

ZONE CHANGE STAFF REPORT

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

Summary: The applicants are proposing to rezone 1.093 acres of property from **AG** (Agriculture) to **LI** (Light Industrial) in order to create a pest control business. The applicants have also agreed to certain site restrictions as outlined in the Binding Elements.

Docket Number: 2011-26-Z-CO

Public Hearing Date: October 6, 2011

Pre-application Conference: August 25, 2011

Property Owners:
Stephen & Sherry Vincent

Address:
125 Dishman Lane
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: AG (Agriculture)
TO: LI (Light Industrial)

Location of Proposed Zone Change:
6217 Scottsville Rd

Acreage or Square Footage of Tract:
1.093 Acres (47,611.08 Sq. Ft.)

PVA Parcel Number:
054A-47-002

Site District: Urban Density Development District

Focal Point: 108-4 Greenwood

Development Status: Growth

Infra Status: S (Sanitary Sewer is Available)

Characteristics: Dominant Use Area. In transition from agriculture to mixed urban uses.

Existing Land Use: Agriculture

Zoning History: The original zoning for this property is **AG** (Agriculture).

Surrounding Zoning and Land Use: See maps.

Soil Analysis:
Approx. 87% CrB: Crider silt loam, 2-6% slopes
Approx. 13% Us: Urban land-Udorthents complex, 0-15% slopes

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

Traffic Considerations: The property has frontage on Scottsville Road, a State maintained urban roadway, with sixty feet (60') of pavement width and right-of-way that varies.

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

Water: There is a 10" waterline is available along Scottsville Road providing greater than 600 GPM with more than 20 PSI. This is adequate for industrial uses and meets the minimum fire control standards for Warren County.

Sewer: There is an 8" sewer line available along Scottsville Road. The property is currently served by an on-site septic system.

DEVELOPMENT PLAN REVIEW

Comprehensive Plan Element:	Application:
<p>General placement of the building(s), maximum height of the building(s), and the bulk of the building(s).</p> <p>Intended use of the property and building(s).</p>	<p>The applicants intend to use the current residential structure on the property for a pest control business.</p> <p>According to the Binding Elements, the following uses shall not be permitted on the property: Off premise signs; commercial parking lots; kennels; heavy vehicles and manufactured home sales; vehicle repair; vehicle services; telecommunications towers; passenger terminals; and waste related uses. (Binding Element II). The Binding Elements also state that there shall be no outside storage within one hundred and fifty (150) feet of Scottsville Road. Any outside storage shall be hidden with external screening on all sides of the storage area (Binding Element IV).</p>
<p>Design elements (facade treatments, signs, drainage, utilities, sidewalks, gutter and curb, etc).</p>	<p>The façade of any new building facing Scottsville Road shall be constructed of at least eighty percent (80%) brick, hardy plank siding, natural or cultured stone at the owner’s discretion (Binding Element III).</p> <p>Signage on the property shall include one (1) monument or pole sign to be erected at the front of the development not to impair visibility for ingress and egress. Any pole sign shall not exceed twenty (20) feet in height and one hundred (100) square feet in surface area. Any monument sign shall not exceed ten (10 feet in height and one hundred (100) square feet in surface area (Binding Element IX).</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 shall be served by no more than one access point from Scottsville Road (Binding Element VI). Within 120 days of re-development, the owner shall provide paved parking and travelways within the site (Binding Element V).</p>
<p>Maximum density level, intensity of use, or maximum number of lots.</p>	<p>The property will be developed with maximum lot coverage not to exceed seventy-five (75) percent (Binding Element I).</p>
<p>Lighting plans.</p>	<p>Any building constructed on the proposed site shall include exterior downlighting made of metal, fiberglass, or composite materials. In addition, security lighting for the parking lots may be installed. All lighting shall be designed to minimize the light trespass on any adjoining properties (Binding Element VIII).</p>
<p>Landscaping.</p>	<p>Any future re-development of the property shall include landscaping as per Section 4.6.8.C of the Zoning Ordinance of Warren County, Kentucky including the submission of a landscape plan prior to a building permit being issued (Binding Element VII).</p>
<p>Provisions for sewage disposal.</p>	<p>Prior to occupancy by any commercial or industrial use, the property shall be connected to the existing sanitary sewer (Binding Element X).</p>
<p>Provisions for fire protection.</p>	<p>The property shall have sufficient water supply and fire hydrants to meet the fire control standards of Warren County, Kentucky. Prior to occupancy by any commercial or industrial use, fire hydrants will be installed as necessary (Binding Element X).</p>

Staff Items of Concern

- *Landscaping;*
- *Connection to sanitary sewer.*

COMPREHENSIVE PLAN COMPLIANCE

Comprehensive Plan Policy:	Application:
<p>LU-1A-2 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 applicant has met with the adjacent property owner and made calls to the property owner across the street.</p>
<p>LU-6A-3 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>The applicants have committed that the lot will be developed with maximum lot coverage not to exceed seventy-five (75) percent (Binding Element I).</p> <p>The applicants are rezoning the property in order to create a pest control business. The applicants have also stated that the following uses shall not be permitted on the property: Off premise signs; commercial parking lots; kennels; heavy vehicles and manufactured home sales; vehicle repair; vehicle services; telecommunications towers; passenger terminals; and waste related uses. (Binding Element II).</p> <p>The façade of any new building facing Scottsville Road shall be constructed of at least eighty percent (80%) brick, hardy plank siding, natural or cultured stone at the owner’s discretion (Binding Element III). The applicants have also agreed that the principal structure will meet the commercial building code prior to occupancy of the property for non-residential use (Binding Element XI).</p>
<p>LU-6A-6 New industrial uses shall be served by public sanitary sewer, when sewer is available.</p>	<p>There is an 8” sewer line available along Scottsville Road. The applicants have committed in the Binding Elements that prior to occupancy by any commercial or industrial use; the property shall be connected to the existing sanitary sewer (Binding Element X).</p>
<p>LU-6A-7 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>There is a 10” waterline is available along Scottsville Road providing greater than 600 GPM with more than 20 PSI. This is adequate for industrial uses and meets the minimum fire control standards for Warren County.</p>
<p>LU-6A-11 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>LU-6A-13 Parking areas are discouraged within the building setback areas to allow for street landscaping.</p>	<p>The applicants have committed in the Binding Elements that there shall be no outside storage within one hundred and fifty (150) feet of Scottsville Road. Any outside storage shall be hidden with external screening on all sides of the storage area (Binding Element IV).</p> <p>Within 120 days of re-development, the owner shall provide paved parking and travelways within the site (Binding Element V).</p>

COMPREHENSIVE PLAN COMPLIANCE (continued):

Comprehensive Plan Policy:	Application:
<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><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.</p>	<p>Any future re-development of the property shall include landscaping as per Section 4.6.8.C of the Zoning Ordinance of Warren County, Kentucky including the submission of a landscape plan prior to a building permit being issued (Binding Element VII).</p> <p>Any future re-development of the property shall include landscaping as per Section 4.6.8.C of the Zoning Ordinance of Warren County, Kentucky including the submission of a landscape plan prior to a building permit being issued (Binding Element VII).</p>
<p><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.</p>	<p>Signage on the property shall include one (1) monument or pole sign to be erected at the front of the development not to impair visibility for ingress and egress. Any pole sign shall not exceed twenty (20) feet in height and one hundred (100) square feet in surface area. Any monument sign shall not exceed ten (10 feet in height and one hundred (100) square feet in surface area (Binding Element IX).</p>
<p><u>LU-6D-1</u> Industrial development shall take place on pre-developed industrial park sites.</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> <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>Although the existing dominant use of the area is not Industrial, the area is in transition from Agriculture to mixed urban uses. As you can see from the Zoning Map, There are several commercial and industrial uses in the vicinity.</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>The property has frontage on Scottsville Road, a State maintained urban roadway, with sixty feet (60') of pavement width and right-of-way that varies.</p> <p>The property shall be served by no more than one access point from Scottsville Road (Binding Element VI). Within 120 days of re-development, the owner shall provide paved parking and travelways within the site (Binding Element V).</p>

COMPREHENSIVE PLAN COMPLIANCE SUMMARY

The staff evaluated the following **fourteen (14)** policies for compliance:

POLICIES IN COMPLIANCE

- LU-1A-2;
- LU-6A-3, 5, 6, 7, 9, 12, 13 & 14;
- LU-6C-3;
- TR-2

POLICIES NOT IN COMPLIANCE

- LU-6A-5, & 11;
- LU-6C-1;
- LU-6D-1.

MOTIONS

I make the motion to **approve** the proposed zoning map amendment, together with and conditioned upon the General Development Plan, docket number, **2011-26-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-6A-3, 5, 6, 7, 9, 12, 13 & 14;
LU-6C-3;
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 **2011-26-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 as demonstrated by its non-compliance with the Comprehensive Plan's following Policies:

LU-6A-5 & 11;
LU-6C-1;
LU-6D-1

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.