

<h1 style="margin: 0;">ZONE CHANGE STAFF REPORT</h1>	<p>City-County Planning Commission 1141 State Street Bowling Green, Kentucky 42101 (270) 842-1953</p>
<p>Summary: The applicant is proposing to rezone 3.63 acres from AG & F (Agriculture & General Flood District) to HI & F (Heavy Industrial & General Flood District) in order to create an office and maintenance facilities for truck operations. The applicant has also agreed to certain site restrictions as outlined in the Binding Elements.</p>	
<p>Docket Number: 2011-07-Z-CO</p> <p>Public Hearing Date: July 21, 2011</p> <p>Pre-application Conference: January 10, 2011</p>	<p>Applicant: Scotty's Contracting & Stone, LLC 2300 Barren River Road Bowling Green, KY 42101</p>
<p>Development Plan: This zoning map amendment request was filed with a General Development Plan (Binding Elements).</p>	<p>Zone Map Amendment Request: FROM: AG & F (Agriculture & General Flood District) TO: HI & F (Heavy Industrial & General Flood District)</p>
<p>Location of Proposed Zone Change: 2098 Barren River Road (Intersection of Barren River Road and McFarland Lane)</p> <p>Acreage or Square Footage of Tract: 3.63 Acres (158122.8 Sq. Ft.)</p> <p>PVA Parcel Number: 39B-27-60A</p>	<p>Site District: Rural Density Development District</p> <p>Focal Point: 112-4 Bill Dedmon Rd</p> <p>Development Status: Stable</p> <p>Infra Status: S (Sanitary Sewer is Available)</p> <p>Characteristics: Agriculture/Open Space. Experiencing some low density residential conversion.</p>
<p>Existing Land Use: Vacant</p> <p>Zoning History: Agriculture (AG) is the original zoning.</p> <p>Surrounding Zoning and Land Use: See maps.</p>	<p>Soil Analysis: Approx. 76% FeC: Fredonia-Vertrees complex, 6-12% slopes, very rocky Approx. 24% No: Nolin silt loam, frequently flooded</p> <p>Flood Plain: A portion of the property is located in the 100 year flood area according to FEMA map #21227C0163E dated May 2, 2007.</p>
<p>Traffic Considerations: The property requesting the zone change is interior to a larger piece of land that has frontage on Barren River Road, a county-maintained roadway with twenty-four feet (24') of pavement width and right-of-way that width that varies and on McFarland Lane, a county-maintained roadway with fifty feet (50') of right-of-way and pavement width that varies.</p>	<p>Additional Documentation Required:</p> <p><u> N/A </u> Traffic Impact Study</p> <p><u> X </u> Environmental Assessment (Conducted July, 2008 and submitted with previous case)</p> <p><u> N/A </u> Other</p>
<p>Water: There is a six (6) inch waterline available along Barren River Road providing 600 GPM at greater than 20 PSI. This is adequate for industrial uses and meets the minimum fire control standards of Warren County. McFarland Lane has a four (4) inch waterline providing 600 GPM with less than 20 PSI. This does not meet the minimum fire control standards of Warren County, Kentucky.</p>	<p>Sewer: There is a six (6) inch sewer line available along Barren River Road.</p>

DEVELOPMENT PLAN REVIEW

Comprehensive Plan Element:	Application:
General placement of the building(s), maximum height of the building(s), and the bulk of the building(s).	As stated in the Binding Elements, all buildings will be located and constructed as generally shown on the Concept Plan (Exhibit B).
Intended use of the property and building(s). Maximum density level, intensity of use, or maximum number of lots.	<p>The applicant has stated that all business operations, including all maintenance of vehicles, will take place inside a closed building. The applicants have also stated that there will be no outdoor storage of parts, tires or materials of any kind. The applicants intend to keep all service related operations within a closed building with the exception of washing operations.</p> <p>The applicants have stated that the use of mining, quarries, borrow pit, confined animal feeding operation, asphalt plant, construction and demolition debris landfill, transfer station, solid or liquid waste disposal, live animal or poultry sales, vehicle sales, heavy vehicle and manufacture home sales will not be allowed on the property.</p> <p>The applicants propose that the subject property will not be utilized for storage or parking of vehicles and equipment until the FEMA FIRM Map is amended. This amendment is required because currently, the subject property is located within the 100-year flood area according to the FEMA FIRM Map. Storage and parking of vehicles will be limited solely to the portion of the subject property that is not within the 100-year flood elevation following the of the FEMA FIRM Map.</p>
Design elements (the treatments, signs, drainage, utilities, sidewalks, gutter and curb, etc).	<p>The applicant has submitted a Statement that includes all stormwater retention basins be maintained free of trash and other unsightly matter, and grass within such retention basins will be maintained to not exceed six (6) inches in height.</p> <p>Additionally, the applicant has committed that no internally illuminated sign will be permitted on the building exteriors. The applicant also stated that all freestanding signs will be monument style and limited to fifteen (15) feet and one hundred (100) square feet of sign face area on each face. These freestanding signs will not be internally illuminated. There will also be no lighted signs installed along the property line adjacent to McFarland Lane. Additionally, will be no above-ground storage tanks</p>
General location of internal streets and travelways, average daily trips (ADT) generated by the proposed use, access points to existing streets and parking.	The applicants have committed in the Statement of Binding Elements that there will be no vehicular access to the property from McFarland Lane and that all parking and travel ways will be located and constructed as they generally appear on the Concept Plan (Exhibit B).

DEVELOPMENT PLAN REVIEW (Cont'd)

Comprehensive Plan Element:	Application:
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<p>Landscaping, screening and/or buffering plan.</p>	<p>The Binding Elements propose that the property will be developed to meet the minimum requirements of the landscape provisions of the Zoning Ordinance of Warren County. The developer has committed to retain and/or install a fifty (50) foot vegetative buffer along the property line adjacent to McFarland Lane which will incorporate an earthen berm with appropriate height and width to provide screening of the property from McFarland Lane as well as vegetative planting. The developer will utilize as much as possible the existing vegetation along the McFarland Lane property line. The berm will extend along the McFarland Lane side of the property to a point on the Southeastern most boundary of the subject property and the Texas Gas Transmission Corp.'s property as shown on the Concept Plan. The applicants have stated that the buffer will be a natural-type landscape buffer using a mixture of native shade tree species, coniferous trees and large shrubs. The large shrub species will be a mixture of viburnum, juniper, euonymus or equivalent and such shrubs will not be sheared but be allowed to grow to their natural mature height.</p> <p>The applicants have also committed that all fencing will be located and constructed as generally shown on the Concept Plan.</p>
<p>Lighting plans.</p>	<p>Lighting on the property will be down lighting, high intensity discharge shoebox luminary type or wall-pack lighting designed to direct all lighting on the premises away from any adjacent property.</p>
<p>Provisions for sewage disposal and provisions for fire protection.</p>	<p>There is a six (6) inch sewer line available along Barren River Road and the applicants have committed to connecting improvements on the property to sanitary sewer. The applicants have also stated that the property will have adequate water to meet the fire control standards of Warren County, Kentucky.</p>

Staff Items of Concern

- *Landscaping / Buffering;*
- *Signage;*
- *Lighting.*

COMPREHENSIVE PLAN COMPLIANCE

<p>Comprehensive Plan Policy:</p>	<p>Application:</p>
<p><u>LU-1A-2</u> In preparing a general development plan, surrounding</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 was forwarded to Planning Commission</p>

<p>property owners must be consulted prior to submitting a zone change request to the Planning Commission.</p>	<p>Staff regarding a neighborhood meeting.</p>
<p>LU-6A-3 All new industrial development must be planned in a manner that will prevent adverse impacts on the environment or other activities in the community and must demonstrate this by an approved general development plan.</p>	<p>The applicants have submitted a general development plan including several binding elements to address impacts on the environment and other activities in the community.</p> <p>All stormwater retention basins shall be well maintained free of trash and other unsightly matter, and grass within such retention basins shall be maintained so as not to exceed six (6) inches in height. (Binding Element 6)</p> <p>There shall be no above-ground storage tanks. (Binding Element 19). The following uses shall not be allowed on the property: mine, quarry, borrow pit, confined animal feeding operation, asphalt plant, construction and demolition debris landfill, transfer station, solid or liquid waste disposal, live animal or poultry sales, vehicle sales, heavy vehicle and manufactured home sales. (Binding Element 10)</p>
<p>LU-6A-6 New industrial uses shall be served by public sanitary sewer, when sewer is available.</p>	<p>A six (6) inch sewer line is available along Barren River Road.</p> <p>Improvements to the property will be connected to sanitary sewer (Binding Element 1)</p>
<p>LU-6A-7 All industrial uses must be served with public water providing a minimum fire flow of 600 GPM at 20 PSI or meet the standards of the applicable jurisdiction, and have fire protection service in accordance with the ISO standards for the use and location.</p>	<p>A six (6) inch waterline is available along Barren River Road providing 600 GPM at greater than 20 PSI. This is adequate for industrial uses and meets the minimum fire control standards of Warren County, Kentucky. McFarland Lane has a four (4) inch waterline providing 600 GPM with less than 20 PSI. This does not meet the minimum fire control standards of Warren County, Kentucky.</p> <p>The property will have adequate water to meet the fire control standards of Warren County, Kentucky. (Binding Element 2)</p>
<p>LU-6A-11 Provisions must be made for proper control of industrial uses which have or make products which could be hazardous to human life and property (e.g. Production or use of explosives and flammable or corrosive chemicals).</p>	<p>The applicants submitted an Environmental Assessment with their previous zone change that was conducted in July of 2008; however, the they also submitted a Binding Element that commits that the subject real property is currently located within the 100-year flood area according to FEMA FIRM Map. The subject real property shall not be utilized for storage or parking of vehicles and equipment until the FEMA FIRM Map is amended, and such utilization shall be limited solely to that portion of the real property which is not within the 100-year flood elevation following such map amendment (Binding Element 11).</p> <p>The business operations, including all maintenance of vehicles, shall take place within an enclosed building. There shall be no outdoor storage of parts, tires or materials of any nature. All vehicle servicing shall take place within an enclosed building with the exception of washing operations. (Binding Element 4)</p>

COMPREHENSIVE PLAN COMPLIANCE (continued):

<p>Comprehensive Plan Policy:</p>	<p>Application:</p>
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<p>TR-2 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>LU-6A-9 All industrial uses shall be located with access to at least a collector street. There shall be no ingress or egress into any residential neighborhood.</p>	<p>There shall be no vehicular access to the property from McFarland Lane (Binding Element 3).</p> <p>The property requesting the zone change is interior to a larger piece of land that has frontage on Barren River Road, a county-maintained roadway with twenty-four feet (24') of pavement width and right-of-way that width that varies and on McFarland Lane, a county-maintained roadway with fifty feet (50') of right-of-way and pavement width that varies.</p>
<p>LU-6A-12 Loading docks, vehicle use areas, public use areas, and outside storage areas should be screened from adjacent residential developments or from streets classed as a major collector or higher, and in compliance with any adopted landscaping ordinance.</p> <p>LU-6A-13 Parking areas are discouraged within the building setback areas to allow for street landscaping.</p>	<p>The property will be developed to meet the minimum requirements of the landscape provisions of the Zoning Ordinance of Warren County. In addition, the Developer will retain and/or install a fifty (50) foot vegetative buffer along the property line adjacent to McFarland Lane which shall incorporate an earthen berm with appropriate height and width to provide screening of the property from McFarland Lane as well as vegetative planting and shall utilize as much as possible the existing vegetation along such property line. The earthen berm shall extend along such property line to a point on the Southeastern most boundary of the subject real property and Texas Gas Transmission Corp.'s property as shown on the Concept Plan. The buffer shall be a natural-type landscape buffer using a mixture of native shade tree species, coniferous trees and large shrubs. Large shrub species shall be a mixture of viburnum, juniper, euonymus or equivalent and such shrubs shall not be sheared but be allowed to grow to their natural mature height (Binding Element 5).</p>
<p>LU-6A-14 Free standing signs should be in proper scale, style and bulk with the surrounding area. In general, all signs should not be taller than the tallest structure on the site.</p> <p>LU-6A-15 When located adjacent to a residential area, site 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>All freestanding signs shall be monument style and limited to fifteen (15) feet in height and one hundred (100) square feet sign area on each face. Such freestanding signs shall not be internally illuminated. No lighted signs shall be installed along the property line adjacent to McFarland Lane. (Binding Element 8)</p> <p>No internally illuminated wall sign shall be permitted on the building exteriors. (Binding Element 7)</p> <p>Any lighting which is installed on the subject property shall be down lighting, high intensity discharge shoebox luminary type or wall-pack lighting specifically designed to direct all lighting on the subject premises and away from any adjacent property. (Binding Element 7)</p>

COMPREHENSIVE PLAN COMPLIANCE SUMMARY

The staff evaluated the following **eleven (11)** policies for compliance:

POLICIES IN COMPLIANCE

- LU-6A-3, 6, 7, 9, 11, 12, 13, 14 & 15;
- TR-2

POLICIES **NOT** IN COMPLIANCE

- LU-1A-2

MOTIONS

I make the motion to **approve** the proposed zoning map amendment, together with and conditioned upon the General Development Plan, docket number, **2011-07-Z-CO**. 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-6A-3, 6, 7, 9, 11, 12, 13, 14 & 15;

& TR-2

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 **2011-07-Z-CO**. 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-1A-2

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.