

# 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 **10.89** acres of property from **AG** (Agriculture) to **R-E** (Residential Estate) and **LI** (Light Industrial) in order to operate a tree service business at an existing residence. The applicants have also agreed to certain site restrictions as outlined in the Binding Elements.

**Docket Number:** 2011-28-Z-CO

**Public Hearing Date:** October 6, 2011

**Pre-application Conference:** June 22, 2011

**Property Owners:**  
Tina Miller (Lamb)

**Contract Vendee:**  
Lamb Tree Service

**Address:**  
1321 Greenhill Road  
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: AG** (Agriculture)  
**TO: R-E** (Residential Estate) and **LI** (Light Industrial)

**Location of Proposed Zone Change:**  
1321 Greenhill Road

**Acreage or Square Footage of Tract:**  
10.89 Acres  
Residential Estate Portion: 5.82 Acres  
Industrial Portion: 5.07 Acres

**PVA Parcel Number:**  
065A-69

**Site District:** Rural Conservancy District

**Focal Point:** 115 Boyce/Alvaton

**Development Status:** Stable

**Infra Status: U** (Sanitary Sewer is Unavailable)

**Characteristics:** Mostly agriculture with some scattered low density single family residential. Experiencing market pressure for residential.

**Existing Land Use:** Residential and Agriculture

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

**Surrounding Zoning and Land Use:** See maps.

**Soil Analysis:**  
**Approx. 91% BaD:** Baxter gravelly silt loam, 12-20% slopes.  
**Approx. 9% BaC:** Baxter gravelly silt loam, 6-12% slopes.  
**Flood Plain:** The property is not located in the 100 year flood area according to FEMA map #21227C0340E.

**Traffic Considerations:**  
The property has frontage on Greenhill Road, a rural local roadway, with fifty feet (50') right-of-way and eighteen feet (18') of pavement width.

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

**Water:**  
There is a 6" waterline is available along Greenhill Road providing 600 GPM with more than 20 PSI. This meets the minimum fire control standards of Warren County for industrial uses.

**Sewer:**  
Sanitary sewer is not available to the property. The existing residence on the property is currently served by an approved on site septic system.

## DEVELOPMENT PLAN REVIEW

Comprehensive Plan Element:	Application:
<p><b>General placement of the building(s), maximum height of the building(s), and the bulk of the building(s).</b></p> <p><b>Intended use of the property and building(s).</b></p> <p><b>Maximum density level, intensity of use, or maximum number of lots.</b></p>	<p>The applicants are using the property for a residence and family owned tree service business. The zone change plat shows an existing residence, pool, pool house, existing garage, proposed locations for two pole barns, a milling area, storage areas and parking/ drives on the property.</p> <p>LU- 2 in the 1990 Comprehensive Plan states in part: <i>“All proposals for new development must be assessed to determine their compatibility with the existing surrounding development. Compatibility may be shown because the proposed use is the same as the surrounding neighborhood or it may be established by site design, buffering, control of access through the adjacent neighborhood or by the reservation of substantial open space on the site. Compatibility would be demonstrated by means of a general development plan for the proposal which addresses the controlling policies in the Policy Plan. Surrounding property owners will have been given the opportunity to review general development plans before they are submitted to the Planning Commission for consideration. Compatibility has to do with actual land use and with design measures taken to mitigate any adverse impacts on surrounding existing development. Compatibility does not mean that any development must be the same use or density as surrounding existing density.”</i></p> <p>The proposed re-zoning consists of approximately 10.89 acres. The applicants are requesting to re-zone 5.07 acres at the front of property to <b>R-E</b> (Residential Estate). The proposed zoning for the remaining 5.82 acres is <b>LI</b> (Light Industrial). A general development plan (Binding Elements) have been submitted with the rezoning application.</p>
<p><b>Design elements (facade treatments, signs, drainage, utilities, sidewalks, gutter and curb, etc).</b></p>	<p>The applicants have submitted a Binding Element that commits that the signage shall not exceed thirty-two (32) square feet and will be no taller than five feet (5') in height (Binding Element 3).</p>
<p><b>General location of internal streets and travelways, average daily trips (ADT) generated by the proposed use, access points to existing streets and parking.</b></p>	<p>The property shall be served by the existing access point onto Greenhill Road (Binding Element 4). Parking on the property will include: parking for the residence, employee parking and equipment parking for the Tree Service business.</p>
<p><b>Lighting plans.</b></p>	<p>Binding Element 8 states: “Any lighting on the property will not be trespassing onto neighboring property”.</p>
<p><b>Landscaping.</b></p>	<p>The property shall maintain the existing tree line as a natural landscape buffer along the northeast side and southwest sides of the property (Binding Element 2).</p>

**Staff Items of Concern (Prior to Submission of Binding Elements):**

- Signage Location;
- Air Quality;
- Outdoor Storage Areas;
- Site Lighting; and
- Compatibility with Surrounding Properties.

## COMPREHENSIVE PLAN COMPLIANCE

Comprehensive Plan Policy:	Application:
<p><b><u>LU-1A-2</u></b> 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, if possible. The applicants have met with surrounding neighbors on a one-on-one basis.</p>
<p><b><u>LU-2C-3</u></b> Rural Conservancy Districts are designed to prevent the premature development of land at densities and patterns to which basic services or facilities cannot be provided, as well as, preserve rural farm land, valuable woodlands and open spaces.</p>	<p>There is a 6” waterline is available along Greenhill Road providing 600 GPM with more than 20 PSI. This meets the minimum fire control standards of Warren County for industrial uses. The property is located in the 115 Boyce/Alvaton Focal Point and is classified as a Rural Conservancy District due to soil on the property being poorly suited for septic tank absorption fields. The existing residence on the property is currently served by an approved on site septic system.</p>
<p><b><u>LU-6A-3</u></b> 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><b><u>LU-6A-11</u></b> 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>The applicants have submitted a General Development Plan (Binding Elements). The applicants are proposing to rezone the property in order to operate a tree service business at their residence.</p> <p>The applicants have committed in Binding Element 6 that “All wood or tree related waste will be held and managed within accordance of local, state, and federal law”. Binding Element 7 also states “There will be no burning that is not within accordance of local, state, and federal law”.</p> <p>Binding Element 11 addresses LU-6A-11 by committing “There will be no hazardous waste or products keep or stored on the property”.</p>
<p><b><u>LU-6A-8</u></b> Any industrial use or development occupying structures less than 6,000 square feet may use on-site sewage disposal systems where public sanitary sewer is not available and where the site is at least three acres and where a site evaluation by the Health Department indicates that a conventional or alternative septic system is acceptable.</p>	<p>Sanitary sewer is not available to the property. The existing residence on the property is currently served by an approved on site septic system.</p> <p>The applicants have stated, in their Binding Elements, that “Prior to any industrial related buildings being constructed on the property the applicant shall provide the Planning Commission a letter from the Warren County Building Inspector and the Barren River District Health Department on the intended use of any building and the requirement of the structure to have potable water, restrooms and/ or a septic system. (Binding Element 5).</p>
<p><b><u>LU-6A-7</u></b> 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 6” waterline is available along Greenhill Road providing 600 GPM with more than 20 PSI. This is adequate for industrial uses.</p>

**COMPREHENSIVE PLAN COMPLIANCE (continued)**

<b>Comprehensive Plan Policy:</b>	<b>Application:</b>
<p><b><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.</b></p> <p><b><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.</b></p>	<p>The applicants have committed in the Binding Elements that the property shall maintain the existing tree line as a natural landscape buffer along the northeast side and southwest sides of the property (Binding Element 2).</p> <p>Binding Element 2 also states there will a 30 foot “no building” setback area on all side of the industrial zoning tract.</p> <p>Binding Element 12 commits “All industrial related buildings, vehicle or employee parking areas, and equipment or product storage areas will only occur on the portion of the property zoned Industrial”.</p>
<p><b><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.</b></p> <p><b><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.</b></p>	<p>Signage shall not exceed thirty-two (32) square feet and will be no taller than five feet (5’) in height (Binding Element 3).</p>
<p><b><u>LU-6E-1</u> New industrial uses are not permitted.</b></p> <p><b><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.</b></p>	<p>An area with severe soil limitation with respect to septic tank and absorption field systems is condition that classifies an area as a Rural Conservancy District. The property is comprised of two soil types: BaC – Baxter Gravelly Silt Loam, 6 to 12 percent slopes and BaD – Baxter Gravelly Silt Loam, 12 to 20 percent slopes. Of the two soil types located within the property, the BaD soil type is poorly suited for septic tank absorption fields. The National Resources Conservation Service rates this soil type as very limited, meaning that the soil has one or more features that are unfavorable for use of septic tank absorption fields. This soil type has limitations related to permeability and slope</p>
<p><b><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.</b></p>	<p>The property has frontage on Greenhill Road, a rural local roadway, with fifty feet (50’) right-of-way and eighteen feet (18’) of pavement width.</p>

**COMPREHENSIVE PLAN COMPLIANCE (continued)**

Comprehensive Plan Policy:	Application:
<p><b><u>LU-4G-1</u> One single family residential development is allowed on existing lots of record.</b></p> <p><b><u>LU-4G-2</u> Such single family lots or tracts may be built upon only where a properly located and designed on-site waste disposal system can be provided. Such systems must be approved by the Health Department prior to issuance of a building permit.</b></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><b><u>LU-4A-9</u> Residential development should not exceed density of surrounding developments by more than 50 percent.</b></p>	<p>The applicants, at this time, do not intend to install an additional septic system nor construct any buildings with public restrooms (triggering the need for an on-site septic system).</p> <p>There is an existing house on the proposed property for rezoning (Residential Estate portion of the rezoning request). An existing on-site septic system is being utilized for the property.</p> <p>There are no new lots being created with the proposed zoning map amendment. There is an existing driveway to the property. No new access points are proposed for the property.</p> <p>As can be seen from the zoning map, there are residential lots of similar size to the proposed residential tract in the general vicinity</p>

### COMPREHENSIVE PLAN COMPLIANCE SUMMARY

The Staff evaluated the following **eighteen (18)** policies for compliance:

#### POLICIES IN COMPLIANCE

- LU-1A-2;
- LU-2C-3;
- LU-4A-3, 4 & 9;
- LU-4G-1 & 2;
- LU-6A-3, 5, 7, 8, 9, 11, 12, 14 & 15
- TR-2

#### POLICIES **NOT** IN COMPLIANCE

- LU-2C-3;
- LU-6A-5;
- LU-6E-1.

### MOTIONS

I make the motion to **approve** the proposed zoning map amendment, together with and conditioned upon the

General Development Plan, docket number, **2011-28-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-2C-3;**

**LU-4A-3, 4 & 9;**

**LU-4G-1 & 2;**

**LU-6A-3, 5, 7, 8, 9, 11, 12, 14 & 15;**

**and 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 **2011-28-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-2C-3;**

**LU-6A-5;**

**&**

**and LU-6E-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.