

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 .759 acres (33,073 sq. ft) of property located at 2350 Nashville Road from **RM-4** (Multi-Family Residential) to **HB** (Highway Business). The property will be used for an access drive and a billboard. The applicant has also agreed to certain site restrictions as outlined in the Binding Elements.

Docket Number: 2011-14-Z-BG
Public Hearing Date: May 19, 2011
Pre-application Conference: April 13, 2011

Owner(s): Potter Children's Home and Family Ministries, Inc.
Address: 2350 Nashville Road
Bowling Green, KY 42101-4098

Development Plan:
This zoning map amendment request was filed with a General Development Plan (Binding Elements).

Zone Map Amendment Request:
FROM: RM-4 (Multi-Family Residential)
TO: HB (Highway Business)

Location of Proposed Zone Change:
2350 Nashville Road
Acreage or Square Footage of Tract:
.7587 Acres (33,053 Sq. Ft.)
PVA Parcel Number:
040-B-23-027 (a portion of)

Urban Density Development District
Focal Point: 109-3 Highland Drive
Development Status: Stable
Infra Status: S (Sanitary Sewer is Available)
Characteristics: Residential. Low density, pre-1960 suburban single family residential.

Existing Land Use: Vacant (existing access drive).

Zoning History: The property's original zoning is R-1 (Single Family Residential). In January 2001 the property was rezoned from **R-1** (Single Family Residential) to **R-4** (Multi-Family Residential) with Binding Elements. The zoning of the property was converted from **R-4** to **RM-4** (Multi-Family Residential) later in 2001.

Surrounding Zoning, Land Use, and Subdivisions: See attached maps.

Soil Analysis:
100% 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 FIRM map # 21227C0304 E.

Traffic Considerations: The portion of the property to be zoned has frontage on Campbell Lane, a State maintained urban arterial roadway with right-of-way and pavement width that vary.

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

Water: There is a twelve inch (12") waterline available along Campbell Lane providing more than six hundred (600) GPM with more than twenty (20) PSI. This meets the City fire control standards of Bowling Green.

Sewer: There is an eight inch (8") sewer line available along Campbell Lane approximately one hundred thirty-five feet (135') from the property.

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).	The principal structure on the lot will be the proposed billboard. No other buildings are proposed for the site.
Intended use of the property and building(s).	The property will house a billboard and access drive.
Design elements (facade treatments, signs, drainage, utilities, sidewalks, gutter and curb, etc).	Signage on the property, including off-premises signage will be developed in compliance with the signage provision of the Joint Zoning Ordinance of Warren County, Kentucky. No LED-type signage shall be allowed on any off-premises signage (Binding Element V). All utility lines shall be installed underground (Binding Element III).
Maximum density level, intensity of use, or maximum number of lots.	As shown on the zone change plat, the applicants are proposing to rezone an area of 33,053 sq. ft. from RM-4 (Multi-Family Residential) to HB (Highway Business) and intend to use an area of 10,103 square feet to house a billboard.
General location of internal streets and travelways, average daily trips (ADT) generated by the proposed use, access points to existing streets and parking.	The property will be served with the single existing access point to Campbell Lane (Binding Element I).
Landscape, screening and/or buffering plan.	The property will be required to be developed in compliance with the landscape provisions of the Zoning Ordinance of Warren County, Kentucky.
Lighting plans.	Lighting of any parking or travelway areas on the property shall be downlighting, high intensity discharge, shoebox illuminary-type (Binding Element II).
Provisions for sewage disposal.	Sanitary sewer will be available to the site; however, Billboard lots created under Section 4.6.8.F.12 of the Zoning Ordinance do not require adequate sewer capacity in order for the lot to be created.
Provisions for fire protection.	Water will be available to the site; however, Billboard lots created under Section 4.6.8.F.12 of the Zoning Ordinance do not require adequate water capacity in order for the lot to be created.

Staff Items of Concern

- *Compatibility with surrounding properties.*

COMPREHENSIVE PLAN COMPLIANCE

Comprehensive Plan Policy:	Application:
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<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. The applicants have informed the Planning Commission staff that a neighborhood meeting was (to be) held on May 17, 2011 at Potter Children’s Home.</p>
<p><u>LU-2C-1</u> Urban Density Development District. Areas within the corporate limits of Bowling Green, areas within the corporate limits of any 5th or 6th class city, or areas within 1,500 feet of public sanitary sewer are declared to be “potentially suitable for Urban Density Development”.</p>	<p>The property does lie within the city limits of Bowling Green and within the 109-3 Highland Drive Focal Point. This Focal Point is characterized as residential, low density, pre-1960 suburban single family residential (development). The Focal Point does cover a large area along Campbell Lane which has transitioned to commercial uses since the establishment of the focal points in the 1990 Comprehensive Plan.</p>
<p><u>LU-5A-9</u> All new commercial uses shall be served by public sanitary sewer, when sewer is available.</p>	<p>There is an eight inch (8”) sewer line available along Campbell Lane approximately one hundred thirty-five feet (135’) from the property.</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>There is a twelve inch (12”) waterline available along Campbell Lane providing more than six hundred (600) GPM with more than twenty (20) PSI. This meets the City fire control standards of Bowling Green.</p>
<p><u>LU-5A-2</u> Commercial uses include all non-residential, non-industrial uses considered under this Plan.</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-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>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>The applicant is proposing to construct a billboard (off-premise sign) on the property. The Zoning Ordinance of Warren County deals with signage in two (2) very specific categories – on-premise and off-premise signs. Signs that are on a specific lot in association with a specific use are defined as an on-premise sign. These signs are regulated with respect to number, location, size and height under Section 4.6.8.F.3 of the Ordinance. Off-premise signs are further broken down into two (2) categories – Consolidated Shopping Center Signs and outdoor or billboard advertising signs. The outdoor or billboard advertising signs (Interstate and Urban) are regulated under Section 4.6.8.F.12 of the Ordinance.</p> <p>The applicants have committed that the property will not be used for the sale or rental of alcoholic beverages, gambling related activities including lottery tickets or any obscene or pornographic materials (Binding Element IV).</p> <p>The applicants have also committed that the signage on the property, including off-premises signage will be developed in compliance with the signage provision of the Joint Zoning Ordinance of Warren County, Kentucky. No LED-type signage shall be allowed on any off-premises signage (Binding Element V).</p> <p>Lighting of any parking or travelway areas on the property shall be downlighting, high intensity discharge, shoebox illuminary-type (Binding Element II).</p>

COMPREHENSIVE PLAN COMPLIANCE (Continued)

Comprehensive Plan Policy	Application:
<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, whichever is larger.</p> <p><u>LU-5B-1</u> Infill sites with access to at least a minor collector street may be developed as commercial uses which are low volume traffic generators. The proposed development shall maintain the residential scale, size, and style of the neighborhood. At least 25% of the site shall be landscaped open space.</p>	<p>The property will be required to be developed in compliance with the landscape provisions of the Zoning Ordinance of Warren County, Kentucky.</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-5B-2</u> Peripheral commercial development must be located on at least a minor collector street.</p> <p><u>LU-5B-3</u> Primary ingress or egress to the commercial site shall not adversely impact any residential neighborhood.</p> <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-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-2F</u> Increased building setbacks and more stringent sign controls on arterial and collector streets should be required.</p>	<p>The proposed use of the property would be considered a low traffic generator. Typically the traffic that would be generated to the site would be for maintenance of the billboard structure.</p> <p>The property will be served with the single existing access point to Campbell Lane (Binding Element I).</p> <p>As mentioned above, billboards (off-premise signs) have specific criteria for the creation of a stand alone lot, the height, area of the sign and their location within Warren County under Section 4.6.8.F.12 of the Zoning Ordinance. Off-premise signs that are classified as Urban Billboards are only allowed along major corridors within the City limits of Bowling Green as shown in Appendix A – Exhibit B2 (see attached) of the Zoning Ordinance and which are zoned HB (Highway Business) or industrial (LI or HI). Urban Billboards must be located on a separate lot, consisting of a minimum of 5,000 square feet and may not be located closer than 500 feet from any other billboard as measured along each side of the roadway. The Zoning Ordinance also limits the total area of an Urban Billboard to 600 square feet (300 square feet per side). The maximum height is limited to forty (40) feet above the average ground level at the base of the sign and a maximum width of fifty (50) feet.</p>

COMPREHENSIVE PLAN COMPLIANCE SUMMARY

The staff evaluated the following seventeen (17) policies for compliance:

POLICIES IN COMPLIANCE

- *LU-1A-2*
- *LU-2C-1*
- *LU-5A-2, 4, 5, 9, 11, 12, & 16;*
- *LU-5B-1, 2, 3*
- *TR-2, & 2H*

POLICIES NOT IN COMPLIANCE

- *LU-5A-6 & 15*
- *TR-2F*

MOTIONS

I make the motion to **approve** the proposed zoning map amendment, together with and conditioned upon the General Development Plan, docket number, **2011-14-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-2C-1;

LU-5A-2, 4, 5, 9, 11, 12 & 16;

LU-5B-1, 2 & 3

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 **2011-14-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-5A-6, LU-5A-15 & TR-2F

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.