

ZONE CHANGE STAFF REPORT

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

Summary: The applicant proposes to rezone multiple properties from **RS-1A & RM-2** (Single Family & Multi-Family Residential) to **OP-C** (Office and Professional – Commercial) in order to bring the property into compliance and expand the parking on the property. The applicant has also agreed to certain site restrictions as outlined in the Binding Elements.

Docket Number: 2011-15-Z-BG

Public Hearing Date: May 19, 2011

Pre-application Conference: April 24, 2011

Applicant(s):

Broadway United Methodist Church, Inc.
1323 Melrose Street
Bowling Green, KY 42104

Development Plan:

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

Zone Map Amendment Request:

FROM: RS-1A & RM-2 (Single Family and Multi-Family Residential)
TO: OP-C (Office and Professional – Commercial)

Location of Proposed Zone Change:

1323 Melrose Street

Acreage or Square Footage of Tract:

7.56 Acres (329,313.6 Sq. Ft.)

PVA Parcel Number(s):

040B-38-050, 040B-38-064 & 040B-40-14, 15, 16, 17, 18 & 19 and Portion of 040B-38-060

Site District: Urban Density Development

Focal Point: 106-3 Smallhouse

Development Status: Stable

Infra Status: S (Sanitary Sewer is Available)

Characteristics: Residential. Mid 1960's stable residential but with some deterioration.

Existing Land Use: Institutional (Church)

Zoning History: R-1 (Single Family Residential) and R-2 (Multi-Family Residential) are the original zoning classifications for the subject properties. The properties were later converted to RM-2 (Multi-Family Residential) and RS-1A (Single Family Residential) in 2001.

Soil Analysis:

100% CuB: Crider-Urban land complex, 2-6% slopes

Flood Plain: The property is not located in the 100-year flood area according to FEMA FIRM map # 21227CO302 E.

Surrounding Zoning and Land Use: See maps.

Traffic Considerations: The property has frontage on Melrose Street, Karen Avenue, Elizabeth Street and Oliver street. All are City maintained local residential roadways with fifty (50) feet of right-of-way and twenty-four (24) feet of pavement width.

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 Karen avenue and Melrose Street, each providing more than six hundred (600) GPM with more than twenty (20) PSI. This meets the City fire control standards of Bowling Green.

Sewer: There is an eight inch (8") sewer line available along Melrose Street and Elizabeth Avenue.

DEVELOPMENT PLAN REVIEW

Comprehensive Plan Element:	Application:
General placement of the building(s), maximum height of the building(s), and the bulk of the building(s).	The applicants propose no additional building construction at this time; however, the applicants do wish to expand parking by the construction of a new parking area to the southeast of the church.
Intended use of the property and building(s).	The uses of the property shall be limited to church-related activities except (for) the existing single family houses, (which) may remain rental properties for residential use (Binding Element 3).
Design elements (facade treatments, signs, drainage, utilities, sidewalks, gutter and curb, etc).	<p>The exteriors of all new buildings constructed on the property shall be constructed of at least 30% masonry materials; such as brick, stone, rock, drivit, EFIS, decorative block or similar material (Binding Element 2).</p> <p>Monument style signs shall be no greater than seven (7) feet in height and seventy-five (75) square feet in sign face area. The property shall also be limited to wall signage of five percent (5%) of each facade or a maximum of fifty (50) square feet per facade. (Binding Element 4).</p>
Maximum density level, intensity of use, or maximum number of lots.	The application contains 7.56 Acres (329,313.6 Sq. Ft.) to be rezoned from RS-1A (Single Family Residential) and RM-2 (Multi-Family Residential) to OP-C (Office and Professional – Commercial). The Zoning Ordinance of Warren County does limit the height in the OP-C zoning classification to six (6) stories; however, there is no limitation on the square footage of structures.
General location of internal streets and travelways, average daily trips (ADT) generated by the proposed use, access points to existing streets and parking.	Street access shall be limited to the existing and proposed entrances as generally shown on Exhibit “B”. There shall be no more than one entrance on Oliver Street, two (2) on Karen [existing] and three (3) on Melrose Street.
Landscape, screening and/or buffering plan.	All new construction, including parking areas, shall provide a landscape buffer adjoining any residential use or right of way not less than ten (10) feet in width (Binding Element 5). There shall be a minimum of twenty-five percent (25%) green space maintained on the total site (Binding Element 6).
Lighting plans.	Lighting, excluding existing, on the subject property shall be down lighting, high intensity discharge, shoebox luminary type or wall-packed lighting specifically designed to direct all lighting on the subject property and away from any adjacent property, said lighting not to exceed 30 feet in height from ground level (Binding Element 1).
Provisions for sewage disposal.	There is an eight inch (8”) sewer line available along Melrose Street and Elizabeth Avenue. Any new development will be required to connect to public sanitary sewer.
Provisions for fire protection.	There is a six inch (6”) waterline available along Karen avenue and Melrose Street, each providing more than six hundred (600) GPM with more than twenty (20) PSI. This meets the City fire control standards of Bowling Green.

Staff Items of Concern

- *Compatibility with surrounding properties;*
- *Adequate Landscaping;*
- *Access to the Property;*
- *Maximum square footage of building(s).*

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 applicants have informed the Planning Commission staff that a neighborhood meeting was held on May 4, 2011.</p>
<p><u>LU-2C-1</u> Urban Density Development District. Areas within the corporate limits of Bowling Green, areas within the corporate limits of any 5th or 6th class city, or areas within 1,500 feet of public sanitary sewer are declared to be “potentially suitable for Urban Density Development”.</p>	<p>The property does sit within the 106-3 Smallhouse Focal Point, which is described as a stable, Urban Development District. The characteristics of the Smallhouse Focal Point are residential with mid 1960’s stable residential (dwelling units) but with some deterioration.</p>
<p><u>LU-5A-9</u> All new commercial uses shall be served by public sanitary sewer, when sewer is available.</p>	<p>There is an eight inch (8”) sewer line available along Melrose Street and Elizabeth Avenue.</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>There is a six inch (6”) waterline available along Karen avenue and Melrose Street, each providing more than six hundred (600) GPM with more than twenty (20) PSI. This meets the City fire control standards of Bowling Green.</p>
<p><u>LU-5A-2</u> Commercial uses include all non-residential, non-industrial uses considered under this Plan.</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-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. Sites larger than one acre should reserve green space of at least 20 percent of the site or one-half acre, whichever is larger.</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-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>A major portion of the property has been in use as a Religious Institution (church) prior to the enactment of zoning for Bowling Green and Warren County. In 1999, the church received a Conditional Use Permit to expand the building footprint and parking areas. Also in 1999, the Church applied for and received a Variance for the total lot coverage on both the R-1 and R-2 zoned tracts to a maximum of 54.02% total lot coverage. In 2003, the Church applied for and received a Variance from a total of 54.02 % lot coverage to a maximum of seventy percent (70%) total lot coverage. The applicants have committed that all new construction, including parking areas, shall provide a landscape buffer adjoining any residential use or right of way not less than ten (10) feet in width (Binding Element 5) and that there shall be a minimum of twenty-five percent (25%) green space maintained on the total site (Binding Element 6).</p> <p>The applicants have committed that the uses of the property shall be limited to church-related activities except (for) the existing single family houses, (which) may remain rental properties for residential use (Binding Element 3).</p> <p>As can be seen from the attached Zoning Map, the properties that surround the zone change request are zoned RS-1A (Single Family Residential), RM-2 (Multi-Family Residential) or OP-C (Office and Professional - Commercial).</p> <p>The exteriors of all new buildings constructed on the property shall be constructed of at least 30% masonry materials; such as brick, stone, rock, drivit, EFIS, decorative block or similar material (Binding Element 2).</p>

COMPREHENSIVE PLAN COMPLIANCE (Continued)

Comprehensive Plan Policy:	Application:
<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-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><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>Monument style signs shall be no greater than seven (7) feet in height and seventy-five (75) square feet in sign face area. The property shall also be limited to wall signage of five percent (5%) of each facade or a maximum of fifty (50) square feet per facade. (Binding Element 4).</p> <p>Lighting, excluding existing, on the subject property shall be down lighting, high intensity discharge, shoebox luminary type or wall-packed lighting specifically designed to direct all lighting on the subject property and away from any adjacent property, said lighting not to exceed 30 feet in height from ground level (Binding Element 1).</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-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-5B-2</u> Peripheral commercial development must be located on at least a minor collector street.</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>Although the church could not be considered a "low-traffic generator" and none of the roadways (Karen Avenue, Oliver Street or Melrose Street) would be considered a minor collector; the time and specific nature of the traffic could be considered to have a negligible impact on the surrounding residential areas. The applicants are currently not proposing any additional building construction, but do plan to provide additional parking to the southeast of the church.</p> <p>The applicants are proposing that street access shall be limited to the existing and proposed entrances as generally shown on Exhibit "B". There shall be no more than one entrance on Oliver Street, two (2) on Karen [existing] and three (3) on Melrose Street.</p> <p>As can be seen from Exhibit "B", the proposed future access points will replace existing residential access points along certain roadways. The applicants will be required to be in compliance with the City of Bowling Green's Traffic Access Management Manual.</p>

COMPREHENSIVE PLAN COMPLIANCE SUMMARY

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

POLICIES IN COMPLIANCE

- *LU-1A-2*
- *LU-2C-1*
- *LU-5A-2, 5, 9, 11, 12, 13, 14, 15 & 16*
- *LU-5B-2*
- *TR-2 & TR-2H*

POLICIES NOT IN COMPLIANCE

- *LU-5A-4 & 6*
- *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, **2011-15-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-2C-1;
LU-5A-2, 5, 9, 11, 12, 13, 14, 15 & 16;
LU-5B-2;
and
TR-2 & TR-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 **2011-15-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 & 6
and
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.