

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 land from **RS-1A** (Single Family Residential) to **GB** (General Business) in order to establish a professional office (with a minimum retail component) on .44 acres. The applicant has agreed to certain site restrictions as outlined in the Binding Elements.

Docket Number: 2011-30-Z-BG
Public Hearing Date: October 6, 2011
Pre-application Conference: July 6, 2011

Property Owner(s);
Ada Williams Estate
C.T. Williams Jr. (Executor)
100 Augusta Avenue, 10B
Bowling Green, Kentucky 42103

Development Plan: This zoning map amendment request was filed with a General Development Plan (Binding Elements).

Zone Map Amendment Request:
FROM: RS-1A (Single Family Residential)
TO: GB (General Business)

Location of Proposed Zone Change:
714 Eastwood Street
Acreage or Square Footage of Tract:
.44 Acres (19,166.4 Sq. Ft.)
PVA Parcel Number:
040C-08-025

Site District: Urban Density Development
Focal Point: 106 ½ Eastwood/Covington
Development Status: Stable
Infra Status: S (Sanitary sewer is available)
Characteristics: Residential. Pre-1960 stable residential neighborhood.

Existing Land Use: Residential

Zoning History: R-1 (Single Family Residential) is the original zoning for this property. The property has been converted to **RS-1A** (Single Family Residential)

Surrounding Zoning and Land Use: See attached maps.

Soil Analysis:
Approx. 69% PbA: Pembroke silt loam, 0-2% slopes
Approx. 31% Ub: Urban land-Udorthents complex, 0-12% slopes

Flood Plain: The property is not located in the 100-year flood area according to FEMA FIRM map # 21227CO306 E.

Traffic Considerations: The property has frontage on Eastwood Street, a City maintained urban local roadway with fifty feet (50') of right-of-way and twenty-eight feet (28') of pavement width. The property also has frontage on Lehman Avenue, a City maintained urban local roadway with fifty feet (50') of right-of-way and pavement width that varies.

Additional Documentation Required:
N/A Traffic Impact Study

N/A Environmental Assessment

N/A Other

Water: There is a six inch (6") waterline available along Eastwood Street providing more than six hundred (600) GPM with more than twenty (20) PSI. There is also a ten inch (10") waterline available along Lehman Avenue providing more than six hundred (600) GPM with more than twenty (20) PSI. Both meet the City fire control standards of Bowling Green.

Sewer: The property is connected to an eight inch (8") sewer main available at the rear of the property.

DEVELOPMENT PLAN REVIEW

Comprehensive Plan Element:	Application:
Intended use of the property and building(s).	The applicant has stated in the Binding Elements that the use for the property shall be limited to Single-Family Residential, Office Professional-Residential and limited retail up to 4,000 square feet as outlined in the Warren County Zoning Ordinance; however, the following uses will not be permitted on the property: any repair oriented services, branch banks, dry cleaners, emergency medical care, laundromats, photocopy and blueprint services, private gym, taxidermists, mortuaries, veterinarians, animal grooming, vehicle sales, furniture store, jewelry store, pet store and pharmacy. (Binding Element 4).
General placement of the building(s), maximum height of the building(s), and the bulk of the building(s).	Currently, the property contains one residential structure. Prior to the occupancy for uses other than residential, the principal structure shall meet the commercial building code (Binding Element 5).
Design elements (facade treatments, signs, drainage, utilities, sidewalks, gutter and curb, etc).	Signage shall be limited to one post mounted, non-back lit double sided placard sign no more than twenty-five (25) square feet in area and eight feet (8') in height. A wall mounted sign no more than five (5) square feet will also be permitted (Binding Element 2). The property shall maintain the residential scale, size, and style of the neighborhood (Binding Element 6)
General location of internal streets and travelways, average daily trips (ADT) generated by the proposed use, access points to existing streets and parking.	The property shall be limited to the existing access points located on the property. No new access points shall be permitted (Binding Element 8).
Maximum density level, intensity of use, or maximum number of lots.	Hours of operation shall be within the hours of 8:00 a.m. and 9:00 p.m. (Binding Element 1).
Lighting plans.	Lighting on the property shall be focused downward and inward to minimize light trespass onto adjoining residential uses (Binding Element 3).
Landscaping.	The property shall be limited to fifty percent (50%) green space (Binding Element 9). The applicant has also committed the property to be developed in compliance with the landscaping provisions of the Joint Zoning Ordinance/Resolution of Warren County, Kentucky (Binding Element 7)
Provisions for sewage disposal.	There is an eight inch (8") sewer main available at the rear of the property.
Provisions for fire protection.	There is a six inch (6") waterline available along Eastwood Street providing more than six hundred (600) GPM with more than twenty (20) PSI. There is also a ten inch (10") waterline available along Lehman Avenue providing more than six hundred (600) GPM with more than twenty (20) PSI. Both meet the City fire control standards of Bowling Green.

Staff Items of Concern

- *Access Points / Parking;*
- *Landscaping;*
- *Design Elements.*

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 applicant supplied information that a meeting with neighbors took place in the past few days.</p>
<p><u>LU-5A-9</u> All new commercial uses shall be served by public sanitary sewer, when sewer is available.</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>Development of land located within 1,500 feet of a public sanitary sewer, measured by way of public rights-of-way or public utility easements shall be served by public sanitary sewer. There is an eight inch (8") sewer main available at the rear of the property.</p> <p>Any land development within the City limits of Bowling Green must meet the fire protection standard of six hundred (600) gallons per minute (GPM) and twenty (20) pounds / square inch (PSI). There is a six inch (6") waterline available along Eastwood Street providing more than six hundred (600) GPM with more than twenty (20) PSI. There is also a ten inch (10") waterline available along Lehman Avenue providing more than six hundred (600) GPM with more than twenty (20) PSI. Both meet the City fire control standards of Bowling Green.</p>
<p><u>LU-5B-1</u> Infill sites with access to at least a minor collector street may be developed as commercial uses which are low volume traffic generators. The proposed development shall maintain the residential scale, size, and style of the neighborhood. At least 25 percent of the site shall be landscaped open space.</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-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.</p> <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>The property is currently located on the edge of a residential focal point made up of a pre-1960's stable residential neighborhood. Adjacent to the property is the 105-1A By-Pass Central focal point which is a Dominant Use Area and characterized by highway commercial uses. As can be seen on the zoning map, there is a transition of uses along Eastwood Street and Lehman Avenue where uses are mixed by a variety of single-family residential, multi-family residential, and commercial zoning districts.</p> <p>The subject property is zoned RS-1A (Single-Family Residential) and has an existing single-family residential structure on the property. The applicant has stated in the Binding Elements that the use for the property shall be limited to Single-Family Residential, Office Professional-Residential and limited retail up to 4,000 square feet as outlined in the Warren County Zoning Ordinance; however, the following uses will not be permitted on the property: any repair oriented services, branch banks, dry cleaners, emergency medical care, laundromats, photocopy and blueprint services, private gym, taxidermists, mortuaries, veterinarians, animal grooming, vehicle sales, furniture store, jewelry store, pet store and pharmacy. (Binding Element 4). The applicant has also committed in the Binding Elements that the property shall maintain the residential scale, size, and style of the neighborhood (Binding Element 6).</p> <p>The property is located adjacent to single-family residential zoning districts on the south and east property boundaries. As can be seen by the note on the boundary survey, the property has 54% green space not devoted to parking. There are no plans for any new construction on the property, however, prior to the occupancy for a use other than residential, the principal structure shall meet the commercial building code (Binding Element 5)</p> <p>Signage shall be limited to one post mounted, non-back lit double sided placard sign no more than twenty-five square feet in sign face area and eight feet (8') in height. A wall mounted sign no more than five (5) square feet will also be permitted on the property (Binding Element 2).</p>

COMPREHENSIVE PLAN COMPLIANCE (Continued)

Comprehensive Plan Policy:	Application:
<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>The applicant submitted a Binding Element that states lighting on the property shall be focused downward and inward to minimize light trespass onto adjoining residential uses (Binding Element 3)</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-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-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>The subject property shares a boundary with three adjoining properties, all of which are zoned RS-1A (Single-Family Residential). Properties with incompatible uses adjacent to each other are appropriate if properly buffered from residential uses by landscaping, lighting, and noise controls. The applicant has submitted a Statement of Binding Elements that states the property shall be developed in compliance with the landscaping provisions of the Joint Zoning Ordinance/Resolution of Warren County, Kentucky (Binding Element 7).</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>LU-5B-3</u> Primary ingress or egress to the commercial site shall not adversely impact 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>TR-2H</u> Development within the City limits of Bowling Green shall comply with the City's adopted Traffic Access Management Manual.</p> <p><u>TR-2I</u> Within urban areas, private access to existing state, county or city streets should be as restrictive as possible, of few as necessary, and align with other existing entrances.</p>	<p>As can be seen on the zoning map, the property has frontage and access onto Lehman Avenue and Eastwood Street. The access point on Eastwood Street is facing property zoned RS-1A (Single Family Residential). It should be noted that this is the property of a church and has a land use of public institution. The access point located on the Lehman Avenue frontage is facing commercial land uses zoned for commercial.</p> <p>The applicant has committed to limiting the property's number of access points in the Binding Elements by stating that the property shall be limited to the existing access points located on the property. No new access points shall be permitted (Binding Element 8)</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 **sixteen (16)** policies for compliance:

POLICIES **IN** COMPLIANCE

- LU-1A-2;
- LU-5A-4, 5, 6, 9, 11, 12, 13, 14, 15 & 16;
- LU-5B-1 & 3;
- TR-2, 2H & 2I

POLICIES **NOT** IN COMPLIANCE

- LU-5A-4;
- LU-5B-1 & 3;

MOTIONS

I make the motion to **approve** the proposed zoning map amendment, together with and conditioned upon the General Development Plan, docket number, **2011-30-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-1A-2;

LU-5A-4, 5, 6, 9, 11, 12, 13, 14, 15 & 16;

LU-5B-1 & 3;

TR-2, 2H & 2I.

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 **2011-30-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-5A-4;

LU-5B-1 & 3.

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.