

# DEVELOPMENT PLAN AMENDMENT STAFF REPORT

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

**Summary:** The applicants have filed an application to amend the general development plan on 21.44 acres, located on Morgantown Road in order to amend a right-hand turn lane requirement. This property is zoned Planned Unit Development (**PUD**) with Binding Elements.

**Docket Number:** 2012-1-DP  
**Public Hearing Date:** January 5, 2012  
**Pre-application Conference:** November 14, 2011

**Owners:** Jennings Creek Apartments, LLC et al  
**Address:** P.O. Box 15  
Bowling Green, KY 42102

**Development Plan Amendment:** 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 Planned Unit Development (**PUD**).

**Location of Proposed Zone Change:**  
Morgantown Road (2,055 feet from Veterans Memorial Blvd)

**Site District:** Urban Density Development District

**Acreage or Square Footage of Tract:**  
21.4482 Acres (934,283.592 Sq. Ft.)

**Focal Point:** 112-4 Bill Dedmon Road

**Development Status:** Stable

**PVA Parcel Numbers:**  
027A-01-014

**Infra Status:** S (Sanitary Sewer is Available)

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

**Existing Land Use:** Under development for a mix of residential units.

**Soil Analysis:**

**Zoning History:** Agriculture (**AG**) was the original zoning. The property was re-zoned to Planned Unit Development (**PUD**) in 2006. The Binding Elements were amended and approved March 6, 2008.

**Approx. 50% FeC** – Fredonia silt loam, very rocky, 2-12% slopes (poorly suited to urban uses).

**Approx. 45% PeB** – Pembroke silt loam, 2-6% slopes (slight limitations for septic tanks; suited to urban uses).

**Approx. 5% RxE** – Rock outcrop-Caneyville complex, 20-40% slopes (poorly suited to urban uses).

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

**Flood Plain:** A portion of the property is located in the 100-year flood area according to FEMA FIRM map # 21227 C0301 E.

**Traffic Considerations:** The property has frontage on Morgantown Road (U.S. Hwy 231), a 43' wide urban minor arterial.

**Additional Documentation Required:**

    N/A     Traffic Impact Study  
    N/A     Environmental Assessment  
    N/A     Other

**Water:** There is an 8" waterline that has been installed on the property that provides more than 600 GPM at greater than 20 PSI available. This waterline size is adequate for domestic and commercial uses, and to meet the fire control standards of Warren County.

**Sewer:** An 8" sewer line has been constructed within the development. There is also a 24" sewer line available along Morgantown Road. All of the improvements to the site will be connected to public sanitary sewer.

## DEVELOPMENT PLAN REVIEW

The applicants are proposing to amend the Binding Elements that were approved in 2008. The proposed Binding Element revision states the following:

### XV (Proposed Amendment)

The property will be developed with a right-turn (deceleration) lane on Westbound US 231 for a distance of 120 feet in length. A center left-turn lane shall be striped, including a "STOP" bar at the Brewster Lane intersection with US 231. No internal access road should be constructed closer than 150 feet from the intersection of the entrance road to the property with US 231.

### XV (Existing Binding Element)

The property will be developed with a right-turn (deceleration) lane on Westbound US 231 for a distance of 455 feet in length. A center left-turn lane shall be striped, including a "STOP" bar at the Brewster Lane intersection with US 231. No internal access road should be constructed closer than 150 feet from the intersection of the entrance road to the property with US 231. All traffic improvements shall be completed within 90 days of final action by the City-County Planning Commission of Warren County, Kentucky on this Amended Statement of Binding Elements.

The original zone change request in 2006 did supply a Traffic Impact Study (TIS), which made several recommendations based on the number of dwelling units for the site. The applicant increased the number of dwelling units (Amendment to General Development Plan, 2008) and a revised Traffic Impact Study (TIS) was submitted based on the increase in the number of dwelling units. The updated TIS stated that the original recommendations of the site should be implemented. This included a right-turn lane of approximately 455 feet along Morgantown Road (US 231). The applicant agreed to extend the right-turn (deceleration) lane a distance of 455 feet within 90 days of final action to the Amendment.

On November 10, 2011, the Chief District Engineer of District 3 for the Kentucky Transportation Cabinet submitted a letter to the office of the City-County Planning Commission stating the support of this proposed amendment to the Binding Elements due to the cost effectiveness of the previously approved Binding Element.

### Items of Concern:

- *Total Number of dwelling units;*
- *Adequate Turn Lane Length.*

## COMPREHENSIVE PLAN COMPLIANCE

| Comprehensive Plan Policy:   | Application:  |
|--|---|
| <p><b><u>LU-1A-2</u></b> 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 of a neighborhood meeting was forwarded to planning commission staff; however, the applicants did send a letter to all adjacent property owners informing of their intention to amend Binding Element XV.</p>  |
| <p><b><u>LU-4A-1</u></b> New Residential areas should provide for a mix of housing densities.</p>  | <p>Lot coverage shall not exceed seventy percent (70%). The following setbacks shall be used on all lots within this property: minimum front setback - 18 feet; minimum side setback - 5 feet on one side and 0 feet on the other; and minimum rear setback - 20 feet. These setbacks are the same as the Binding Elements that were approved in 2008.</p>  |
| <p><b><u>LU-4A-6</u></b> Residential development shall provide for the continuity of the interior street system and pedestrian linkages with streets already in place or planned in neighboring areas as well as provide for the coordination of this local street system with the major transportation network.</p> <p><b><u>LU-4B-10</u></b> All urban density single family residential development shall maintain at least 6.5 percent “common” open space, as defined by the Subdivision Regulations for Warren County. All urban density multi-family residential development should maintain a minimum of 25 percent open space, excluding paved areas and individual lots. Provision of additional open space is encouraged.</p> <p><b><u>LU-4A-10</u></b> All proposals for urban density residential development should make provisions for implementation of the Greenbelt System Master Plan, where applicable or when identified in the Plan.</p> | <p>The property shall be limited to one access point along Morgantown Road (US 231). No individual lot shall have direct access to Morgantown Road (US 231). The internal street system has been constructed with a stub street to the northern property line (same as Binding Elements approved in 2008).</p> <p>The developer agrees to dedicate at least 15% as open space (Amended Binding Element # XII); which will include a four-foot (4') sidewalk planned for both sides of each street and trees planted along the streetscape between the sidewalk and the back of curb spaced no farther than 90 feet apart (same as Binding Elements approved in 2008).</p> <p>The western property line will be developed with a reserved landscape buffer of not less than 5 feet and not more than 20 feet, with an average of at least 12 feet, in which a dense buffer of staggered rows of evergreens at least 6 feet in height shall be planted and maintained, except where such planting must be located between a building and the property line, in which case a single row of evergreens at least 6 feet in height will be required. The Northern property line shall be developed with a 20 foot reserved natural landscape buffer (excluding the fence required by binding element VI), and the Eastern property line shall be developed with a 10 foot natural landscape buffer (excluding the fence required by binding element VI). (Same as Binding Elements approved in 2008).</p> |

## COMPREHENSIVE PLAN COMPLIANCE (Cont.)

| Comprehensive Plan Policy:  | Application:   |
|---|--|
| <p><b><u>LU-4B-7</u> Urban density residential development shall have street lights, sidewalks, curbs, and gutters installed at the time of development.</b></p>  | <p>The property will be developed with uniform mailboxes and uniform street lights of metal, fiberglass or composite materials. (Original set of Binding Elements – still applicable.) All internal streets have been constructed with curb, gutter and a four-foot (4') sidewalk is planned for the property (same as Binding Elements approved in 2008).</p>   |
| <p><b><u>LU-4A-7</u> A detailed traffic impact study (TIS) must be submitted on any residential development that will generate traffic greater than 500 average daily trips (ADT) and/or 100 vehicles per hour during the peak hour.</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-2B</u> At least one stub street should be constructed into each adjacent undeveloped property of 10 acres or more. The design of future alignment of street extensions onto adjacent tracts should benefit the surrounding community. Subsequent development of these adjacent tracts must then connect to the original stub street.</b></p> <p><b><u>TR-2C</u> Access to existing collector and arterial roads shall be provided by newly constructed public streets spaced not closer than 600 feet on collectors and not closer than 1320 feet on arterials.</b></p> | <p>The original zone change request in 2006 did supply a Traffic Impact Study (TIS), which made several recommendations based on the number of dwelling units for the site. The applicant increased the number of dwelling units (Amendment to General Development Plan, 2008) and a revised Traffic Impact Study (TIS) was submitted based on the increase in the number of dwelling units. The updated TIS stated that the original recommendations of the site should be implemented. This included a right-turn lane of approximately 455 feet along Morgantown Road (US 231). The applicant agreed to extend the right-turn (deceleration) lane a distance of 455 feet.</p> <p>The property will be developed with a right-turn (deceleration) lane on Westbound US 231 for a distance of 120 feet in length. A center left-turn lane shall be striped, including a “STOP” bar at the Brewster Lane intersection with US 231. No internal access road should be constructed closing than 150 feet from the intersection of the entrance road to the property with US 231 (Binding Element XV).</p> <p>The Planning Commission staff has included a drawing of the site showing the existing conditions at the intersection of the development and US 231 (Morgantown Road).</p> |

## COMPREHENSIVE PLAN COMPLIANCE (Cont.)

| Comprehensive Plan Policy:   | Application:  |
|--|---|
| <p><b><u>LU-4B-5</u> Electric, telephone and CATV utilities should be placed underground in urban density residential developments.</b></p>  | <p>All utilities will be located underground (same as Binding Elements approved in 2008).</p>   |
| <p><b><u>LU-4B-4</u> All urban density residential development shall be served by public sanitary sewer.</b></p>   | <p>An 8” sewer line has been constructed within the development. There is also a 24” sewer line available along Morgantown Road. All of the improvements to the site will be connected to public sanitary sewer (same as Binding Elements approved in 2008).</p>  |
| <p><b><u>LU-4B-3</u> All multi-family and single family attached urban density residential development must be served by a public water supply capable of 600 GPM at 20 PSI residual pressure. Fire hydrants must be provided to meet the fire protection standards of the applicable jurisdiction.</b></p>  | <p>There is an 8” waterline that has been installed on the property that provides more than 600 GPM at greater than 20 PSI available. This waterline size is adequate for domestic and commercial uses, and to meet the fire control standards of Warren County. The property owner has agreed that the property will have sufficient water supply and fire hydrants to meet the fire control standards (same as Binding Elements approved in 2008).</p>  |
| <p><b><u>LU-4A-3</u> Residential neighborhoods are viewed as personal, economic and lifestyle necessities. Measures must be instituted for the protection of both existing and newly created residential neighborhoods.</b></p> <p><b><u>LU-4A-4</u> Future growth and development must not jeopardize existing neighborhoods. Future growth and development shall be compatible with adjacent properties and neighborhoods with respect to scale, identity, bulk, and site planning.</b></p> <p><b><u>LU-4A-8</u> Infill residential uses should reflect the overall density and style of the neighborhood.</b></p> <p><b><u>LU-4A-9</u> Residential development should not exceed density of surrounding developments by more than 50 percent.</b></p> | <p>The proposed development is immediately adjacent to <b>AG</b> (Agriculture) and <b>GB</b> (General Business) zoning. <b>HB</b> (Highway Business) zoning exists across the road from the property. In the surrounding area of the property are several previous zone changes and subdivisions: the <b>Ernest Jones Property</b> along Morgantown Road (zoned <b>HB</b>); the recently zoned <b>Oxford Center</b> (zoned <b>HB</b>); <b>Stonehenge Subdivision</b> (zoned <b>RM-4</b>); <b>Western Flats Subdivision</b> (zoned <b>HB, R-E &amp; AG</b> along Morgantown Road); <b>Alta Vista Estates</b> (zoned <b>R-E &amp; LI</b>, along Glen Lily Road); <b>Jennings Mill Subdivision</b> (zoned <b>MHS, B.E.</b>); and <b>Park Hills Subdivision</b> (zoned <b>RS-1B, B.E. &amp; RM-2</b>).</p> <p>The property will be developed with a maximum of 210 dwelling units on 21.448 acres, providing for an overall density of 9.79 dwelling units per acre (average lot size of 0.161 acre). This is no planned increase in the number of dwelling units in this proposed Amendment.</p> |

## COMPREHENSIVE PLAN COMPLIANCE SUMMARY

The staff evaluated the following **eighteen (18)** policies for compliance, with TR-2 in both categories:

### POLICIES IN COMPLIANCE

- LU-1A-2;
- LU-4A-1, 3, 4, 6, 7, 8, 9 & 10;
- LU-4B-3, 4, 5, 7 & 10;
- TR-2, 2A, 2B & 2C.

### POLICIES **NOT** IN COMPLIANCE

- TR-2

## MOTIONS

I make the motion to **approve** the proposed General Development Plan Amendment, docket number, **2012-1-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-1A-2;  
LU-4A-1, 3, 4, 6, 7, 8, 9 & 10;  
LU-4B-3, 4, 5, 7 & 10;  
& TR-2, 2A, 2B & 2C.***

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 **2011-1-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, such as:**

***TR-2***

Further, I find that there have **not** 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.