

# DEVELOPMENT PLAN AMENDMENT STAFF REPORT

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

**Summary:** The applicant has filed an application to amend the general development plan on 13.943 acres, located on Nashville Road. This property is zoned **HB** (Highway Business) with Binding Elements.

**Docket Number:** 2011-04-DP  
**Public Hearing Date:** April 7, 2011  
**Pre-application Conference:** February 28, 2011

**Owner:** Dominion Seven, LLC  
**Address:** 1401 Scottsville Road  
Bowling Green, KY 42104  
**Owner:** Bluegrass Gyms & Investments, LLC  
**Address:** 811 Covington Street  
Bowling Green, KY 42103

**Development Plan:** This requested amendment to Binding Elements was filed under Section 3.11.8 of the Zoning Ordinance.

**Request:** To amend the existing Development Plan (Binding Elements) currently zoned **HB** (Highway Business).

**Location of Proposed Zone Change:**  
Between Nashville Road, Flex Park Drive and Central Avenue; front portion of South Central Kentucky Industrial Park.

**Acreege or Square Footage of Tract:**  
13.943 Acres

**PVA Parcel Numbers:**  
030A-59-005, 006, 007 & 008

**Site District:** Urban Density Development District  
**Focal Point:** 108-3B Industrial Park  
**Development Status:** Growth  
**Infra Status:** Sewer available  
**Characteristics:** Dominant Use Area. Heavy industry, warehousing and distribution.

**Existing Land Use:** Vacant  
**Zoning History:** (Agriculture) was the original zoning. The property was rezoned to **HI** (Heavy Industrial) in 1993 and rezoned to **LI** (Light Industrial) in 2006. In 2008 the property was rezoned from **LI** (Light Industrial) to **HB** (Highway Business).

**Surrounding Zoning, Land Use, and Subdivisions:**  
See attached maps.

**Flood Plain:** The property is not located in the 100-year flood area according to FEMA map # **21227C03115 E** and **#21227C0295 E**

**Soil Analysis:**  
**Approx. 67% FnB:** Fredonia-Vertrees-Urban land complex, 2-6% slopes, rocky  
**Approx. 33% FnC2:** Fredonia-Vertrees-Urban land complex, 6-12% slopes, eroded, rocky

**Traffic Considerations:** The property has frontage on Nashville Road (U.S. Hwy 31-W), a major collector, and also along Flex Park Drive and Central Avenue, both city local industrial streets. The Major Thoroughfare Plan (MTP) lists US 31-W with 150' ROW. MPO LRTP and TIP list a widening project to 5 lanes.

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

## DEVELOPMENT PLAN REVIEW

The applicants propose to amend the Binding Elements that were approved in 2008. The proposed amendments are to revise the language in Binding Element IV and Binding Element VII. The proposed revision to Binding Element IV is as follows:

No lot shall have direct access to Nashville Road (US Highway 31-W). The Property may be developed with a single public street access to Nashville Road allowing only for a right turn in and a right turn out as generally shown on Exhibit "B". The Property will be served with a system of private drives and/or perpetual cross easements for vehicular traffic. Access points to the Property from Central Avenue, Flex Park Drive, and the proposed new road on the western side of the Property connecting Nashville Road and Flex Park Drive shall be developed in compliance with the City of Bowling Green Traffic Access Manual. Construction of all connections to public streets shall be completed prior to the issuance of a Certificate of Occupancy for improvements on the related lot or lots. The proposed new road with access to Nashville Road shall be developed with right-in/right-out access at southbound Nashville Road. At least one northbound left turn lane, at 300 feet in length shall be installed on Central Avenue approaching the signalized intersection. The off-site road improvements to Central Avenue must be accomplished prior to the issuance of a Certificate of Occupancy or Certificates of Occupancy for buildings under roof exceeding a total of 85,000 square feet.

The applicants would also like to revise Binding Element VII to further define what would be prohibited uses, specifically recreation and entertainment (except health clubs, gyms, membership clubs, dance instruction and instructional sports academy).

### **Items of Concern:**

***None.***

## 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. No information of a neighborhood meeting was forwarded to the Planning Commission Staff.</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>LU-5A-7</u> Commercial uses which are high traffic generators are appropriate only with direct accessibility to at least a collector street.</b></p>	<p><b>The previously approved Binding Element IV is proposed to be deleted and replaced with the following Binding Element:</b></p> <p>No lot shall have direct access to Nashville Road (US Highway 31-W). The property may be developed with a single public street access to Nashville Road allowing only for a right turn in and a right turn out as generally shown on Exhibit "B". The property will be served with a system of private drives and/or perpetual cross easements for vehicular traffic. Access points to the Property from Central Avenue, Flex Park Drive and the proposed new road on the western side of the Property connecting Nashville Road and Flex Park Drive shall be developed in compliance with the City of Bowling Green Traffic Access Manual. Construction of all connections to public streets shall be completed prior to the issuance of a Certificate of Occupancy for improvements on the related lot or lots. The proposed new road with access to Nashville Road shall be developed with right-in / right-out access at southbound Nashville Road. At least on northbound left turn lane, at least 300 feet in length shall be installed on Central Avenue approaching the signalized intersection. The off-site road improvements to Central Avenue must be accomplished prior to the issuance of a Certificate of Occupancy or Certificates of Occupancy for buildings under roof exceeding a total of 85,000 square feet. <b>(Amended Binding Element IV)</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-2A</u> Adjacent developments shall provide for internal circulation between them in accordance with the subdivision regulations.</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>The project did not require a Traffic Impact Study for the site, however one was conducted in November of 2007. Several recommendations of the TIS are as follows:</p> <ol style="list-style-type: none"> <li>1. At the intersection of the proposed right-in/right-out site access and U.S. 31-W, a 320 foot right turn deceleration and storage lane with a 180 foot taper should be provided. The channelized access should provide a minimum continuous entry speed of 14 mph or greater.</li> <li>2. Exiting traffic should be restricted to automobile and light-duty trucks, with a merge distance provided that is sufficient for a 45 mph merge speed.</li> <li>3. At least one southbound left turn lane on Central Avenue approaching the signalized intersection with U.S. 31-W should be provided, with left turns also permitted on the outside lane and right turn on red prohibited.</li> <li>4. If direct driveway access onto Central Avenue is desired, then two exclusive left turn lanes, each 500 feet long, should be provided.</li> <li>5. Each of the five proposed driveway access points on the site should be located at least 75 feet from any intersection.</li> </ol>

## COMPREHENSIVE PLAN COMPLIANCE (Continued)

Comprehensive Plan Policy:	Application:
<p><b>TR-3D</b> When private development prompts the need for public roadway improvement, developers should participate in the funding of the cost of the needed improvement. Coordination with appropriate governments on need for capital improvement projects is encouraged.</p>	<p>The applicant has provided several of the remedies as recommended by the Traffic Impact Study, however; The applicants are proposing a revised Binding Element IV to read as follows: No lot shall have direct access to Nashville Road (US Highway 31-W). The Property may be developed with a single public street access to Nashville Road allowing only for a right turn in and a right turn out as generally shown on Exhibit "B". The Property will be served with a system of private drives and/or perpetual cross easements for vehicular traffic. Access points to the Property from Central Avenue, Flex Park Drive, and the proposed new road on the western side of the Property connecting Nashville Road and Flex Park Drive shall be developed in compliance with the City of Bowling Green Traffic Access Manual. Construction of all connections to public streets shall be completed prior to the issuance of a Certificate of Occupancy for improvements on the related lot or lots. The proposed new road with access to Nashville Road shall be developed with right-in/right-out access at southbound Nashville Road. At least one northbound left turn lane, at 300 feet in length shall be installed on Central Avenue approaching the signalized intersection. The off-site road improvements to Central Avenue must be accomplished prior to the issuance of a Certificate of Occupancy or Certificates of Occupancy for buildings under roof exceeding a total of 85,000 square feet.</p>
<p><b>LU-5C-1</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><b>LU-5E-1</b> Commercial development in high growth corridors should take place in larger planned shopping areas rather than in smaller individual commercial sites.</p> <p><b>LU-5E-2</b> Where strip commercial development is allowed, such development shall conform to an approved general development plan. Ingress and egress points should be minimized and efficiently spaced to provide for traffic circulation.</p>	<p><b>The previously approved Binding Element VII is proposed to be deleted and replaced with the following Binding Element:</b></p> <p>No lot or any portion of a lot may be used for self-service storage, passenger terminals, nursing home, convalescent home, residential treatment, religious institution, schools at the primary, elementary, middle school, junior high or high school level (except vocational/technical training and daycare) overnight accommodation, recreation and entertainment (except health clubs, gyms, membership clubs, dance instruction, and instructional sports academy), entertainment events (major), or a bar, lounge or business serving alcoholic beverages by the drink except in connection with a restaurant license for serving alcohol beverages. <b>(Amended Binding Element VII)</b></p>

## COMPREHENSIVE PLAN COMPLIANCE (Continued)

The staff evaluated the following ten (10) policies for compliance

### POLICIES IN COMPLIANCE

- LU-5A- 4, & 7;
- LU-5C-1;
- LU-5E-1 & 2;
- TR-2, 2A & 2H;
- TR-3D.

### POLICIES **NOT** IN COMPLIANCE

- LU-1A-2.

## MOTIONS

I make the motion to **approve** the proposed General Development Plan Amendment, docket number, **2011-04-DP**. 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 General Development Plan Amendment is in agreement with the adopted Comprehensive Plan as demonstrated by its compliance with the Comprehensive Plan's following Policies:

**LU-5A- 4, & 7;**

**LU-5C-1;**

**LU-5E-1 & 2;**

**TR-2, 2A & 2H;**

**&**

**TR-3D.**

Further, I find that there have been major changes of an economic, physical or social nature within the area of the property in question and 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 General Development Plan Amendment, docket number **2011-04-DP**. 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)**

**LU-1A-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.