

# 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 a tract of land from **RM-3** (Multi-Family Residential) to **PUD** (Planned Unit Development) in order to create a residential development which will incorporate a mix of residential uses including multi-family units, habitat homes, as well as market rate housing. The applicants have agreed to certain restrictions as outlined in the Binding Elements.

**Docket Number:** 2011-27-Z-BG  
**Public Hearing Date:** October 6, 2011  
**Pre-application Conference:** February 1, 2011

**Property Owner:**  
Habitat For Humanity  
517 West 11<sup>th</sup> Avenue  
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:** **PUD** (Planned Unit Development)

**Location of Proposed Zone Change:**  
350 Glen Lily Road  
**Acreage or Square Footage of Tract:**  
14.2 Acres  
**PVA Parcel Numbers:**  
039B-13A-011

**Site District:** Urban Density Development District  
**Focal Point:** 112 ½ Crewdson  
**Development Status:** Growth  
**Infra Status:** S (Sanitary Sewer is Available)  
**Characteristics:** Residential. Post 1960 moderate cost residential neighborhood. Experiencing some deterioration.

**Existing Land Use:** Vacant.  
**Zoning History:** **R-3** (Multi-Family Residential) is the original zoning of this property. It was later converted to **RM-3** (Multi-Family Residential).  
**Surrounding Zoning, Land Use, and Subdivisions:**  
See attached maps.

**Soil Analysis:**  
**Approx. 79% FnB:** Fredonia-Vertrees-urban land complex, 2-6% slopes, rocky  
**Approx. 21% FnC2:** Fredonia-Vertrees-Urban land complex, 6-12% slopes, eroded, rocky  
**Flood Plain:** This property is not located in the 100 year flood area according to FEMA map # 21227C0302 E, dated May 2, 2007.

**Traffic Considerations:** The property has frontage on Glen Lily Road, a State maintained urban collector roadway with fifty feet (50') of right-of-way and twenty-three feet and eight inches (23.8') of pavement width. The property also has frontage on West 12<sup>th</sup> Avenue and Durbin lane. West 12<sup>th</sup> Avenue is a City maintained roadway with fifty feet (50') of right-of-way and twenty (20) feet of pavement width. Drubin Lane is a City maintained roadway with fifty feet (50') of right-of-way and fifteen feet (15') of pavement width.

**Additional Documentation Required:**  
  N/A   Traffic Impact Study  
  N/A   Environmental Assessment  
  X   **Concept Plan**

**Water:** An 8" waterline providing more than 600 GPM at over 20 PSI is available Glen Lily Road. This meets the City fire control standards of Bowling Green.

**Sewer:** An 8" sewer line is available along Glen Lily Road.

## DEVELOPMENT PLAN REVIEW

Comprehensive Plan Element:	Application:
<p><b>Intended use of the property and building(s).</b></p> <p><b>General placement of the building(s), maximum height of the building(s), and the bulk of the buildings.</b></p>	<p>The applicants have proposed mixed and multiple uses of the Property including Multi-Family Residential units, Single-Family Habitat Homes, Market Rate Single-Family Residential Units, as well as a community building to be shared by residents of the development. The applicants have stated in a Statement of Binding Elements that the following uses shall be permitted: Single-Family or Multi-Family residential, <b>OP-R</b> (Office and Professional- Residential) uses as defined by the Warren County Zoning Ordinance, limited retail, and a child care facility (Binding Element XV).</p> <p>The Multi-Family units will be placed near the central and eastern portion of the property, with the single family residences expanding to the north and south. A community center will also be located near the multi-family units on the eastern portion of the property (See Exhibit "B").</p> <p>Minimum setbacks shall be as follows: front setback for all structures, ten feet (10'); front setback for garage, twenty feet (20'); side setback, seven and a half feet (7 ½'); and rear setback, ten feet (10') (Binding Element V).</p> <p>No single-family dwelling unit shall be smaller than one thousand (1,000) square feet of heated interior living space or any larger than two thousand (2,000) square feet of heated interior living space (Binding Element XIII).</p>
<p><b>Design elements (facade treatment, signs, drainage, utilities, sidewalks, gutter and curb, etc).</b></p>	<p>Each building on the property will be constructed with a maximum of fifty percent (50%) vinyl siding. Other permissible building materials include wood, brick, stone, cementitious materials such as "hardiboard" and other modern masonry materials, stucco or EFIS (Binding Element III).</p> <p>Utilities for the development shall be located underground (Binding Element IV).</p> <p>Streets will be developed with five (5) foot sidewalks on at least one (1) side of each street. Sidewalks may be a part of an internal pedestrian circulation system which may attach to the eight (8) foot wide City Greenways System (Binding Element VIII).</p> <p>All property owners will be required to become members of a property owners association to be organized by the developer. The developer will be responsible for the maintenance and upkeep of the common areas until at least thirty (30) individual dwelling units shall have been sold to third parties (Binding Element XII).</p>

## DEVELOPMENT PLAN REVIEW (Cont'd)

<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 will be developed with access points to adjacent streets as shown on Exhibit "B" and with an interior street system as generally shown on Exhibit "B" (Binding Element VI).</p> <p>Parking requirements for individual residential lots may be satisfied by on-street parking, subject to approval of the City of Bowling Green Public Works Department, and as generally shown on Exhibit "B" (Binding Element VII).</p>
<p><b>Maximum density level, intensity of use, or maximum number of lots.</b></p>	<p>No more than forty-nine (49) dwelling units shall be developed on the property. (Binding Element IX).</p> <p>The property may be developed with up to ten thousand (10,000) square feet of building for non-residential use (Binding Element XIV).</p>
<p><b>Lighting plans.</b></p>	<p>The Property will be developed with uniform streetlight poles of fiberglass composite or metal materials (Binding Element X).</p> <p>Lighting for common parking areas and for commercial and office areas shall be designed to focus downward and to minimize light trespass onto adjacent residential properties (Binding Element XI).</p>
<p><b>Landscaping.</b></p>	<p>Staff has requested information about landscaping for the proposed development. As of the writing of this report, no such information has been submitted.</p>
<p><b>Provisions for sewage disposal.</b></p>	<p>All improvements on the property shall be connected to sanitary sewer (Binding Element II).</p>
<p><b>Provisions for fire protection.</b></p>	<p>The property will be developed with sufficient water supply and fire hydrants to meet the fire control standards of the City of Bowling Green, Kentucky (Binding Element I).</p>

**Items of Concern:**

- *Signage;*
- *Landscaping;*
- *Uses;*
- *Design standards.*

## 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 or have a neighborhood meeting, if possible. The applicants did have a neighborhood meeting on January 11, 2011.</p>
<p><b><u>LU-4B-1</u></b> Urban density residential development is permitted only in the committed to “Urban Density Development Areas” as defined in this plan in Policy LU-2.</p>	<p>LU-2.C.1 of the 1990 Comprehensive Plan for Warren County, Kentucky defines Urban Density Development Areas as areas within the corporate limits of Bowling Green, areas within the corporate limits of any 5<sup>th</sup> or 6<sup>th</sup> class city, or areas within 1,500 feet of public sanitary sewer. The property located at 350 Glen Lily Road is within the corporate limits of Bowling Green, making it an area committed to Urban Density Development.</p>
<p><b><u>LU-4B-4</u></b> All urban density residential development shall be served by public sanitary sewer.</p> <p><b><u>LU-5A-9</u></b> All new commercial uses shall be served by public sanitary sewer, when sewer is available.</p>	<p>An 8” sewer line is available along Glen Lily Road. The applicant has committed to connect all improvements on the property to sanitary sewer (Binding Element II).</p>
<p><b><u>LU-4B-2</u></b> 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.</p> <p><b><u>LU-4B-3</u></b> 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.</p> <p><b><u>LU-5A-11</u></b> 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>An 8” waterline providing more than 600 GPM at over 20 PSI is available Glen Lily Road. This meets the City fire control standards of Bowling Green.</p> <p>The applicant has committed that the property will be developed with sufficient water supply and fire hydrants to meet the fire control standards of the City of Bowling Green, Kentucky (Binding Element I).</p>
<p><b><u>LU-4B-5</u></b> Electric, Telephone and CATV utilities should be placed underground in urban density residential developments.</p>	<p>Utilities for the development shall be located underground (Binding Element IV).</p>

## COMPREHENSIVE PLAN COMPLIANCE (CONTINUED)

<p><b><u>LU-4B-7</u></b> Urban density residential development shall have street lights, sidewalks, curbs, and gutters installed at the time of development.</p> <p><b><u>LU-4A-10</u></b> 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.</p>	<p>The Property will be developed with uniform streetlight poles of fiberglass composite or metal materials (Binding Element X).</p> <p>Streets will be developed with five (5) foot sidewalks on at least one (1) side of each street, and as may be approved by the City of Bowling Green Public Works Department. Sidewalks may be a part of an internal pedestrian circulation system which may attach to the City Greenways System (Binding Element VIII).</p>
<p><b><u>LU-4B-6</u></b> 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.</p> <p><b><u>TR-2A</u></b> Adjacent developments shall provide for internal circulation between them in accordance with the subdivision regulations.</p> <p><b><u>TR-2D</u></b> All residential developments of more than 10 lots should be served by an interior street system. Within the Rural Density Development District, private access to existing state and county roads should be spaced at least 200' apart. Joint access easements providing one access point for two properties are encouraged.</p> <p><b><u>LU-4B-8</u></b> High density residential development should have direct access to at least a minor collector street.</p> <p><b><u>LU-5A-4</u></b> 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><b><u>LU-5B-1</u></b> 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>The property will be developed with access points to adjacent streets as shown on Exhibit "B" and with an interior street system as generally shown on Exhibit "B" (Binding Element VI).</p> <p>The property has frontage on Glen Lily Road, a state maintained urban collector roadway. However, it is directly accessed from both Durbin Lane and West 12<sup>th</sup> Avenue, which are City maintained local roadways. The access point for the development located at the intersection of Durbin Lane and Wade Avenue is approximately 1,100 feet from Glen Lily Road when following the right-of-way.</p> <p>As can be seen on the Concept Plan, the proposed internal street does not connect to Glen Lily Road, which is at least a minor collector street.</p>

**COMPREHENSIVE PLAN COMPLIANCE (CONTINUED)**

<p><b><u>LU-5B-3</u> Primary ingress or egress to the commercial site shall not adversely impact any residential neighborhood.</b></p>	<p>Access to any commercial use will be via the proposed newly constructed street as shown on Exhibit "B".</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><b><u>TR-2G</u> Traffic calming techniques should be included in all new developments, where appropriate.</b></p> <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-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.</b></p>	<p>Research shows that on-street parking can serve as a traffic calming technique. The applicant has stated, in their binding elements, that parking requirements for individual residential lots may be satisfied by on-street parking, subject to approval of the City of Bowling Green Public Works Department, and as generally shown on Exhibit "B" (Binding Element VII).</p> <p>The proposed street has extensive curvature which provides slower speeds. The applicant and engineer have met with Bowling Green City Public Works and received verbal approval of the concept plan as shown on Exhibit "B".</p>
<p><b><u>LU-4A-1</u> New residential areas should provide for a mix of housing densities.</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-8</u> Infill residential uses should reflect the overall density and style of the neighborhood.</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>No single family dwelling unit shall be smaller than one thousand (1,000) square feet of heated interior living space nor any larger than two thousand (2,000) square feet of heated interior living space (Binding Element XIII).</p> <p>Each building on the property will be constructed with a maximum of fifty percent (50%) vinyl siding. Other permissible building materials include wood, brick, stone, cementitious materials such as "hardiboard" and other modern masonry materials, stucco or EFIS (Binding Element III).</p> <p>Minimum setbacks shall be as follows: front setback for primary residential structure, ten feet (10'); front setback for garage, twenty feet (20'); side setback, seven and a half feet (7 ½'); and rear setback, ten feet (10') (Binding Element V).</p> <p>No more than forty-nine (49) dwelling units shall be developed on the Property, and no more than twenty-four (24) such dwelling units shall be part of a multi-family structure (Binding Element IX).</p> <p>The Property may be developed with up to ten thousand (10,000) square feet of building for non-residential use (Binding Element XIV).</p>

**COMPREHENSIVE PLAN COMPLIANCE (CONTINUED)**

<p><b><u>LU-4B-9</u></b> High density residential development should provide buffering (e.g. landscaping, fencing, etc.) from incompatible land uses or lower density residential developments.</p> <p><b><u>LU-4B-10</u></b> 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.</p>	<p>Staff has evaluated the density of surrounding developments in order to determine compliance with the Comprehensive Plan. The surrounding developments that were analyzed for density were the following: <b>Glen Lily Manor</b> has ninety-six (96) lots on 27.82 acres for a density of 3.45 units per acre. The <b>A.E Briggs</b> development has sixty-three (63) lots on 16.80 acres for a density of 3.75 units per acre. <b>The Jennie Briggs</b> development has one hundred sixteen (116) on 24.19 acres for a density of 4.80 units per acre.</p> <p>The proposed development intends to have forty-nine (49) units on 14.05 acres for a density of 3.49 units per acre.</p>
<p><b><u>LU-5A-5</u></b> 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><b><u>LU-5A-6</u></b> 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 10 percent of the site, or one-half acre, whichever is larger.</p> <p><b><u>LU-5A-12</u></b> New commercial development should follow sound design principles for buildings, parking, landscaping, signage, and setbacks.</p> <p><b><u>LU-5A-13</u></b> 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><b><u>LU-5A-15</u></b> 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><b><u>LU-5A-16</u></b> 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>Staff has requested information about the landscaping to be submitted for the proposed development in order to determine compliance with the Comprehensive Plan. No information was submitted as of the writing of this report.</p> <p>Staff also requested of the applicant, information about the signage to be submitted for the proposed development in order to determine compliance with the Comprehensive Plan. No information was submitted as of the writing of this report.</p> <p>Lighting for common parking areas and for commercial and office areas shall be designed to focus downward and to minimize light trespass onto adjacent residential properties (Binding Element XI).</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 thirty-four (**34**) policies for compliance:

POLICIES IN COMPLIANCE

- LU-1A-2;
- LU-4A-1, 3, 4, 8, 9 & 10;
- LU-4B-1, 2, 3, 4, 5, 6, 7, 8, 9 & 10;
- LU-5A-4, 6, 9, 11, 12, 15 & 16;
- LU-5B-1 & 3;
- TR-2, 2A, 2D, 2G, 2H, 2I

POLICIES **NOT** IN COMPLIANCE

- LU-4B-8;
- LU-5A-4, 5, 12 & 13;
- LU-5B-1

**MOTIONS**

I make the **motion to approve** the proposed zoning map amendment, together with and conditioned upon the General Development Plan, docket number, **2011-27-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-4A-1, 3, 4, 8, 9 & 10;**
- LU-4B-1, 2, 3, 4, 5, 6, 7, 8, 9 & 10;**
- LU-5A-4, 6, 9, 11, 12, 15 & 16;**
- LU-5B-1 & 3;**
- TR-2, 2A, 2D, 2G, 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 **2011-27-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 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-4B-8;**
- LU-5A-4, 5, 12 & 13;**
- LU-5B-1**

**LU-5B-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.