

# 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 several tracts of land from **GB** (General Business) to **PUD** (Planned Unit Development) in order to construct a new office building. The applicants have agreed to certain restrictions as outlined in the Binding Elements.

**Docket Number:** 2011-29-Z-BG  
**Public Hearing Date:** October 6, 2011  
**Pre-application Conference:** June 22, 2011

**Property Owner:**  
Bowling Green Municipal Utilities  
801 Center Street  
P.O. Box 10300  
Bowling Green, KY 42102-7300

**Development Plan:** This zoning map amendment request was filed with a general development plan (binding elements).

**Zone Map Amendment Request:**  
**FROM:** GB (General Business)  
**TO:** PUD (Planned Unit Development)

**Location of Proposed Zone Change:**  
Property bounded by Main Avenue East, 8<sup>th</sup> Avenue East, Kentucky Street and Center Street  
**Acreeage or Square Footage of Tract:**  
4.04 Acres (175, 982.4 Sq Ft)  
**PVA Parcel Numbers:**  
039A-10-042, 044, 044A, 045, 046 and 039A-11-16, 023, 024, 025, 026 & 027

**Site District:** Urban Density Development District  
**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:** Office/Parking  
**Zoning History:** B-2 (General Business) is the original zoning for this property. B-2 was converted in 2001 to GB (General Business)  
**Surrounding Zoning, Land Use, and Subdivisions:**  
See attached maps.

**Soil Analysis:**  
**100% Ub:** Urban land-Udorthents complex, 0-12% slopes  
**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 Kentucky Street, Main Avenue East, Center Street and 8<sup>th</sup> Avenue East. Kentucky Street is a State maintained urban minor arterial street with fifty feet (50') of right-of-way and twenty-eight feet (28') of pavement width. Main Avenue East is a City maintained urban collector street with fifty feet (50') of right-of-way and forty-one and a half feet (41 ½') of pavement width. Center Street is a City maintained urban local roadway with fifty feet (50') of right-of-way and pavement width that varies. 8<sup>th</sup> Avenue East is a City maintained urban local roadway with fifty feet (50') of right-of-way and twenty-nine feet (29') 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 along 8<sup>th</sup> Avenue East. A 4" waterline providing more than 600 GPM at over 20 PSI is also available along Center Street. Both meet the City fire control standards of Bowling Green.

**Sewer:** An 8" sewer line is available along both Center Street and 8<sup>th</sup> Avenue East.

## 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 WKU Gateway to Downtown Bowling Green (the “Gateway Development”) is a multi-block redevelopment in the City of Bowling Green extending from the Northeastern edge of the Western Kentucky University Campus to an area bounded by Chestnut Street, Center Street and 6th Avenue. WKU Gateway to Downtown Bowling Green is envisioned as a vibrant mix of uses including a new minor league baseball park, urban residences, offices, hotels, shops, and restaurants along pedestrian friendly streets. The portion of the Gateway Development that is the subject of this narrative Concept Plan consists of Block 10, bounded by Kentucky Street, 8th Avenue East, Main Avenue East and Center Street and is more generally shown on the Site/ Concept Plan.</p> <p>The applicants are proposing to construct a new Bowling Green Municipal Utilities (BGMU) office building on the corner of Kentucky Street and Main Avenue East. The current BGMU office building and existing BGMU Annex building that front Center Street will be demolished at a later date after completion of the new office building.</p>
<p><b>Design elements (facade treatment, signs, drainage, utilities, sidewalks, gutter and curb, etc).</b></p>	<p>A comprehensive set of design guidelines and review process, including standards for bulk, signage, lighting, architectural style, building materials, and landscaping have been developed for the entire Gateway Development, including Block 10 (See attached TIF Architectural Standards). The applicant have committed that prior to the issuance of a building permit for any improvements to the property, the proposed improvements will be submitted to the Design Review Committee of the Warren County Economic Development Authority, Inc. for consultation and comment (Binding Element IX).</p> <p>The applicants have committed that improvements on the Property will be developed with at least 80% architectural steel, EFIS, brick, stone or other modern masonry materials. No plain face block shall be permitted as a part of any façade (Binding Element V).</p> <p>Signage on the property will be developed in compliance with the signage provisions of the Zoning Ordinance of Warren County, Kentucky. In any event, freestanding signage shall be limited to monument-style signage no taller than fifteen feet (15’) in height and no larger than one hundred twenty (120) square feet on each sign face. Wall mounted signs shall be allowed (Binding Element III).</p> <p>The applicant did not address in their Binding Elements whether they intend the relocation of the existing overhead utility lines (to be placed underground) with this development for Block 10.</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 will be served with three (3) access points to Kentucky Street as generally shown on Exhibit “B” and to two (2) access points for each of Center, Eighth and Ninth Streets (Binding Element VIII).</p> <p>The Staff would ask the applicant to consider reducing the stated nine (9) access points to no more than six (6) for the development.</p>

## DEVELOPMENT PLAN REVIEW (Continued)

<p><b>Maximum density level, intensity of use, or maximum number of lots.</b></p>	<p>Use of the property will be limited to the following uses: OP-C uses as defined in the Zoning Ordinance; Open Areas; Community Services; Religious Institutions; Eating Establishments (excluding Drive-through); Commercial Parking; Retail Sales and Service (excluding Animal Hospital, Kennel or Veterinarian; Greenhouse or Nursery, Live Animal or Poultry Sales, Planned Shopping Centers, Vehicle Sales, and Heavy Vehicle &amp; Manufactured Home Sales) (Binding Element VI).</p>
<p><b>Lighting plans.</b></p>	<p>The Property will be developed with uniform street lighting with poles of a steel or composite material (Binding Element VII).</p>
<p><b>Landscaping.</b></p>	<p>Landscaping on the Property will be installed and maintained in compliance with the landscaping provisions of the Zoning Ordinance of Warren County, Kentucky (Binding Element IV).</p>
<p><b>Provisions for sewage disposal.</b></p>	<p>All improvements on the Property shall be connected to sanitary sewer (Binding Element I).</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 II).</p>

**Staff Items of Concern:**

- *Compatibility of the proposed redevelopment with surrounding properties and structures;*
- *Traffic management & parking within this block;*
- *Number of proposed access points;*
- *Timeline for underground utilities for Block 10; and*
- *Proposed uses within development.*

## 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. No information relating to Policy LU-1A-2 was forwarded to the Planning Commission Staff.</p>
<p><b><u>LU-1C</u></b> “Leap-frog” development, development at urban densities beyond the availability of urban services and uncontrolled development directly fronting existing county roads should be discouraged. Instead, the community should encourage and promote the utilization of land in areas already served by adequate utilities and other infrastructure.</p> <p><b><u>LU-1D</u></b> The governments of Warren County should promote and support the development and redevelopment of in-fill sites which already have adequate urban services. In-fill sites, for the purpose of this document, shall be defined as any area of 10 acres or less which is generally surrounded by development and which is served by existing public services.</p>	<p>The applicant is proposing to redevelop an area within the City of Bowling Green. This area has existing utilities that will be reutilized to their fullest extent. Thus, utilities will not be extended out into undeveloped areas of the community.</p> <p>The property is served by sanitary sewer and water services, as well as electrical services, all provided by Bowling Green Municipal Utilities.</p> <p>Existing public streets will serve the Property.</p>
<p><b><u>LU-5A-2</u></b> Commercial uses include all non-residential, non-industrial uses considered under this Plan.</p>	<p>As mentioned in the development plan review, use of the property will be limited to the following uses: OP-C uses as defined in the Zoning Ordinance; Open Areas; Community Services; Religious Institutions; Eating Establishments (excluding Drive-through); Commercial Parking; Retail Sales and Service (excluding Animal Hospital, Kennel or Veterinarian; Greenhouse or Nursery, Live Animal or Poultry Sales, Planned Shopping Centers, Vehicle Sales, and Heavy Vehicle &amp; Manufactured Home Sales) (Binding Element VI).</p>
<p><b><u>LU-5C-1</u></b> 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>There are several dominant uses defined for the Dominant Use Area in which the Property is located. 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.</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” waterline providing more than 600 GPM at over 20 PSI is available along 8<sup>th</sup> Avenue East. A 4” waterline providing more than 600 GPM at over 20 PSI is also available along Center Street. Both meet the City fire control standards of Bowling Green.</p> <p>The applicant has stated that all improvements to the property shall be connected to sanitary sewer (Binding Element I).</p>

## COMPREHENSIVE PLAN COMPLIANCE (Continued)

<p><b><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.</b></p>	<p>An 8" sewer line is available along both Center Street and 8<sup>th</sup> Avenue East.</p> <p>According to the binding elements, 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 II).</p>
<p><b><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.</b></p> <p><b><u>TR-1</u> Provisions should be made for safe movement, in the most expeditious manner, of people and goods from place to place throughout the country.</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-2F</u> Increased building setbacks and more stringent sign controls on arterial and collector streets should be required.</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>The property has frontage on Kentucky Street, Main Avenue, Center Street and 8<sup>th</sup> Avenue East. Kentucky Street is a State maintained urban minor arterial and Main Avenue is a City maintained urban collector street.</p> <p>All public street access to the Property will be coordinated with the Kentucky Transportation and the City of Bowling Green Traffic Access Manual.</p> <p>The Property will be served with three (3) access points to Kentucky Street as generally shown on Exhibit "B" and to two (2) access points for each of Center, Eighth and Ninth Streets (Binding Element VIII).</p> <p>The Staff requested a limit on the number of access points within this block. The Applicants are proposing nine (9) access points to serve this block.</p>

## COMPREHENSIVE PLAN COMPLIANCE (Continued)

<p><b><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.</b></p> <p><b><u>LU-5A-12</u> New commercial development should follow sound design principles for buildings, parking, landscaping, signage, and setbacks.</b></p> <p><b><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.</b></p> <p><b><u>LU-5A-14</u> Parking areas are discouraged within the building setback areas to allow for street landscaping.</b></p> <p><b><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.</b></p>	<p>Signage on the property will be developed in compliance with the signage provisions of the Zoning Ordinance of Warren County, Kentucky. In any event, freestanding signage shall be limited to monument-style signage no taller than fifteen feet (15') in height and no larger than one hundred twenty (120) square feet on each sign face. Wall mounted signs shall be allowed (Binding Element III).</p> <p>Landscaping on the Property will be installed and maintained in compliance with the landscaping provisions of the Zoning Ordinance of Warren County, Kentucky (Binding Element IV).</p> <p>The applicant's concept plan and building elevations show parking within the building setback along Kentucky street. The parking along Kentucky Street is to rear of the proposed building, the public entrance of the new facility faces internal to the block.</p>
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## COMPREHENSIVE PLAN COMPLIANCE SUMMARY

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

### POLICIES IN COMPLIANCE

- LU-1C;
- LU-1D;
- LU-5A-2, 4, 5, 9, 11, 12, 13, 14 & 15;
- LU-5C-1;
- TR-1, 2, 2F & 2H

### POLICIES NOT IN COMPLIANCE

- LU-1A-2;
- TR-2I

## MOTIONS

I make the **motion to approve** the proposed zoning map amendment, together with and conditioned upon the General Development Plan and Concept Plan, docket number, **2011-29-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-1C;*

*LU-1D;*

*LU-5A-2, 4, 5, 9, 11, 12, 13, 14 & 15;*

*LU-5C-1;*

*TR-1, 2, 2F & 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 **2011-29-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-1A-2;*

*TR-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.