

ZONE CHANGE STAFF REPORT

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

Summary: The applicant is proposing to rezone a tract of property from **HB** (Highway Business) and **F** (General Flood Plain) to **RM-4** (Multi-Family Residential) and **F** (General Flood Plain). The applicant proposes to develop a multi-family residential site. The applicant has also agreed to certain site restrictions and development standards as outlined in the Binding Elements.

<p>Docket Number: 2010-03-Z-BG</p> <p>Public Hearing Date: February 18, 2010</p> <p>Pre-Application Conference: January 4, 2010</p>	<p>Applicant(s): Bertha's Rim Developers, LLC Address: 191 Windmere Court Bowling Green, KY 42103</p> <p>Owner(s): Bertha's Rim Partners, LLC Address: 1401 Scottsville Road, Bowling Green, KY 42104</p>
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<p>Development Plan: This zoning map amendment request was filed with a general development plan (Binding Elements).</p>	<p>Zone Map Amendment Request: FROM: HB (Highway Business) & F (General Flood Plain) TO: RM-4 (Multi-Family Residential) & F (General Flood Plain)</p>
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<p>Location of Proposed Zone Change: Fitzgerald Industrial Drive and Nashville Road</p> <p>Acreage or Square Footage of Tract: 19.5432 acres</p> <p>PVA Parcel Number: 041B-03-004 (Portion of)</p>	<p>Site District: Urban Density Development District Focal Point: 110-5A BG Mall Development Status: Stable Infra Status: S (Sanitary sewer available) Characteristics: Dominant Use Area. Enclosed shopping mall undergoing use transition. Multi-Family residential.</p>
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<p>Existing Land Use: Vacant</p> <p>Zoning History: Zoned B-4 (Highway Business) in 1984.</p> <p>Surrounding Zoning, Land Use, and Subdivisions: See attached maps.</p>	<p>Soil Analysis: Approx. 80% FnC: Fredonia-Vertrees-Urban land complex, 6-12% slopes, very rocky Approx. 18% CuB: Crider-Urban land complex, 2-6% slopes Approx. 2% FnB: Fredonia-Vertrees-Urban land complex, 2-6% slopes, rocky</p> <p>Flood Plain: The property is located in the 100-year flood area according to FEMA FIRM map # 21227C0303 E</p>
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<p>Traffic Considerations: The property has frontage on Fitzgerald Industrial Drive, a City of Bowling Green urban collector roadway with 60 feet of right-of-way with 23 feet of pavement width.</p>	<p>Additional Documentation Required: <input checked="" type="checkbox"/> Traffic Impact Analysis <input type="checkbox"/> Environmental Assessment <input type="checkbox"/> Other</p>
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<p>Water: There are two water lines currently serving the site. A 12" waterline providing 1021 GPM at over 53 / 45 PSI is available along Fitzgerald Industrial Drive. The second waterline is 8" in diameter and provides 978 GPM at over 62/42 PSI is available along Waterbury Court. These water lines are adequate to meet the fire control standards of Bowling Green.</p>	<p>Sewer: There is an 8" sewer line available on Waterbury Court. All future development will be connected to sanitary sewer.</p>
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DEVELOPMENT PLAN REVIEW

Comprehensive Plan Element:	Application:
<p>Intended use of the property and building(s).</p> <p>General placement of the building(s), maximum height of the building(s), and the bulk of the building(s).</p>	<p>The applicants are proposing a multi-family residential development consisting of 216 dwelling units.</p> <p>The applicants are proposing multiple structures on the site situated around an internal access and existing natural topographic features. The maximum heights of all structures are restricted by the Zoning Ordinance to 4 stories above grade.</p>
<p>Design elements (facade treatment, signs, drainage, utilities, sidewalks, gutter and curb, etc).</p>	<p>Facades are proposed to be constructed of at least 80% brick, stone, or other cementitious or modern masonry material.</p>
<p>Maximum density level, intensity of use, or maximum number of lots.</p>	<p>The proposed 216 dwelling units would be located on 19.5432 acres providing for a gross density of 11.05 units per acre. The maximum density allowed in the RM-4 zoning classification is 26 units per acre.</p>
<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>As can be seen from the proposed site layout, the project would have two (2) access points along Fitzgerald Industrial Drive, a City maintained Urban Collector roadway. The Staff has requested that each access shall provide for a left and right turn from the site and an internal travel way connecting the multiple buildings within the site.</p>
<p>Landscape, screening and/or buffering plan.</p>	<p>The Property will install or maintain a landscape buffer, averaging ten (10) feet in width and no less than five (5) feet in width, along the northern and southern property lines as can be seen from Exhibit "B".</p>
<p>Lighting plans.</p>	<p>Outside lighting in parking areas shall shoe-box style lighting and shall be directed downward and appropriately shielded to limit light trespass onto adjoining residential properties.</p>

Items of concern:

- *Compatibility with surrounding area;*
- *Access to the development;*
- *Density of the proposed development;*
- *Architectural controls;*
- *Pedestrian access;*
- *Adequate Open Space;*
- *Landscaping;*

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.</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 have informed staff that a neighborhood meeting was conducted at the Carroll Kniceley Conference Center.</p>
<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-4B-4</u> All urban density residential development shall be served by public sanitary sewer.</p> <p><u>LU-4B-5</u> Electric, telephone and CATV utilities should be placed underground in urban density residential developments.</p>	<p>There are two water lines currently serving the site. A 12" waterline providing 1021 GPM at over 53 / 45 PSI is available along Fitzgerald Industrial Drive. The second waterline is 8" in diameter and provides 978 GPM at over 62/42 PSI is available along Waterbury Court. 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>There is an 8" sewer line available on Waterbury Court, which is located adjacent to the site. All improvements on the property shall be connected to sanitary sewer. (Binding Element II)</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, where applicable or when identified in the Plan.</p> <p><u>LU-4B-1</u> Urban density residential development is permitted only in the "Committed to Urban Density Development" areas as defined in this Plan in Policy LU-2.</p> <p><u>LU-4B-7</u> Urban density residential development shall have street lights, sidewalks, curbs, and gutters installed at the time of development.</p>	<p>Although the proposed development does not have a direct impact on the location of the Greenways (Greenbelt System Master Plan), provisions should be made to allow for internal use of sidewalks or walking trails. The applicants have agreed that the Property shall be developed with an internal walk-trail and shall be developed with a maximum of 50% lot coverage for the entire property as generally shown on Exhibit 'B'. (Binding Elements IX and X)</p> <p>The applicants have also proposed site would consist of one primary entrance sign at an entrance on Fitzgerald Industrial Drive which shall be a monument-style sign no taller than five (5) feet and with no more than sixty (60) square feet of sign face on each side. (Binding Element V)</p> <p>Also, facades of each building shall be constructed of at least 80% brick, stone, or other cementitious or modern masonry material. (Binding Element VII)</p>

COMPREHENSIVE PLAN COMPLIANCE (continued)

Comprehensive Plan Policy:	Application:
<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. 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><u>LU-4A-8</u> Infill residential uses should reflect the overall density and style of the neighborhood.</p> <p><u>LU-4A-9</u> Residential development should not exceed density of surrounding developments by more than 50 percent.</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><u>LU-4D-1</u> Residential development is permitted so long as the development provides landscaped buffering or physical separation from existing non-residential uses.</p>	<p>As mentioned above in the Development Review, the applicants are proposing 216 multi-family residential dwelling units, containing a mixture of one bedroom and two bedroom apartments on 19.5432 acres. As can be seen from the Zoning Map and the zone change plat, a significant number of acres are currently located within a drainage area or F (General Flood Plain) area. (Binding Element VIII)</p> <p>Staff reviewed several surrounding developments to determine the extent of the surrounding densities. The proposed site would provide for a density of 11.05 units per acre based on the gross acreage of 19.5432 acres. The following developments were also calculated based on the gross acreages provided: BG Mall partments-2702 Industrial Fitzgerald) contains 128 residential dwelling units on approximately 9.35 acres for a density of 13.69 units per acre; Lost Woods Subdivision contains 32 lots and 142 residential dwelling units on approximately 11.96 acres for a density of 11.88 units per acre; Campus Pointe has a total of 132 residential dwelling units on approximately 9.64 acres for a density of 13.70 units/acre; Western Place has 132 residential dwelling units on approximately 11.84 acres for a density of 11.15 units/acre; Daystar Village contains 34 total residential units on approximately 2.96 acres for a density of 11.48 units/acre; Lorie Village contains 32 total residential units on approximately 3.90 acres for a density of 8.20 units/acre.</p> <p>The Property will install or maintain a landscape buffer, averaging ten (10) feet in width and no less than five (5) feet in width, along the northern and southern property lines as can be seen from Exhibit "B" (Binding Element IV).</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>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.</p> <p><u>TR-3C</u> New development and redevelopment which is expected to have a significant impact, either by meeting an established trip generation or by Planning Commission determination should conduct a traffic impact study (TIS) to identify design criteria for the site, as well as, off site improvements to existing roadway facilities to mitigate any adverse impacts.</p> <p><u>LU-4B-8</u> High density residential development should have direct access to at least a minor collector street.</p>	<p>A Traffic Impact Study (TIS) was prepared for the site and has considered the proposed developments impact on several surrounding roadways. Using appropriate ITE Land Use Code rates and curves for each land use type, the number of trips attributable to the proposed development was calculated for both AM and PM peak periods as well as for an average weekday.</p> <p>Trip generation data for the project for the AM peak hour is 113 vph with 20% entering and 80% exiting. The PM peak hour is 141 vph with 65% entering and 35% exiting. The average weekday rate was 1,494 ADT. The TIS did assume that traffic entering and exiting the development will split 60/40 between proposed Entrance 1 and Entrance 2. The traffic leaving the development will then be added to the existing and future traffic according to existing travel patterns and percentages. The existing traffic patterns show that 69% of traffic flow toward the Campbell Lane intersection, while 31% of traffic use the Dishman Lane intersection. It is also assumed that traffic will flow through the intersections according to existing patterns.</p> <p>Review of the historic traffic counts provided by the KYTC shows that since 2005 traffic volumes have decreased on both Campbell Lane and Dishman Lane. Since the trend seems to be slowing or even leveling off, a projection of traffic growth was not utilized.</p> <p>Trip generation data for the project for the AM peak hour is 156 vph with 80% entering and 20% exiting. The PM peak hour is 155 vph with 48% entering and 52% exiting. The average weekday rate was 794 ADT. It was assumed that 15% of the traffic generated by this site would use Entrance 2, since it is an overflow parking lot.</p> <p>Under future traffic conditions, it becomes clear that some improvements to the southbound lane of Industrial Drive at Dishman Lane will need to be performed. It also becomes clear that the northbound lane of Industrial Drive at Campbell Lane needs to be addressed for the left-thru movement. Along with re-striping the lanes; a queue storage length for the left turn will be needed. This change will need to be coordinated with the City of Bowling Green Department of Public Works along with the KYTC.</p>

COMPREHENSIVE PLAN COMPLIANCE (continued)

Comprehensive Plan Policy:	Application:
<p><u>TR-2A</u> Adjacent developments shall provide for internal circulation between them in accordance with the subdivision regulations.</p> <p><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.</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-2F</u> Increased building setbacks and more stringent sign controls on arterial and collector streets should be required.</p> <p><u>TR-2G</u> Traffic calming techniques should be included in all new developments, where appropriate.</p> <p><u>TR-2H</u> Development within the City limits of Bowling Green shall comply with the City's adopted Traffic Access Management Manual.</p> <p><u>TR-2I</u> Within urban areas, private access to existing state, county or city streets should be as restrictive as possible, of few as necessary, and align with other existing entrances.</p> <p><u>LU-4A-6</u> 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 applicants have proposed Binding Element XII to address all issued raised by the Traffic Impact Study (TIS).</p> <p>Certificates of Occupancy may be issued for no more than 72 residential units on the Property until the following improvements shall be performed in conjunction with the City of Bowling Green's Public Works Department and the Kentucky Transportation Cabinet:</p> <ul style="list-style-type: none"> A. At the intersection of Campbell Lane and Fitzgerald Industrial Drive, the northbound lane of Fitzgerald Industrial Drive shall be re-striped to provide an exclusive left turn lane and a shared through and right turn lane. This improvement may also necessitate the adjustment of the existing traffic signal for the northbound lane to optimize performance. B. At the intersection of Dishman Lane and Fitzgerald Industrial Drive, the southbound lane of Fitzgerald Industrial Drive shall be improved with an exclusive left turn lane which shall be 50 feet in length to provide for adequate queuing at the intersection. C. Along Fitzgerald Industrial Drive, tree and shrub removal shall be required at the proposed access points to the development to provide for adequate sight distance. <p>The Property will have a maximum of two (2) access points to Fitzgerald Industrial Drive, consistent with the City of Bowling Green's Traffic Access Management Manual. (Binding Element III)</p> <p>Each access to the Property along Fitzgerald Industrial Drive shall provide for a right and left turn lane from the Property as generally shown on Exhibit 'B'. (Binding Element XI)</p> <p>Although no stub streets are proposed for the site that is adjacent to a larger undeveloped parcel; the property will utilize internal travelways to connect each proposed access to the site and all proposed dwelling units.</p>

STAFF REVIEW AND RECOMMENDATION

The Staff finds that the proposed **zoning** is in agreement with the adopted Comprehensive Plan and recommends that the Zoning Map Amendment, together with the General Development Plan, be **APPROVED, pending revision to the Binding Elements**.

MOTIONS

I make the motion to **approve** the proposed zoning map amendment, together with and conditioned upon the General Development Plan, docket number, **2010-03-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, 7, 8, 9, &10;

LU-4B-1, 3, 4, 5, 7, 8, & 9;

LU-4D-1;

TR-2, 2A, 2B, 2C, 2F, 2G, 2H, & 2I;

And TR-3C

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 **2010-03-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 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 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