

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 multiple tracts of property totaling approximately 5.58 acres from **OP-C, HB** and **RM-4** (Office and Professional – Commercial, Highway Business and Multi-family Residential) to **OP-C** (Office and Professional – Commercial) in order to operate professional offices and construct appropriate parking for such use. The applicants have also agreed to certain site restrictions as outlined in the Binding Elements.

Docket Number: 2011-18-Z-BG

Public Hearing Date: July 7, 2011

Pre-application Conference: May 19, 2011

Applicant(s):
Clinic Building BG, LLC, et al
201 Park Street
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: OP-C, HB and RM-4 (Office and Professional – Commercial, Highway Business and Multi-family Residential)
TO: OP-C (Office and Professional – Commercial)

Location of Proposed Zone Change:
126, 134, 144, 148 & 150 Chestnut Street, 610, 622 & 624 2nd Ave East, and 201 Park Street
Acreage or Square Footage of Tract:
5.57 acres (242,629.2 Sq. Ft.)
PVA Parcel Number:
039A-02-006 and 039A-03-005, 006, 009, 010, 011, 022, 024 & 025

Site District: Urban Density Development
Focal Point: 102-1 Fairview
Development Status: Transitional
Infra Status: S (Sanitary Sewer is Available)
Characteristics: Residential. In transition from low-moderate priced homes to semi-public, institutional and office uses surrounding the medical complex.

Existing Land Use: Residential, Office and parking.

Zoning History: R-4 was the original zoning for all properties. A portion of the property was rezoned from R-4 to B-4 in 1982 and a portion of the property was rezoned from R-4 to OP in 1981. R-4 was converted to RM-4; B-4 was converted to HB and OP was converted to OP-R in 2001. The property was converted from OP-R to OP-C in 2003.

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 #21227C0306E.

Surrounding Zoning and Land Use: See maps.

Traffic Considerations: The properties of interest have frontage on Chestnut Street, a City maintained local roadway with fifty (50) feet of right-of-way and thirty-one (31) feet of pavement width. The properties also have frontage on 2nd Avenue, a City maintained local roadway with fifty (50) feet of right-of-way and pavement width that varies. The properties of concern also have frontage on Park Street, a City maintained local roadway with fifty (50) feet of right-of-way and twenty-five (25) feet of pavement width.

Additional Documentation Required:
N/A Traffic Impact Study
N/A Environmental Assessment
N/A Other

Water: There is a four inch (4") waterline available along Chestnut Street providing more than six hundred (600) GPM with more than twenty (20) PSI to all properties of concern. This meets the City fire control standards of Bowling Green, KY.

Sewer: There is an eight inch (8") sewer line available to all properties.

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 are not proposing any new structures; however the applicants are in the process of expanding the existing structure located at 201 Park Street (Graves & Gilbert Clinic). The proposed rezoning would allow for the applicants to provide for additional parking and to bring current uses on the properties into compliance with the Zoning Ordinance of Warren County, Kentucky.
Intended use of the property and building(s).	The properties of interest will be used for medical offices and parking expansion.
Design elements (facade treatments, signs, drainage, utilities, sidewalks, gutter and curb, etc).	Any future signage on the premises will be monument style, and will be lit and sized in a manner consistent with zoning codes (Zoning Ordinance of Warren County, Kentucky) that exist at the time the signs are installed (Binding Element 2).
Maximum density level, intensity of use, or maximum number of lots.	N/A
General location of internal streets and travelways, average daily trips (ADT) generated by the proposed use, access points to existing streets and parking.	Most of the existing parking areas and driveways have already been constructed. The applicants are proposing to rezone the properties to an appropriate commercial zoning classification.
Landscape, screening and/or buffering plan.	The premises will be landscaped in a manner consistent with the City's zoning code (Zoning Ordinance of Warren County, Kentucky) (Binding Element 3).
Lighting plans.	Any exterior lighting for parking lots would be downlighting that would not direct light toward any adjoining residential properties (Binding Element 1).
Provisions for sewage disposal.	There is an eight inch (8") sewer line available to all properties.
Provisions for fire protection.	There is a four inch (4") waterline available along Chestnut Street providing more than six hundred (600) GPM with more than twenty (20) PSI to all properties of concern. This meets the City fire control standards of Bowling Green, KY.

Staff Items of Concern

- *None.*

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. No information regarding a neighborhood meeting has been forwarded to the Planning Commission Staff.</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 four inch (4”) waterline available along Chestnut Street providing more than six hundred (600) GPM with more than twenty (20) PSI to all properties of concern. This meets the City fire control standards of Bowling Green, KY.</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 to all properties.</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, which ever 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><u>LU-5A-14</u> Parking areas are discouraged within the building setback areas to allow for street landscaping.</p>	<p>As can be seen from the attached Zoning Map, the properties that surround the zone change request are zoned OP-C (Office and Professional - Commercial), RM-4 (Multi-Family Residential), or HB (Highway Business). There are also properties in the general vicinity zoned GB (General Business), P (Public), LI (Light Industrial) and PUD (Planned Unit Development).</p> <p>The property will be developed to meet the minimum requirements of the landscape provisions of the Zoning Ordinance of Warren County, Kentucky (Binding Element 3).</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>Any future signage on the premises will be monument style, and will be lit and sized in a manner consistent with zoning codes (Zoning Ordinance of Warren County, Kentucky) that exist at the time the signs are installed (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>Any exterior lighting for parking lots would be downlighting that would not direct light toward any adjoining residential properties (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><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>The properties of interest have frontage on Chestnut Street, a City maintained local roadway with fifty (50) feet of right-of-way and thirty-one (31) feet of pavement width. The properties also have frontage on 2nd Avenue, a City maintained local roadway with fifty (50) feet of right-of-way and pavement width that varies. The properties of concern also have frontage on Park Street, a City maintained local roadway with fifty (50) feet of right-of-way and twenty-five (25) feet of pavement width.</p>

COMPREHENSIVE PLAN COMPLIANCE SUMMARY

The staff evaluated the following **seventeen (17)** policies for compliance:

POLICIES IN COMPLIANCE

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

POLICIES **NOT** IN COMPLIANCE

- *LU-1A-2*
- *LU-5A-6 & 14*

MOTIONS

I make the motion to **approve** the proposed zoning map amendment, together with and conditioned upon the General Development Plan, docket number, **2011-18-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-5A-4, 5, 6, 9, 11, 12, 13, 14, 15 & 16;

LU-5B-1, 2, & 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 **2011-18-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-1A-2 and/or LU-5A-6 & 14

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.