

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 for 65.05 acres, located on Lovers Lane across from the City of Bowling Green's Soccer Complex. The proposed amendment states that the property will follow the open space requirements as required by the provisions of the Lovers Lane Overlay District, as well as the landscape provisions of the Joint Zoning Ordinance/Resolution of Warren County, Kentucky. The amendment also addresses development/connection of a greenways trail, access to Lovers Lane, traffic signal requirements, maximum square footage for specific uses, and setbacks for the property.

Docket Number: 2011-08-DP	Owner(s): Lovers Lane Land and Farm, LLC, <i>et al</i>
Public Hearing Date: June 16, 2011	Address: 911 College Street, Suite 301 Bowling Green, KY 42101
Pre-application Conference: February 28, 2011	

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 PUD (Planned Unit Development).
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Location of Proposed Zone Change: Lovers Lane (Across from the City of Bowling Green's Soccer Complex) Acreage or Square Footage of Tract: 65.05 Acres PVA Parcel Number: 031A-10	Site District: Urban Density Development District Focal Points: 114-4A Lovers Lane Development Status: Growth Characteristics: Urban Growth Focal Point. Presently single family residential, agricultural and industrial uses with Focal Point Plan and Future Land Use Plan adopted. Infra Status: S (Sanitary sewer is available)
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Existing Land Use: Office/Vacant Zoning History: Agriculture (AG) was the original zoning. The property was rezoned from AG to Planned Unit Development (PUD) in 2006. 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 #21227C0105D and #21227C0115D.	Soil Analysis: Approx. 52% BaD: Baxter gravelly silt loam, 12-20% slopes Approx. 33% BaC: Baxter gravelly silt loam, 6-12% slopes Approx. 14% CrB: Crider silt loam, 2-6% slopes Approx. 1% W: Water
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Traffic Considerations: The property has frontage on Lovers Lane (KY Hwy 880), an urban collector road with eighty feet (80') of right-of-way and pavement width that varies.	Additional Documentation Required: <u>n/a</u> A Traffic Impact Study <u>n/a</u> Environmental Assessment <u>n/a</u> Other
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Water: The entire development (Mt. Victor/Olde Town) was constructed with access to 8" water lines, which provides greater than 600 GPM at greater than 20 PSI. This is adequate to meet the fire control standards of Bowling Green, Kentucky.	Sewer: The entire development (Mt. Victor/Olde Town) was constructed with access to 8" sewer lines. Any improvements will be connected to public sanitary sewer.
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DEVELOPMENT PLAN REVIEW

Comprehensive Plan Element:	Application:
<p>Intended use of the property and building(s).</p>	<p>The original zone change request proposed to create a mixed-use development consisting of residential use, including multi-family residences, as well as, office and commercial uses. According to the original Concept Plan (referred to as Exhibit B), the portion of the property (16.53 acres) adjacent to Lovers Lane (KY 880), was reserved for commercial uses. The remaining portion of the property was to be developed into residential uses, mixed uses of residential, office/professional and commercial. (See Original Concept Plan)</p> <p>The applicants have proposed to change the development which would include all new Binding Elements for the entire site as well as a new Concept Plan that calls for approximately 19.5 acres to be a mixed use area consisting of residential (24 units/acre), office professional uses and retail commercial uses. The remaining approximate 45.55 acres has been proposed as a mixed use development of office professional uses and retail commercial uses.</p>
<p>General placement of the building(s), maximum height of the building(s), and the bulk of the building(s).</p> <p>Design elements (facade treatments, signs, drainage, utilities, sidewalks, gutter and curb, etc).</p>	<p>The original Concept Plan showed the proposed roadways, greenway connections, open space and layout of uses within the development. In the residential sections of the plan submitted by the developers, residential area types were defined by the number of units to the acre (maximum build out) to be permitted. There were three different residential density types permitted within the plan. The mixed use areas were defined as retail, office or multi-family development. This would have consisted of 7.83 acres or 12% of the property. The maximum commercial area was shown as 16.53 acres or 25%. The original Binding Element IX stated that no more than 30,000 square feet of retail/commercial shall be allowed in any single building on the property. It also stated that no more than 400,000 square feet of commercial buildings (total for the entire development) shall be allowed within the property. Binding Element IX was amended and now states that no more than 60,000 square feet of retail/commercial shall be allowed in any single building on the property and no more than 400,000 square feet of commercial buildings (total for the entire development) shall be allowed on the property. The original Binding Elements stated that no office-professional building (single building) shall exceed (a total of) 90,000 square feet or exceed 45,000 square feet on the first floor at grade. It also states that no more than 400,000 square feet of office-professional buildings (total for the entire development) shall be allowed on the property. This Binding Element was also amended to read that no office-professional building (single building) shall exceed 100,000 square feet or exceed 60,000 square feet on the first floor grade. It also states that no more than 400,000 square feet of office-professional buildings (total for the entire development) shall be allowed within the property. Dedicated office use was approximately 35% of the proposed development. (See Original Concept Plan)</p> <p>The proposed amendment would allow for no more than one hundred thousand (100,000) square feet in any single building on the Property, with no more than sixty thousand (60,000) square feet on the first floor grade. No more than a total of eight hundred thousand (800,000) square feet of retail, commercial, and office/professional buildings shall be allowed within the Property. (Binding Element VIII)</p>

DEVELOPMENT PLAN REVIEW (Cont.)

Comprehensive Plan Element:	Application:
<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 location of the proposed internal streets and access points were shown in the original Concept Plan (Exhibit B). The property was developed with a maximum of two (2) access points to Lovers Lane (KY Hwy 880), one of which was constructed as the primary boulevard entrance. The other entrance was constructed 700 feet West of the primary entrance. Entering the site into the commercial section, the property was developed with a right-turn lane from northbound and a left-turn lane from southbound Lovers Lane (KY 880) to the primary boulevard entrance. These improvements were constructed when the planned improvements to Lovers Lane were completed by KYTC. The original Binding Elements stated that a traffic light at the boulevard entrance from Lovers Lane will be installed if required by the Kentucky Transportation Cabinet</p> <p>The applicants now propose that the Property will be developed with a maximum of two access points to Lovers Lane as conceptually shown on Exhibit "B". A right turn lane shall be installed on Lovers Lane. A traffic signal must be installed at the entrance to the Property from Lovers Lane, prior to the issuance of a building permit for more than four hundred thousand (400,000) square feet of building improvements for the entire Property.</p>
<p>Maximum density level, intensity of use (total number of dwelling units), or maximum number of lots.</p>	<p>The original development plan proposed that the residential sections would be developed with an overall maximum of 16 units to the acre (tract 12) and 20 units to the acre (tract 11). The mixed use areas also allowed up to 132 multi-family units.</p> <p>The applicants have now proposed for approximately 19.5 acres to be a mixed use area consisting of residential (24 units/acre), office professional uses and retail commercial uses. The total number of residential units would be a maximum of 325.</p>
<p>Lighting plans.</p>	<p>The language in the original Binding Elements stated that the property will be developed with uniform street lighting designs for both the commercial and residential sections. Light poles will be of fiberglass, composite or metal materials.</p> <p>The proposed Binding Element now states that the lighting for parking areas and commercial, retail or office/professional areas shall be shoebox-style lighting designed to focus downward and to minimize light trespass onto adjacent residential properties.</p>
<p>Landscape, screening and/or buffering plan.</p>	<p>The language in the original Binding Elements stated that the property will be developed with landscaping and open spaces as required by the landscaping provisions of the Zoning Ordinance, and as required by the provisions of the Lovers Lane Overlay District, including at least 20 percent open space for the development.</p> <p>The proposed Binding Element now states that the Property will be developed with open space as required by the Lovers Lane Overlay District provisions and the landscape provisions of the Joint Zoning Ordinance/Resolution of Warren County, Kentucky.</p>
<p>Provisions for sewage disposal.</p>	<p>The original and newly proposed Binding Elements commit to the connection of all development within the property to public sanitary sewer.</p>
<p>Provisions for fire protection.</p>	<p>The original and newly proposed Binding Elements make a commitment to applicable fire control standards.</p>

Items of concern:

- *Common open space and Greenways connection;*
- *Assuring that site, building and parking meet or exceed Lovers Lane Overlay District Standards.*
- *Total square footage of commercial, office and residential property.*
- *Adequate landscaping and buffering to meet or exceed the Lovers Lane Overlay District Standards.*

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 Tuesday, June 7, 2011.</p>
<p><u>LLC-1</u> All development in the Lovers Lane Road Corridor shall conform to the adopted Future Land Use Map unless evidence can be presented that the proposed use is in compliance with the policies of the Lovers Lane Road Corridor Policy Plan and the Comprehensive Plan.</p> <p><u>LU-4A-1</u> New Residential areas should provide for a mix of housing densities.</p> <p><u>LU-4A-5</u> Where a Focal Point Land Development Plan or Preservation Plan has been adopted, residential development shall conform to that plan in all respects.</p> <p><u>LU-4E-1</u> Growth focal points represent unique opportunities to introduce new residential ideas and design concepts.</p> <p><u>LU-4E-2</u> Innovation in design and variety in size, style, and cost of housing is encouraged.</p>	<p>The Lovers Lane Overlay District Focal Point Plan and Future Land Use Plan have been adopted for this area. This property was projected for mixed use and some possible industrial uses along the rear portion adjacent to I-65. Mixed use development within the Lovers Lane Overlay consists of not more than 50 percent of the land area to be used for commercial activities and not more than 25 percent for office professional development.</p> <p>The original development listed several different plan elements. The acres and percentages within the total development were: Retail/ Commercial-16.53 acres or 25.4%; Mixed Use-7.83 acres or 12.0%; Professional-22.84 acres or 35.2%; Residential @ 20 units to the acre-3.41 acres or 5.2%; Residential @ 16 units to the acre-6.82 acres or 10.5%; Roads and ROWS-7.62 acres or 11.7%.</p> <p>As mentioned above, the new Concept Plan and Binding Elements call for approximately 19.5 acres to be a mixed use area consisting of residential (24 units/acre), office professional uses and retail commercial uses. The remaining approximate 45.55 acres has been proposed as a mixed use development of office professional uses and retail commercial uses. The total number of residential units would be a maximum of 325.</p>
<p><u>LU-5E-1</u> Commercial development in high growth corridors should take place in larger planned shopping areas rather than in smaller individual commercial sites.</p> <p><u>LU-5E-2</u> 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>According to the original Concept Plan, the portion of the property (16.53 acres) adjacent to Lovers Lane (KY 880) will be reserved for commercial uses. The original Binding Element IX stated that no more than 30,000 square feet of retail/commercial shall be allowed in any single building on the property (400,000 sq. ft. total). Binding Element IX was amended to allow no more than 60,000 square feet of retail/commercial in any single building on the property (400,000 sq. ft. total).</p> <p>The proposed amendment would allow for no more than one hundred thousand (100,000) square feet in any single building on the Property, with no more than sixty thousand (60,000) square feet on the first floor grade. No more than a total of eight hundred thousand (800,000) square feet of retail, commercial, and office/professional buildings shall be allowed within the Property. (Binding Element VIII)</p> <p>Staff has suggested that the language be amended to allow a total of eight hundred thousand (800,000) square feet of commercial buildings on the Property with no more than three hundred thousand (300,000) being used for retail sales (commercial)."</p>

COMPREHENSIVE PLAN COMPLIANCE (continued)

Comprehensive Plan Policy:	Application:
<p><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.</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>The entire development (Mt. Victor/Olde Town) was constructed with access to 8” water lines, which provides greater than 600 GPM at greater than 20 PSI. This is adequate to meet the fire control standards for both the residential and commercial portions of the proposed development.</p> <p>The applicants have also committed that the Property will be developed with sufficient water supply and fire hydrants to meet the fire control standards of the City of Bowling Green, Kentucky (Binding Element I).</p>
<p><u>LU-4B-4</u> All urban density residential development shall be served by public sanitary sewer.</p> <p><u>LU-5A-9</u> All new commercial uses shall be served by public sanitary sewer, when sewer is available.</p>	<p>The entire development (Mt. Victor/Olde Town) was constructed with access to 8” sewer lines. Any improvements will be connected to public sanitary sewer (Binding Element II).</p>
<p><u>LU-4B-5</u> Electric, telephone and CATV utilities should be placed underground in urban density residential developments.</p>	<p>The applicants have committed that utilities will be located underground except for the WRECC Phase III Electrical Transmission Line located approximately seventy (70) feet west at the Lovers Lane right-of-way (Binding Element IV).</p>
<p><u>LU-4A-10</u> All proposals for urban density residential development should make provisions for implementation of the Greenbelt System Master Plan.</p> <p><u>LLC-3</u> All single family and multi-family residential development shall provide curb, gutter, and sidewalks, including potential linkages to the Bowling Green-Warren County Greenways System.</p> <p><u>LU-4B-7</u> Urban density residential development shall have streetlights, sidewalks, curbs, and gutters installed at the time of development.</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-4B-6</u> Urban density 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>The applicant committed in the original Binding Elements that the property would be developed with 5’ sidewalks on both sides of the streets. In addition to the sidewalks, a connection with the greenways system was planned. The original zone change proposed the development of interior paths and the original Concept Plan showed a greenways trail easement throughout the property to connect the development with the public use across the roadway. The original Binding Elements for the property committed to the development of uniform street lighting designs for both the commercial and residential sections. Light poles will be of fiberglass, composite or metal materials. Open space was listed in the original Concept Plan as 13.01 acres or 20%. The applicant stated in the Binding Elements that the open space be no less than 20% of common open space.</p> <p>The new Binding Elements stipulate that the Property will be developed with a Greenways Trail to allow a connection at Lovers Lane and the City of Bowling Green Soccer Complex and to allow connection to adjacent properties by the development of a Greenways Trail generally parallel to Lovers Lane as conceptually shown on Exhibit “B” and will be developed with open space and landscaping as required by the Lovers Lane Overlay District provisions (Binding Element V) (See Exhibit “B” or Concept Plan).</p> <p>Staff has suggest that the applicants more clearly define where the Greenways easements will be located and if they are to be constructed as part of the development or available by easement and sidewalk.</p>

COMPREHENSIVE PLAN COMPLIANCE (continued)

Comprehensive Plan Policy:	Application:
<p><u>LU-4B-8</u> High density residential development should have direct access to at least a minor collector street.</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-5A-7</u> Commercial uses which are high traffic generators are appropriate only with direct accessibility to at least a collector street.</p> <p><u>LU-5A-8</u> Commercial uses which are high traffic generators should not be located adjacent to any residential area except the highest density urban residential areas.</p>	<p>The property has frontage on on Lovers Lane (KY Hwy 880), an urban collector road with eighty feet (80') of right-of-way and pavement width that varies.</p> <p>The location of the proposed internal streets and access points were shown in the original Concept Plan (Exhibit B). The property was developed with a maximum of two (2) access points to Lovers Lane (KY Hwy 880), one of which was constructed as the primary boulevard entrance. The other entrance was constructed 700 feet West of the primary entrance.</p> <p>The applicants have continued to commit that the Property will be developed with a maximum of two access points to Lovers Lane as conceptually shown on Exhibit "B".</p>
<p><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.</p> <p><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.</p> <p><u>LU-4A-9</u> Residential development should not exceed density of surrounding developments by more than 50 percent.</p> <p><u>LLC-2</u> All residential development and re-development should be compatible with existing neighboring residential uses. This relates to density, lot sizes, housing type and style, exterior building materials, as it adjoins existing developments. Open space should be provided throughout and between future developments.</p> <p><u>LU-4B-9</u> High density residential development should provide buffering (e.g. landscaping, fencing, etc.) from incompatible uses or lower density residential developments.</p>	<p>The original Lovers Lane Land and Farm development (mixed use) did conform to the Lovers Lane Overlay District Focal Point Plan (See Lovers Lane Future Land Use Map).</p> <p>Several properties in the general area of this development are zoned AG. The Lovers Lane Soccer Complex is zoned AG, but is a large public outdoor recreation destination. There is public school property zoned P (Public) close to the property across Lovers Lane. Interstate 65 is adjacent to the property. Zoning districts across the interstate consists of RM-2 (Two-Family Residential), R-E (Residential Estate) and additional AG zoning. Other zones along Lovers Lane include LI (Light Industrial), RM-3 (Multi-Family), PUD (Planned Unit Development and additional AG zoning).</p> <p>The original development was a large scale PUD with a mixed use development and generous amounts of open space. The development had a total of 325 residential units and did consist of the following: Mixed Use-7.83 acres or 12.0%; Residential @ 20 units to the acre-3.41 acres or 5.2%; Residential @ 16 units to the acre-6.82 acres or 10.5%. The total number of units were generally shown on the original Concept Plan (See original Concept Plan).</p> <p>The new Binding Elements proposed by the applicants still limit the total number of units to 325 residential units; however, the newly proposed Concept Plan and the new Binding Elements show that the area would generally be located to the rear of the property along the Interstate and would allow up to 24 units to the acre.</p>

COMPREHENSIVE PLAN COMPLIANCE (continued)

Comprehensive Plan Policy:	Application:
<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-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.</p> <p><u>TR-2D</u> All residential developments of more than 10 lots should be served by an interior street system. Within the Rural Density Development District, private access to existing state and county roads should be spaced at least 200' apart. Joint access easements providing one access point for two properties are encouraged.</p> <p><u>TR-2E</u> Use of properly designed and located frontage roads and reverse frontage roads on newly constructed arterials and collectors shall be required.</p> <p><u>TR-2G</u> Traffic calming techniques should be included in all new developments, where appropriate.</p>	<p>Although there has been a shift in the overall Concept Plan from the time of initial conception, the property has still consisted of virtually the same uses at the same densities and square footages. The original Concept Plan called for the use of an interior street system that consisted of roundabouts and alleyways as a means to calm traffic within the development and provide for a "break" between potential uses.</p> <p>The original Concept Plan and development took place prior to the completion of the Lovers Lane reconstruction. Several of the recommendations for turning lanes and access points were part of the original set of Binding Elements.</p> <p>The new Binding Elements provide that the Property will be developed with a maximum of two access points to Lovers Lane as conceptually shown on Exhibit "B". A right turn lane shall be installed on Lovers Lane. A traffic signal must be installed at the entrance to the Property from Lovers Lane, prior to the issuance of a building permit for more than four hundred thousand (400,000) square feet of building improvements for the entire Property (Binding Element VI).</p> <p>The applicants have also committed that the Property will be developed with curb, gutter and five (5) foot sidewalks on both sides of all streets. No stub street to the north property line (Smith Property) may be located nearer to the Lovers Lane right-of-way than five hundred fifty (550) feet (Binding Element IX). (See Concept Plan)</p> <p>This new language is virtually identical to the original Binding Elements and Concept Plan; however the proposed internal road network has some minor modifications. (See original Concept Plan)</p> <p>A new Traffic Impact Study (TIS) was not required for the proposed amendment. The change in the original design and concept did not cause a significant increase in traffic volumes that were not addressed by the original Traffic Impact Study.</p>

COMPREHENSIVE PLAN COMPLIANCE (continued)

Comprehensive Plan Policy:	Application:
<p><u>LLC-4</u> All new non-residential uses should be of appropriate scale and character, and should be compatible with the surrounding residential uses and densities. All new non-residential development should also be compatible in style and building materials to surrounding developments.</p> <p><u>LLC-5</u> ...Commercial development along the Lovers Lane Road Corridor should follow the concepts in creating a high quality, visually stimulating, green corridor as set forth in the adopted overlay district standards...</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-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><u>LLC-7</u> Any edge of a non-residential site which abuts a residential district or use must be landscaped and screened.</p>	<p>The Lovers Lane Overlay requires the following minimum standards:</p> <p>The maximum surface land area of the building shall not exceed 50 percent of the total lot area. Parking areas, open courts and other open space uses shall not be included in building area. For all uses permitted within this overlay district, no more than 70 percent of the total surface land area of the lot shall be improved with buildings, structures, parking and loading areas, streets, driveways or roadways.</p> <p>All sites shall be developed with not less than 20 percent of the total area with green space. Green space shall be landscaped with trees, green shrubbery, grass and/or other plantings exclusive of any plantings or landscaping treatment in parking lot islands measuring less than 200 square feet.</p> <p>Such green space shall be located on the site to provide the maximum visibility of the green space to surrounding properties and public streets. No more than 50 percent of the required green space may be located within drainage facilities.</p> <p>The applicants have committed that the Property will be developed with open space as required by the Lovers Lane Overlay District provisions and the landscape provisions of the Joint Zoning Ordinance/Resolution of Warren County, Kentucky (Binding Element V). The applicants have also committed that the setback for the northern property line shall be as follows: for a distance of five hundred fifty-five (555) feet beginning at the Lovers Lane right-of-way, the setback shall be seventy-five (75) in width; thereafter, the remainder of the northern property line continuing to the I-65 Highway right-of-way, the setback shall be thirty-five (35) feet and shall be developed with dense vegetative screening consisting of at least ten (10) evergreen and three (3) deciduous trees per one hundred (100) linear feet (Binding Element XIV).</p> <p>The staff has suggested that the Concept Plan be updated to reflect the setbacks established in the above Binding Element.</p> <p>The Overlay District also establishes certain materials that are allowed to be used on the façades of buildings located within the Overlay.</p> <p>The applicants have proposed that all buildings, including residential, on the Property will be constructed with at least ninety percent (90%) brick, stone, cementitious materials such as “Hardiboard” or other modern masonry material, or EFIS. EFIS cannot exceed twenty-five percent (25%) of any building exterior (Binding Element III).</p> <p>This Binding Element essentially mirrors the original Binding Element; however, the applicants have added the potential use of “hardiboard” for the development.</p>

COMPREHENSIVE PLAN COMPLIANCE (continued)

Comprehensive Plan Policy:	Application:
<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><u>LLC-6</u> All freestanding signs shall be limited to architectural designed monument signs. Interchange signs and off-premise billboards shall be prohibited in the adopted corridor.</p> <p><u>TR-2F</u> Increased building setbacks and more stringent sign controls on arterial and collector streets should be required.</p>	<p>The applicants did not address signage for the property in the original zone change application and did not address signage with this proposed amendment; however, the signage requirements for the Overlay are currently being used for the existing structures on site. A portion of the signage requirements within the Overlay are as follows:</p> <p>All signs, excluding traffic signs, must be approved by the Design Review Board and shall conform to the following uniform sign standards: materials, colors, and shades of proposed signs shall be compatible with the related buildings on the property and must be approved by the Design Review Board. All completed signs must have a high quality professional appearance. Sign materials shall be limited to high quality construction materials. Freestanding signs shall be ground-mounted, monument style with proper landscaping and be set back from the road sight triangle as to prohibit obstruction of view. Freestanding signs shall not exceed 5 feet in total height (from the grade to the top of the sign face) and 75 square feet per side, and shall be located in a manner that will not create a traffic hazard. Freestanding structures shall not exceed 7 feet in height.</p>
<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><u>LLC-8</u> Lighting in commercial areas should be compatible with the surrounding property uses. Lighting should be directed away and shielded from any adjacent and nearby residential uses and be focused on the intended property only, in order to prevent light trespass. Lighting should be uniform and consistent in design with surrounding developments.</p>	<p>The new Binding Elements stipulate that lighting for parking areas and commercial, retail or office/professional areas shall be shoebox-style lighting designed to focus downward and to minimize light trespass onto adjacent residential properties (Binding Element XII).</p> <p>The Lovers Lane Overlay District requires the following with regard to lighting standards. "Adequate outside lighting shall be provided to ensure safe movement of persons and vehicles and for security purposes. At the same time, such lighting shall be directed downward and arranged so as to minimize glare and reflection on adjacent residential properties and public streets. The Design Review Board may require the submission of a lighting plan by a qualified professional engineer to ensure that the illumination of outside lighting as designed and installed does not exceed one-half (.5) foot candles measured at the property line of abutting properties zoned for residential use or development. All freestanding light poles and fixtures shall be black.</p> <p>The applicants have also committed that the Property will be developed with uniform street light poles of fiberglass, composite or metal materials. The Property will be developed with uniform mailboxes for each housing type. All street infrastructure (lights, mailboxes, benches, etc.) shall be approved by the Design Review Board (DRB) established pursuant to the Overlay District Provisions of the Joint Zoning Ordinance/Resolution of Warren County, Kentucky (Binding Element XI).</p>

COMPREHENSIVE PLAN COMPLIANCE SUMMARY

The staff evaluated the following **forty-four (44)** policies for compliance:

POLICIES IN COMPLIANCE

- LU-1A-2
- LU-4A-1, 3, 5 & 10
- LU-4B-3, 4, 5, 6, 7, 8 & 9
- LU-4E-1 & 2
- LU-5A-4, 5, 6, 7, 8, 9, 11 through 16
- LU-5E-1 & 2
- LLC-1, 2, 3, 4, 5, 6, 7 & 8
- TR-2, 2C, 2D, 2E, 2F & 2G

POLICIES **NOT** IN COMPLIANCE

- LU-4A-4
- LU-4A-9

MOTIONS

I make the motion to **approve** the proposed General Development Plan Amendment, docket number, **2011-08-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, 5 & 10;
LU-4B-3, 4, 5, 6, 7, 8 & 9;
LU-4E-1 & 2;
LU-5A-4, 5, 6, 7, 8, 9, 11 through 16;
LU-5E-1 & 2;
LLC-1, 2, 3, 4, 5, 6, 7 & 8
and
TR-2, 2C, 2D, 2E, 2F & 2G

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 the motion to **deny** the proposed General Development Plan Amendment, docket number, **2011-08-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 not in agreement with the adopted Comprehensive Plan as demonstrated by its compliance with the Comprehensive Plan's following Policies:

State specific policies, such as LU-4A-4 and LU-4A-9

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.