

# ZONE CHANGE STAFF REPORT

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

**Summary:** The applicants propose to rezone a tract of property from **AG** (Agriculture) to **OP-C** (Office and Professional-Commercial) in order to bring the property into compliance for a Marketing & Design Office located on the property. The applicants have also agreed to certain site restrictions as outlined in the Binding Elements.

**Docket Number:** 2012-01-Z-CO  
**Public Hearing Date:** January 5, 2012  
**Pre-application Conference:** September 28, 2011

**Applicant(s):**  
Riverbend Sports Group, LLC  
433 Old Richardsville 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: OP-C** (Office and Professional – Commercial)

**Location of Proposed Zone Change:**  
315 Beech Bend Road (Approximately 300ft NE from the intersection of Fort Webb Drive and Beech Bend Road).  
**Acreeage or Square Footage of Tract:**  
1.2012 Acres (52,324.272 Sq. Ft.)  
**PVA Parcel Number:**  
039B-01-016

**Site District:** Urban Density Development District  
**Focal Point:** 113-1 Slim Island  
**Development Status:** Stable  
**Infra Status:** U (Sewer is available within 1,500 feet)  
**Characteristics:** Agriculture/Open Space. Agricultural land with some transition to low density residential. Includes BeechBend Park.

**Existing Land Use:**  
Office use.  
**Zoning History:**  
**AG** (Agriculture) is the original zoning for this property. A Special Exception Permit (Conditional Use Permit) was granted for the property on October 12, 1972 for an Art and Antique Shop.  
**Flood Plain:** The property is not located in the 100-year flood area according to FEMA FIRM map # 21227CO304 E

**Soil Analysis:**  
**Approx. 97% FeC:** Fredonia-Vertrees complex, 6-12% slopes, very rocky  
**Approx. 2% CrB:** Crider silt loam, 2-6% slopes  
**Approx. 1% FnB:** Fredonia-Vertrees-Urban land complex, 2-6% slopes, rocky

**Traffic Considerations:**  
The property has frontage on Beech Bend Road, a County maintained rural minor collector roadway with sixty feet 60' of right-of-way and pavement width that varies.

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

**Water:** There is a WCWD maintained six inch (6") waterline available along Beech Bend Road providing less than six hundred (600) GPM with less than twenty (20) PSI; however a BGMU six inch (6") waterline providing greater than six hundred (600) GPM and greater than twenty (20) PSI is available at the intersection of Fort Webb Drive. (Approximately 300ft).

**Sewer:** The property is currently served by an on-site septic system as approved by the Barren River District Health Department.

## 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 building(s).</b></p>	<p>The building is currently being utilized for a Marketing &amp; Design Office and is currently classified as a non-conforming use. A Special Exception Permit (Conditional Use Permit) was granted for the property on October 12, 1972 for an Art and Antique Shop. The building being utilized for the Marketing &amp; Design Office is approximately 7,200 square feet and is located in the center of the property with parking located between the existing building and Beech Bend Road.</p> <p>The applicants submitted Binding Elements that states the property shall be zoned for Office Professional – Commercial uses subject to the following restrictions herein.</p>
<p><b>Design elements (facade treatments, signs, drainage, utilities, sidewalks, gutter and curb, etc).</b></p>	<p>The existing appearance of the structure shall be maintained. All improvement to the property shall use material such as stone or siding to match the existing exterior materials. (Binding Element 8). The applicants have committed that the subject property shall be limited to a single non-back lit monument style sign with one hundred (100) square feet of sign area on each side, not to exceed ten (10) feet in height.</p>
<p><b>Maximum density level, intensity of use, or maximum number of lots.</b></p>	<p>The property shall be zoned for Office Professional – Commercial (<b>OP-C</b>) uses. Hours of operation for the business shall be limited to 7:00 A.M. to 7:30 P.M. Monday through Sunday.</p>
<p><b>General location of internal streets and travelways, access points to existing streets and parking.</b></p>	<p>The subject property shall be limited to the existing access points on Beech Bend Road.</p>
<p><b>Landscape, screening and/or buffering plan.</b></p>	<p>The property shall supplement existing landscape buffers by constructing a landscape buffer between its neighbors to the east in accordance with the landscape provisions of the applicable zoning ordinance.</p>
<p><b>Lighting plans.</b></p>	<p>All outdoor lighting shall be directed downward and inward and will and <b>[not]</b> negatively affect the neighborhood.</p>
<p><b>Provisions for sewage disposal.</b></p>	<p>The subject property shall continue to be served by an existing on-site septic system as approved by the Barren River District Health Department; however, no existing structure shall be expanded until the structure(s) are connected to public sanitary sewer.</p>
<p><b>Provisions for fire protection.</b></p>	<p>There is a six inch (6”) waterline available along Beech Bend Road providing less than six hundred (600) GPM with less than twenty (20) PSI however a BGMU six inch (6”) waterline providing greater than six hundred (600) GPM and greater than twenty (20) PSI is available at the intersection of Fort Webb Drive.</p>

**Staff Items of Concern (Prior to Submission of Binding Elements):**

- *Adequate Landscaping;*
- *Compatibility with surrounding properties;*
- *Access Points;*
- *Signage limitations.*

## COMPREHENSIVE PLAN COMPLIANCE

Comprehensive Plan Policy:	Application:
<p><b><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.</b></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 formal neighborhood meeting was held. The applicants met with adjacent neighbors one-on-one to discuss the proposed General Development Plan (Binding Elements).</p>
<p><b><u>LU-5A-9</u> All new commercial uses shall be served by public sanitary sewer, when sewer is available.</b></p> <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>The existing structure located on the property is approximately 7,200 square feet according to the Warren County Property Valuation Administration and sits on 1.2012 acres and a BGMU maintained eight inch (8") sewer line is available at the intersection of Double Springs Road.</p> <p>The subject property shall continue to be served by an existing on-site septic system as approved by the Barren River District Health Department; however, no existing structure shall be expanded until the structure(s) are connected to public sanitary sewer (Binding Element 2).</p> <p>There is a six inch (6") waterline available along Beech Bend Road providing less than six hundred (600) GPM with less than twenty (20) PSI however a BGMU six inch (6") waterline providing greater than six hundred (600) GPM and greater than twenty (20) PSI is available at the intersection of Fort Webb Drive.</p>
<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-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-12</u> New commercial development should follow sound design principles for buildings, parking, landscaping, signage, and setbacks.</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>As can be seen from the attached zoning map, the properties that surround the zone change request are zoned <b>AG</b> (Agriculture); however, in the general vicinity there are also properties zoned <b>HB</b> (Highway Business), <b>RM-3</b> (Multi-Family Residential), <b>R-E</b> (Residential Estate), <b>RS-1A</b> and <b>RS-1C</b> (Single-Family Residential).</p> <p>The applicants have committed that the subject property shall supplement existing landscape buffers by constructing a landscape buffer between its neighbors to the east in accordance with the landscape provisions of the applicable zoning ordinance (Binding Element 7).</p> <p>The property shall maintain the existing appearance of the structure. All improvement to the property shall use material such as stone or siding to match the existing exterior materials (Binding Element 8).</p> <p>The applicants plan to utilize the existing parking area that currently exists on the property. No additional parking is planned for the site</p>

## COMPREHENSIVE PLAN COMPLIANCE (Continued)

<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><b><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.</b></p>	<p>Signage shall be limited to a single non-back lit monument style sign with one hundred (100) square feet of sign area on each side, not to exceed ten (10) feet in height (Binding Element 4).</p> <p>All outdoor lighting shall be directed downward and inward and <b>[not]</b> negatively affect the neighborhood (Binding Element 6).</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-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>The property has frontage on Beech Bend Road, a County maintained rural minor collector roadway with sixty feet 60' of right-of-way and pavement width that varies.</p> <p>No new access points are being proposed. The subject property shall be limited to the existing access points on Beech Bend Road (Binding Element 3).</p>

## COMPREHENSIVE PLAN COMPLIANCE SUMMARY

The staff evaluated the following **eleven (11)** Comprehensive Plan policies for compliance:

**POLICIES IN COMPLIANCE**

- *LU-1A-2*
- *LU-5A-4, 5, 11, 12, 13, 14, 15 & 16;*
- *TR-2*

**POLICIES NOT IN COMPLIANCE**

- *LU-5A-9*

## MOTIONS

I make the motion to **approve** the proposed zoning map amendment, together with and conditioned upon the General Development Plan, docket number, **2012-01-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-5A-4, 5, 11, 12, 13, 14, 15 & 16;***  
***& 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 **2012-01-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:

***LU-5A-9***

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.