

# 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 78.03 acres, located at 8140 Nashville Road. The proposed amendment would allow for two (2) signs on Nashville Road and one (1) on Richpond Road. The property is zoned **P** (Public) with Binding Elements.

**Docket Number:** 2011-09-DP  
**Public Hearing Date:** June 16, 2011  
**Pre-application Conference:** February 28, 2011

**Owner:** Warren County Board of Education  
**Address:** 303 Lovers Lane  
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 **P** (Public).

**Location of Proposed Zone Change:**  
8140 Nashville Road  
(Intersection of Nashville Road and Richpond Road)  
**Acreage or Square Footage of Tract:**  
78.03 Acres  
**PVA Parcel Number:**  
031A-10

**Site District:** Urban Density Development District  
**Focal Points:** 119-2A Richpond  
**Development Status:** Stable  
**Characteristics:** Residential and service center with low density single family  
**Infra Status:** **S** (Sanitary sewer available)

**Existing Land Use:** Public/Institutional  
**Zoning History:** **Agriculture (AG)** was the original zoning. A portion of the property was zoned Light Industry (**I-1** – now **LI**) and Highway Business (**B-4** – now **HB**) in 1986 and an additional portion of the property was zoned **I-1** – now **LI**, **B.E.** 1989. The property was rezoned from **AG**, **HB** and **LI** to **P** (Public) in 2005.  
**Surrounding Zoning, Land Use, and Subdivisions:**  
See attached maps.

**Soil Analysis:**  
**Approx. 60% CrB:** Crider silt loam, 2-6% slopes  
**Approx. 36% FeC:** Fredonia-Vertrees complex, 6-12% slopes, very rocky  
**Approx. 4% Ud:** Urban land-Udorthents complex, clayey substratum, hard bedrock > 5 feet, 0-12% slopes  
**Flood Plain:** The property is not located in the 100-year flood area according to FEMA map # 21227 C0160 D.

**Traffic Considerations:** The property is served by Nashville Road (U.S. Hwy 31-W) and Richpond Road. Nashville Road (22' wide) is a rural major collector and Richpond Road (18' wide) is a rural minor collector.

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

**Water:** A 10" waterline providing over 600 GPM at over 20 PSI is available along Nashville Road, across from the property. An additional 6" waterline providing less than 600 GPM at less than 20 PSI is available along Richpond Road. The Nashville Road waterline is adequate for commercial uses and meets the fire control standards of Warren County.

**Sewer:** The development is currently connected to sanitary sewer by way of an 8" sewer line available along Richpond Road.

## DEVELOPMENT PLAN REVIEW

The applicants propose to amend the Binding Elements that were approved in 2005. The proposed amendment is to delete Binding Element IX in its entirety and replace it with the following:

*Signs shall be limited to two (2) signs on Nashville Road and one (1) on Richpond Road. This limitation shall not apply to directional signs.*

### 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.</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. The applicants did provide a letter to all adjacent property owners informing them of the pending General Development Plan Amendment and the purpose of the proposed amendment (See attached letter).</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>The development is currently connected to sanitary sewer by way of an 8” sewer line available along Richpond Road.</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>A 10” waterline providing over 600 GPM at over 20 PSI is available along Nashville Road, across from the property. This waterline is adequate for commercial uses and meets the fire control standards of Warren County.</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-12</u> New commercial development should follow sound design principles for buildings, parking, landscaping, signage, and setbacks.</b></p> <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><b><u>TR-2F</u> Increased building setbacks and more stringent sign controls on arterial and collector streets should be required.</b></p>	<p>As mentioned above, the property was rezoned from multiple zoning classifications to P (Public) in 2005. The original set of Binding Elements was amended in August of 2007. The original concept of the proposed rezoning was for the development of separate Middle School and High School facilities located on different tracts of land on the same complex. The General Development Plan Amendment in 2007 revised the conceptual layout into one large facility with the Middle School and High School combined. This led to the reallocation of parking and access points that were amended.</p> <p>The original set of Binding Elements limited the proposed school site to three (3) total signs. These signs were limited to a maximum of 1 along Richpond Road and to a maximum of 2 along Nashville Road at a maximum of ten (10) feet in height and seventy-five (75) square feet. The proposed amendment would remove the size and height limitations and add language to allow for more directional signage (Binding Element IX).</p> <p>The size and height limitations for the <b>P</b> (Public) zoning classification are a maximum of twenty (20) feet in height and one hundred (100) square feet per sign face.</p>

# COMPREHENSIVE PLAN COMPLIANCE SUMMARY

The staff evaluated the following eight (8) policies for compliance

## POLICIES IN COMPLIANCE

- LU-1A-2;
- LU-5A-5,9, 11, 12, 15 & 16;
- TR-2F

## POLICIES **NOT** IN COMPLIANCE

## MOTIONS

I make the motion to **approve** the proposed General Development Plan Amendment, docket number, **2011-09-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-5A-5, 9, 11, 12, 15 & 16;**  
**and**  
**TR-2F**

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 **2011-09-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 General Development Plan 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)***

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.