

# 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 11.25 acres of property from **HB** (Highway Business), **R-E** (Residential Estate) and **F** (Floodplain) to **RM-3** (Multi-family Residential) and **F** (Floodplain) in order to create a multi-family residential development. The applicants have also agreed to certain site restrictions as outlined in the Binding Elements.

**Docket Number:** 2011-08-Z-BG  
**Public Hearing Date:** March 17, 2011  
**Pre-application Conference:** February 14, 2011

**Property Owner(s):**  
RM3 Properties, LLC.  
**Address:**  
3811 A Banyan Drive  
Bowling Green, KY 42104

**Development Plan:**  
This zoning map amendment request was filed with a general development plan (Binding Elements).

**Zone Map Amendment Request:**  
**FROM:** **HB** (Highway Business), **R-E** (Residential Estate) and **F** (Floodplain)  
**TO:** **RM-3** (Multi-family Residential) and **F** (Floodplain)

**Location of Proposed Zone Change:**  
291 Old Scottsville Road  
**Acreage or Square Footage of Tract:**  
11.25 Acres  
**PVA Parcel number:**  
A portion of 053C-70

**Site District:** Urban Density Development District  
**Focal Point:** 108-4A I-65 Interchange  
**Development Status:** Growth  
**Infra Status:** S (Sanitary Sewer is Available)  
**Characteristics:** Dominant use area. Highway commercial and service area. New public schools and planned industrial park may overload streets and facilities.

**Existing Land Use:** Residential/Vacant  
**Zoning History:** **AG** (Agriculture) is the original zoning for this property. The property was rezoned from **AG** to **R-E** (Residential Estate), **F** (Floodplain), and **HB** (Highway Business)  
**Surrounding Zoning, Land Use, and Subdivisions:**  
See attached maps.

**Soil Analysis: Soil Analysis:**  
**100% BaC:** Baxter gravelly silt loam, 6-12 % slopes  
**Flood Plain:** A portion of the property is located within a 100 year flood plain as located by flood insurance rate map NO. 21227C0308 E & 309 E.

**Traffic Considerations:** The property is located between Old Scottsville Rd, a State maintained local roadway with fifty (50) feet of right-of-way and twenty (20) feet of pavement width and Cumberland Trace Road, a State maintained major collector roadway with right-of-way that varies and twenty-two (22) feet of pavement width. Access to the property will be through a proposed roadway from Cumberland Trace Road to the site.

**Additional Documentation Required:**  
N/A Traffic Impact Study conducted in March 2008.  
N/A Environmental Assessment  
N/A Fire Protection Requirement Threshold Waiver.

**Water:** A 10" waterline providing more than 600 GPM with more than 20 PSI is available along Old Scottsville Road. A 10" waterline is also available along Cumberland Trace Road with more than 600 GPM and more than 20 PSI. This meets the fire control standards for Bowling Green.

**Sewer:** There is a 12" sewer line available along Cumberland Trace Road.

## DEVELOPMENT PLAN REVIEW

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|---|--|
| <b>Comprehensive Plan Element:</b>  | <b>Application:</b>  |
| <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 applicants intend to rezone a portion of this property from <b>HB</b> (Highway Business), <b>R-E</b> (Residential Estate) and <b>F</b> (Floodplain) to <b>RM-3</b> (Multi-Family Residential) and <b>F</b> (Floodplain). The existing single family residential and commercial zone classifications will decrease in size to allow for the proposed multi-family residential development of one hundred and sixty-eight (168) dwelling units that is generally shown on the Concept Plan (Exhibit B).</p>   |
| <p><b>General location of internal streets and travelways, average daily trips (ADT) generated by the proposed use, access points to existing streets and parking.</b></p>          | <p>The subject property is located between Cumberland Trace Road and Old Scottsville Road. The applicants are proposing access to the 168 dwelling units from Cumberland Trace Road as generally shown on Exhibit "B". The applicants have also proposed that the property be developed with an internal and external parking and traffic system that will include curb and gutter. There will also be four (4) foot sidewalks located at each of the proposed buildings.</p>  |
| <p><b>Design elements (facade treatment, signs, drainage, utilities, sidewalks, gutter and curb, etc).</b></p>  | <p>The applicants propose that the exterior of all buildings located on the property will be constructed of at least seventy-five percent (75%) brick, EFIS, stone, masonry or drivet material on all sides. The applicants have agreed that no plain or split faced block shall be allowed.</p> <p>No building on the property shall exceed three (3) stories or forty-two (42) feet in height. (Binding Element 9)</p> <p>The development shall be allowed one monument style sign which shall not exceed five (5) feet in height and sixty (60) square feet in area per sign face. (Binding Element 10)</p> |

**Items of Concern:**

- *Total Number of residential units;*
- *Compatibility with surrounding properties;*
- *Open Space / Buffering;*

## 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. As of March 8, 2011, the applicants were in the process of making individual contact with each and every contiguous property owner to the proposed development.</p>   |
| <p><b><u>LU-4B-3</u></b> 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><b><u>LU-4B-4</u></b> All urban density residential development shall be served by public sanitary sewer.</p> <p><b><u>LU-4B-5</u></b> Electric, telephone and CATV utilities should be placed underground in urban density residential developments.</p>   | <p>The property will have sufficient water supply and fire hydrants to meet the fire control standards of Bowling Green, Kentucky, together with any necessary installation of fire hydrants. (Binding Element 3) Improvements to the property will be served by sanitary sewer. (Binding Element 1) All utilities will be located underground. (Binding Element 2)</p>  |
| <p><b><u>LU-4B-7</u></b> Urban density residential development shall have street lights, sidewalks, curbs, and gutters installed at the time of development.</p>   | <p>The property shall be developed with an internal and external parking and traffic system. The system shall include curb and gutter. The system shall include four-foot sidewalks located at each of the buildings. (Binding Element 7)</p>  |
| <p><b><u>LU-4A-3</u></b> 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><b><u>LU-4A-4</u></b> Future growth and development must not jeopardize existing neighborhoods. Therefore, future growth and development shall be compatible with adjacent properties and neighborhoods with respect to (but not limited to) scale, identity, bulk, and site planning.</p> <p><b><u>LU-4A-9</u></b> Residential development should not exceed density of surrounding developments by more than 50 percent.</p> <p><b><u>LU-4B-9</u></b> High density residential development should provide buffering (e.g. landscaping, fencing, etc.) from incompatible uses or lower density residential developments.</p> | <p>The proposed development is adjacent to multiple zoning districts. There is <b>R-E</b> (Residential Estate) to the north, <b>AG</b> (Agriculture) and <b>HB</b> (Highway Business) to the west, <b>AG</b> (Agriculture) to the east, and <b>HB</b> (Highway Business) along the southern property boundary along Cumberland Trace Road. There will be no access from the proposed development to any properties zoned for residential use.</p> <p>Staff conducted a density analysis of residential subdivisions in the area that resulted in the following densities: <b>Mcfadden's Ferry Subdivision</b> has 192 lots on 35.21 acres with a density of 5.45 units/acre; <b>Blue Springs Farm Subdivision</b> has 13 lots on 31.11 acres with a density of .42 units/acre; <b>Deer Meadow Subdivision</b> has 104 lots on 54.56 acres with a density of 1.91 units/acre; <b>Deer Valley</b> has 31 lots on 28.98 acres with a density of 1.07 units/acre. The proposed development has one hundred and sixty-eight (168) units on 11.25 acres with a density of 14.93 units/acre.</p> <p>The existing single family residential portion of the development that was rezoned to <b>R-E</b> (Residential Estate) in 2008 has been decreased to three (3) lots, each having 1.86 acres, 1.25 acres, and 1.25 acres respectively as generally shown on the Concept Plan (Exhibit B). The existing commercial lots along Cumberland Trace Road are also shown on the Concept Plan (Exhibit B) as having 1.795 acres, 0.763 acres and 1.628 acres in size.</p> |

## COMPREHENSIVE PLAN COMPLIANCE (Cont'd)

| Comprehensive Plan Policy:   | Application:  |
|--|---|
| <p><b><u>LU-4D-1</u></b> Residential development is permitted so long as the development provides landscaped buffering or physical separation from existing non-residential uses.</p> <p><b><u>LU-4B-10</u></b> All urban density multi-family residential development shall maintain an overall minimum of 25 percent open space, excluding paved areas, and individual lots. Provision of additional open space is encouraged.</p> <p><b><u>LU-4D-2</u></b> The design of residential development within a non-residential Dominant Use Focal Point should orient dwelling entrances and common spaces toward the interior of the site as one means to further segregate new residential uses from existing non-residential uses.</p>  | <p>The exterior of all buildings located on the property shall be constructed of at least seventy-five percent (75%) brick, EFIS, stone, masonry or drivet material on all sides. The applicants agree that no plain or split faced block shall be allowed. (Binding Element 6)</p> <p>The property shall be developed with a ten (10) foot landscape buffer along the northeast property line adjacent to property zoned <b>AG</b> (Agriculture). Existing vegetation within that then (10) foot buffer will be maintained by the property owner as generally shown on Exhibit "B". The property owner shall additionally abide by all applicable landscape ordinance(s). (Binding Element 5)</p> <p>The applicants are proposing that the subject property will be developed with a maximum of one hundred and sixty-eight (168) dwelling units as generally shown on Exhibit "B" and with a minimum green area of twenty-five percent (25%) of lot coverage. (Binding Element 4) The applicant's intent in Binding Element 4 is to set a maximum lot coverage of 75% for the proposed site; thus leaving 25% of the site in open or green space. Staff would suggest that this language be updated to reflect this intent.</p> <p>This property lies within the 108-4A I-65 Interchange focal point. This focal point is a dominant use area and a non-residential focal point. This focal point has characteristics of highway commercial and service areas and describes that new public schools and planned industrial park may overload streets and facilities. The conceptual layout of the buildings on this property are oriented toward the travel ways that are internal to the development and away from adjoining properties.</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-8</u></b> High density residential development should have direct access to at least a minor collector street.</p> <p><b><u>TR-2</u></b> 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><b><u>TR-2H</u></b> Development within the City limits of Bowling Green shall comply with the City's adopted Traffic Access Management Manual.</p> | <p>The property is located between Old Scottsville Rd, a State maintained local roadway with fifty (50) feet of right-of-way and twenty (20) feet of pavement width and Cumberland Trace Road, a State maintained major collector roadway with right-of-way that varies and twenty-two (22) feet of pavement width. Access to the property will be through a proposed roadway from Cumberland Trace Road to the site.</p> <p>Lighting for all parking areas shall be designed to minimize the light trespass on any adjoining properties and shall not exceed 0.5 foot-candles at the property line. (Binding Element 11) The property will be developed with a community mailbox system and uniform streetlights of metal, fiberglass, or composite materials. (Binding Element 8).</p> <p>As can be seen on Exhibit "B", the applicants propose one access point to the multi-family residential development from Cumberland Trace Road. There are internal travel ways within the development with four (4) foot sidewalks and curb and gutter. Parking is available within the development along the travel ways to include detached garages.</p>   |

## COMPREHENSIVE PLAN COMPLIANCE SUMMARY

The Staff finds that the proposed **zoning** is generally in agreement with the adopted Comprehensive Plan. The staff evaluated the following **sixteen (16)** policies for compliance:

### POLICIES **GENERALLY** IN COMPLIANCE

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

### POLICIES **GENERALLY NOT** IN COMPLIANCE

- LU-4A-9

## MOTIONS

I make the motion to **approve** the proposed zoning map amendment, together with and conditioned upon the General Development Plan, docket number, **2011-08-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-1A-2;***

***LU-4A-3, 4 & 6;***

***LU-4B-3, 4, 5, 7, 8, 9 & 10;***

***LU-4D-1 & 2***

***and TR-2 & 2H.***

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 **2011-08-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-4A-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.