will be limited to one wall sign not to exceed twelve (12) square feet in size. The wall sign will display hours of operation. Signage will also include one freestanding sign not to exceed twelve (12) square feet in size. The freestanding sign shall be no taller than five (5) feet (Binding Elements 3 and 5).</p> <p>The applicants have also stated that the Commercial Building Code will be met prior to occupancy (Binding Element 8).</p>
<p>Maximum density level, intensity of use, or maximum number of lots.</p>	<p>The applicants have restricted the hours of operation for the business from 7:00 AM to 5:00 PM Monday through Friday and 8:00 AM to 12:00 PM on Saturdays (Binding Element 4).</p> <p>The ground floor of the structure will be limited to office space, while the upper floor will be devoted to residential use (Binding Element 6).</p> <p>The following uses shall be prohibited on the property: Eating Establishment, Bar/Lounge, Commercial Parking and Fuel Stations and Sales (Binding Element 9).</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 property has one access point to the twenty (20) foot alley behind the property. No new access points are being proposed.</p> <p>The applicant has committed that the subject property shall meet the minimum requirements of the parking provisions of the Warren County Zoning Ordinance within one-hundred twenty (120) days of commercial occupancy (Binding Element 2).</p>
<p>Landscape, screening and/or buffering plan.</p>	<p>The applicants have committed to meet the minimum requirements of the landscape provisions of the Warren County Zoning Ordinance within one-hundred twenty (120) days of commercial occupancy (Binding Element 2).</p>
<p>Lighting plans.</p>	<p>All outdoor lighting shall be directed downward and inward and not negatively affect the neighborhood (Binding Element 7).</p>
<p>Provisions for sewage disposal.</p>	<p>The property is currently served by sanitary sewer.</p>
<p>Provisions for fire protection.</p>	<p>An eight inch (8") waterline is available along Chestnut Street providing more than 600 GPM and greater than 20 PSI. This meets the fire control standards for the City of Bowling Green.</p>

Staff Items of Concern

- *Parking*
- *Permitted 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. The applicants have informed the Planning Commission Staff that they plan on meeting with each neighbor individually.</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 Chestnut Street providing more than six hundred (600) GPM with more than twenty (20) PSI. This meets the fire control standards for the City 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>A sanitary sewer line is available along the alley behind the property.</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-12</u> New commercial development 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-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, whichever is larger.</p>	<p>The applicants have promised that the Property will meet the minimum requirements of the landscape provisions of the Warren County Zoning Ordinance within one-hundred twenty 120 days of commercial occupancy (Binding Element 2).</p> <p>The subject property shall maintain its existing residential appearance, and all improvements to the property shall meet the guidelines of the Historic Preservation Board (Binding Element 1).</p> <p>Signage will be limited to one wall sign not to exceed twelve (12) square feet in size. The wall sign will display hours of operation. Signage will also include one freestanding sign not to exceed twelve (12) square feet in size. The freestanding sign shall be no taller than five (5) feet.</p> <p>The change in use of the property will require additional parking spaces to be added to the site. The applicants have committed that the Property will meet the minimum requirements of the parking provisions of the Warren County Zoning Ordinance within one-hundred twenty days of commercial occupancy.</p> <p>There is currently a six (6) foot privacy fence enclosing the backyard of the property, which would screen any additional parking added by the applicants.</p> <p>Although it appears that the current parking is within the building setback, it is at the rear of the property and is not visible from Chestnut Street. Additional Parking will be screened by the current six (6) foot privacy fence.</p> <p>The submitted zone change plat shows approximately twenty-seven percent (27%) lot coverage. It is estimated that the applicant will need six additional parking spaces which will measure one-hundred sixty-two square feet a piece, for a total of nine-hundred seventy-two square feet. The addition of these six spaces would bring the total lot coverage to roughly thirty-seven percent (37%).</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>Signage will be limited to one wall sign not to exceed twelve (12) square feet in size. The wall sign will display hours of operation. Signage will also include one freestanding sign not to exceed twelve (12) square feet in size. The freestanding sign shall be no taller than five (5) feet.</p> <p>All outdoor lighting shall be directed downward and inward and not negatively affect the neighborhood (Binding Element 7).</p>
<p><u>LU-5C-1</u> Commercial development or redevelopment is permitted where the existing dominant use of the focal point is commercial and must not adversely impact the existing scale and architecture within the focal point.</p> <p><u>LU-5C-2</u> Where the focal point is adjacent to residential developments or residential districts, new commercial development must not have its primary ingress or egress into the residential development or district.</p>	<p>Although the existing dominant use of the <i>101 Downtown Bowling Green</i> Focal Point is not entirely commercial, the description does indicate that there are several government administrative buildings with associated office and professional uses. It is also stated that part of the focal point is in transition to office use and that some areas warrant clearance and redevelopment.</p> <p>While the proposed use is commercial, it will be housed in the current residential structure on the property. The current residence has one access point to the alley behind the property. No additional access points are being proposed. The applicants have committed that the subject property will maintain its existing residential appearance, and all improvements to the property shall meet the guidelines of the Historic Preservation Board (Binding Element 1).</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-2H</u> Development within the City limits of Bowling Green shall comply with the City's adopted Traffic Access Management Manual.</p>	<p>Although the proposed commercial use is not located with direct accessibility to at least a minor collector, it is located less than two-hundred fifty (250) feet from Twelfth Avenue which is an urban collector street.</p> <p>As mentioned previously, the office will be housed in the current residence which has one access point to the alley behind the property. No additional access points are being proposed.</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 **fifteen (15)** policies for compliance:

POLICIES **GENERALLY** IN COMPLIANCE

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

POLICIES **GENERALLY NOT** IN COMPLIANCE

- *LU-5A-4;*
- *LU-5C-1 & 2*

MOTIONS

I make the motion to **approve** the proposed zoning map amendment, together with and conditioned upon the General Development Plan, docket number, **2011-25-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-5A-6, 9, 11 & 15;

LU-5C-1;

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 **2011-25-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-1A-2;

LU-5A-4, 5, 12, 13, 14, 16;

LU-5C-1 & 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.