

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 **25.034** acre tract of property from **AG** (Agriculture) to **LI** (Light Industrial) in order to create a chipping business, office and an area for equipment storage. The applicants have also agreed to certain site restrictions as outlined in the Binding Elements.

Docket Number: 2011-17-Z-CO

Property Owners:
William and Sandra Smith

Public Hearing Date: July 7, 2011

Contract Vendee:

Jack White

Pre-application Conference: May 2, 2011

Address:

2968 Barren River Road

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: AG (Agriculture)

TO: LI (Light Industrial)

Location of Proposed Zone Change:

2085 Barren River Road

Acreage or Square Footage of Tract:

25.034 Acres (1,090,468.8 Sq. Ft.)

PVA Parcel Number:

A Portion of 039B-27-034

Site District: Rural Conservancy District

Focal Point: 112-4 Bill Dedmon Rd

Development Status: Stable

Infra Status: U (Sanitary Sewer is Unavailable)

Characteristics: Agriculture/Open Space. Experiencing some low density residential conversion.

Existing Land Use: Agriculture

Soil Analysis:

Approx. 89% FeC: Fredonia-Vertrees complex, 6-12% slopes, very rocky

Approx. 8% Pq: Pits, quarry

Approx. 3% UaC: Udorthents, 0-20% slopes

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

Surrounding Zoning and Land Use: See maps.

Flood Plain: The property is not located in the 100 year flood area according to FEMA map #21227C0163E dated May 2, 2007.

Traffic Considerations: The property has frontage on Barren River Road, a rural minor collector roadway, with right-of-way and pavement width that vary.

Additional Documentation Required:

N/A Traffic Impact Study

N/A Environmental Assessment

N/A Other

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

Sewer: According to the Warren County Water District, a 6" sanitary sewer force main does run along Barren River Road, across the roadway from the proposed site.

DEVELOPMENT PLAN REVIEW

Comprehensive Plan Element:	Application:
<p>General placement of the building(s), maximum height of the building(s), and the bulk of the building(s).</p> <p>Intended use of the property and building(s).</p>	<p>The applicants intend to use the property for a chipping business, office and equipment storage. A residential structure is situated at the front of the property and is a potential location for the chipping business office.</p> <p>No building shall be taller than forty-five (45) feet in height (Binding Element VIII).</p> <p>According to the Binding Elements, the following uses shall not be permitted on the Property: Drive-thru eating establishment, off-premise advertising sign, commercial parking, sportsman's farm, firearms/shooting range, vehicle sales, solid waste, storage or transfer, adult entertainment, or heavy and manufactured home sales. (Binding Element IV). The Binding Elements also state Storage Tanks will only be allowed on the Property in a building or permanent enclosure (Binding Element VI) and all structures on the Property utilized for non-residential use shall meet minimum commercial building codes prior to such use (Binding Element X).</p>
<p>Design elements (facade treatments, signs, drainage, utilities, sidewalks, gutter and curb, etc).</p>	<p>Signage shall be limited to a single monument style sign for each developed parcel, no taller than seven (7) feet and no larger than fifty (50) square feet for each sign face. Signs shall not be illuminated (Binding Element III).</p>
<p>General location of internal streets and travelways, average daily trips (ADT) generated by the proposed use, access points to existing streets and parking.</p>	<p>The property will be limited to a total of two access points to Barren River Road. One access point will be located directly across Barren River Road from the current access point for TS Trucking and will be the only access point constructed to allow heavy truck traffic. The access points will be located as generally shown on Exhibit "B" (Binding Element II).</p>
<p>Maximum density level, intensity of use, or maximum number of lots.</p>	<p>The proposed re-zoning consists of approximately 25.034 acres with an existing home, shed and barn.</p>
<p>Lighting plans.</p>	<p>Any lighting on the Property shall be downlighting, high-intensity discharge shoebox luminary type or wall-pack lighting on the Property specifically designed to direct lighting on the Property to minimize light trespass to adjacent Property (Binding Element VII).</p>
<p>Landscaping.</p>	<p>The Property will be developed to meet the minimum requirements of the landscape provisions of the zoning ordinance of Warren County. In addition, new improvements, outdoor storage and parking areas will be screened from view on the northern property line and along Barren River Road by maintaining the existing tree line on the northern property line and/or by installing and maintaining a double staggered row of mixed hardwood and evergreen trees (Binding Element V).</p>
<p>Provisions for sewage disposal.</p>	<p>According to the Warren County Water District, a 6" sanitary sewer force main does run along Barren River Road, across the roadway from the proposed site. The applicants have made a commitment that the property will be connected to public sanitary sewer if required by the Barren River District Health Department or the Warren County Water District or if the applicant were to construct any more than 10,000 square feet of new building.</p>
<p>Provisions for fire protection.</p>	<p>The property will be developed with sufficient water service to meet the fire control standards of Warren County, Kentucky (Binding Element I).</p>

Staff Items of Concern

- *Access to the site;*
- *Adequate Landscaping and buffering;*
- *Proposed Uses;*
- *Compatibility with surrounding properties.*

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 did inform staff that a neighborhood meeting was held on Monday, June 27, 2011.</p>
<p><u>LU-2C-3</u> 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>The property is located in the 112-4 Bill Dedmon Road Focal Point, which is classified as a Rural Conservancy District and the area is characterized as Agriculture/Open Space experiencing some low density residential conversion.</p>
<p><u>LU-6A-3</u> 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>The applicants are rezoning the property to provide an office for a chipping business, truck and equipment parking and maintenance facilities. The applicants have also stated that the following uses shall not be permitted on the Property: Drive-thru eating establishment, off-premise advertising sign, commercial parking, sportsman's farm, firearms/shooting range, vehicle sales, solid waste, storage or transfer, adult entertainment, or heavy and manufactured home sales. (Binding Element IV).</p>
<p><u>LU-6A-6</u> New industrial uses shall be served by public sanitary sewer, when sewer is available.</p>	<p>According to the Warren County Water District, a 6" sanitary sewer force main does run along Barren River Road, across the roadway from the proposed site.</p> <p>The applicants have committed in the Binding Elements that any sanitary facilities added to the property as a part of a new building, those sanitary facilities will be connected to public sanitary sewer if required by the Warren County Water District and/or the Barren River District Health Department. In any event, no more than 10,000 square feet of new building improvements may be added to the Property without providing a connection to public sanitary sewer (Binding Element IX).</p>
<p><u>LU-6A-7</u> 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 Barren River Road providing greater than 600 GPM with more than 20 PSI. This is adequate for industrial uses and meets the minimum fire control standards of Warren County.</p>
<p><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.</p> <p><u>LU-6A-11</u> 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 committed in the Binding Elements that Storage Tanks will only be allowed on the Property in a building or permanent enclosure (Binding Element VI).</p> <p>The applicants have also stipulated that all structures on the Property utilized for non-residential use shall meet minimum commercial building codes prior to such use (Binding Element X).</p>

COMPREHENSIVE PLAN COMPLIANCE (continued):

Comprehensive Plan Policy:	Application:
<p><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.</p> <p><u>LU-6A-13</u> Parking areas are discouraged within the building setback areas to allow for street landscaping.</p>	<p>The Property will be developed to meet the minimum requirements of the landscape provisions of the zoning ordinance of Warren County. In addition, new improvements on the Property will be screened from view from the north or east by maintaining the existing tree line on the northern property line and/or by installing and maintaining a double staggered row of mixed hardwood and evergreen trees (Binding Element V).</p>
<p><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.</p>	<p>Signage shall be limited to a single monument style sign for each developed parcel, no taller than seven (7) feet and no larger than fifty (50) square feet for each sign face. Signs shall not be illuminated (Binding Element III).</p>
<p><u>LU-6E-1</u> New industrial uses are not permitted.</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 three soil types: UaC – Udorthents, 0 to 20 percent slopes, Pq – Pits, Quarry, and FeC – Fredonia-Vertrees Complex, 6 to 12 percent slopes, very rocky. Of the the three soil types located within the property, the FeC soil type is unsuited 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 depth to bedrock, slope, areas of rock outcrop, slow permeability, and shrink-swell potential.</p>
<p><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.</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>The property has frontage on Barren River Road, a rural minor collector road, with right-of-way and pavement width that varies.</p> <p>The property will be limited to a total of two access points to Barren River Road. One access point will be located directly across Barren River Road from the current access point for TS Trucking and will be the only access point constructed to allow heavy truck traffic (Binding Element II).</p>

COMPREHENSIVE PLAN COMPLIANCE SUMMARY

The staff evaluated the following **thirteen (13)** policies for compliance:

POLICIES IN COMPLIANCE

- LU-1A-2
- LU-6A-3, 5, 6, 7, 9, 11, 12, 13 & 14;
- TR-2

POLICIES NOT IN COMPLIANCE

- LU-2C-3
- 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, **2011-17-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-6A-3, 5, 6, 7, 9, 11, 12, 13 & 14;
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 **2011-17-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:

(State Specific Policies, such as:)
LU-2C-3 and/or 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.