

**URBAN GROWTH DESIGN REVIEW BOARD**  
**August 17, 2011**  
**City-County Planning Commission**  
**Upstairs Conference Room**  
**1141 State Street**

**MEMBERS PRESENT:**

**David Sowders**  
**John Williams**  
**Laura Southard**  
**Chip Hightower**  
**Bill Finley**  
**Laura Jones**

**STAFF PRESENT:**

**Jonathan Britt, Planner**  
**Sandy M. Clark, Zoning Administrator**  
**Daniel Faller, Plans Reviewer**

**ABSENT: Alice Ford**

Chairman Laura Southard called the Meeting to order at 5:01 p.m. She asked the Zoning Administrator, Sandy Clark, to call the roll and determine a quorum.

**A. DETERMINATION OF QUORUM**

Sandy M. Clark, Zoning Administrator, conducted roll call and determined six (6) of the seven (7) members were present at the time of roll call. The quorum was determined to be present with six members in attendance at the time roll call was taken.

**B. APPROVAL OF MINUTES**

Chairman Southard asked if all Commissioners had received and read the Summary Minutes of the meetings held on July 20, 2011. Being no questions or comments, the Motion was made by Mr. Hightower, seconded by Mr. Finley, and unanimously agreed upon by all Board Members present (6 yeas) to approve the Summary Minutes of the July 20, 2011 meeting.

**II. PUBLIC MEETING**

Then Chairman Southard announced the first item on the agenda, described as: **ODP-03-2011 - BWJ Holdings, LLC.**, has applied for approval of an Overlay Development Plan on a tract of land containing 1.005 acres (43,792 square feet) located at 335 New Towne Drive, at the intersection of New Towne Drive and Natchez Trace Avenue. The plan proposes the construction of a two-story, approximately 7,795 square foot medical office building, and all required parking, drainage and landscaping. This property is zoned PUD (Planned Unit Development) with Binding Elements.

Daniel Faller, Plans Reviewer of the City-County Planning Commission was sworn in by Chairman Laura Southard. Mr. Faller presented the staff report and stated BWJ Holdings, LLC., has applied for approval of an Overlay Development Plan on a tract of land containing 1.005 acres (43,792 square feet) located at 335 New Towne Drive which is at the intersection of New Towne Drive and Natchez Trace Avenue. The plan proposes the construction of a two-story, approximately 7,795 square foot medical office building and all required parking, drainage and landscaping. This property is zoned PUD (Planned Unit Development) with Binding Elements.

**STAFF REVIEW:** This plan meets all the requirements of the PUD (Planned Unit Development) zone, Binding Elements and the overlay development standards as follows:

Total site area: 1.005 acres (43,792 square feet)

	<u>Allowed/Required</u>	<u>Provided</u>
Lot coverage:	70%	Proposed: 73%*

\*The applicants have submitted a request to the Board of Adjustments for a Variance in order to cover 80% of the combined Lots 9-1 and 9-2, which at build-out will have lot coverage of approximately 80%.

Building set backs:	<u>Allowed/Required</u>	<u>Provided</u>
Front:	30 feet	79.44 feet (New Towne Drive) 60.96 feet (Natchez Trace Ave)
Side:	20 feet	52.42 feet
Rear:	20 feet	24.00 feet

Floor Area Ratio:	maximum 0.50	0.175
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Building area:	The building contains 7,795 square feet.	
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Building height:	N/A	30 feet and 10 inches
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Parking:	39 spaces	53 spaces
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Landscape:	The landscape plan has been approved.	
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Signage:	The applicants are proposing a 10 foot wide by 5 feet tall monument style sign.	
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Drainage:	Drainage has been approved.	
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Traffic:	Traffic Impact Study was approved with the zoning.	
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Access:	The site will have one access on New Towne Drive and one shared access on Natchez Trace Avenue.	
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**Design elements for review:**

Building materials:

- The foundation will be stone veneer, color: silver slate.
- Siding shall be brick, main body color: colonial gray smooth; with accent stripe brick, color: blue black.
- Mortar color: Flamingo M-10.
- Soffits shall be aluminum, color: white.
- Windows and Doors shall be storefront system color: white.
- Glazing will be insulated bronze tinted glass.
- Entrance materials are aluminum storefront system in white with tempered glazing.
- Concealed lighting under entry canopy.
- Solar shades over the lobby windows to be aluminum in a white finish.

Roof materials:

- Roofing material shall be aluminum standing seam in a white finish
- Gutters and downspouts shall be aluminum in a white finish.

Landscape Design/plant material:

Plant material is appropriate and approved.

Mr. Faller stated that it is the staff's recommendation that this Overlay Development Plan meets the criteria for ***approval*** with two (2) conditions:

1. Approval of Variances by the Board of Adjustments (BOA approval 8/11/11).
2. A plat must be recorded to revise the two lots.

Chairman Southard asked one of the applicants to come forward or a representative for the applicants. Therein, Brian Shirley, of ACES of 1136 South Park Drive, Bowling Green, Kentucky, came forward and was sworn in by Chairman Southard to testify before the Design Review Board. When asked about the original plat, Mr. Shirley said the original plat had an access envelope for the block and the islands modified had to come over to adjacent property. The Lot 9-2 will hopefully be back next month with a plan to be able to see a project for that lot also. There is a drawing that shows the access going back to adjacent property – Dr. Compton – with shared parking and the parking shown on Dr. Brewia's property. All the parking will be shared in the access way will be shared parking pursuant to a parking agreement/easement. The parking spaces in the rear of Lot 9-1 will be available for the adjacent property. There will be curb and gutter. On Lot 9-2 there are plans for a building also, which is hoped to be brought in next month. Lot 9-2 will have adequate parking with putting the Lot 9-1 parking and shared parking. There will be two separate lots, two separate buildings with parking for both lots that will be shared. The plat will show the access easements which will always be a part of each lot.

The next witnesses who stepped to the podium were David Gottfried and Eric Hathaway, both with DG Architect of 2809 Russellville Road, Bowling Green, Kentucky, who were both sworn in by Chairman Southard to testify before the Design Review Board. Mr. Gottfried discussed the materials to be used on the building, including bricks, white roofing materials, EFIS masonry materials, windows, tile, etc.

When asked about the white roof, which looks like a huge expanse of white, the applicants said the building roof will not be seen from I-65, only the west side of the building would be seen. Another Board member said she felt this design is dramatically different than what seems to be out there already. She said the colored roof is different and asked about Binding Elements. Mr. Faller said that the Binding Elements did not mention roof colors or design. There is an architectural review group to review the plans next (being Steve Snodgrass, Vince Berta and Tad Donnally) review each set of plans to make sure this design meets the standards of the PUD district. If the review group does not approve the plans, then a new set of plans will come back to this Review Board and then go to the architectural review group.

The trim, as well as the roof, will be white in color which is energy efficient and reflective. The awnings will be aluminum. The canopy will have the same roof material as the main building. There are smaller windows along the side with the treatment/exam areas; larger windows in the intermediate area (reception area) and then there is band of windows along the top for light and to break up the larger windows areas. It was suggested that bands be place around the smaller windows. The applicants said there would be landscaping along the building which would break the long horizontal view.

Another Board member asked where the AC unit will be situated. Mr. Shirley showed the plans for the AC units; electrical transformer and the dump pad for the buildings. There will not be any sidewalks on the west side or south side of the building. There will be screening for wherever the AC and dump pad will be located.

The exterior lighting will consist of walk lights and single chandelier type lights under the canopy. There will be street lighting and lighting in the parking areas.

The building will have approximately 7,700 square foot of space and have approximately three units available in the building itself.

One of the Board members asked about going to the Board of Adjustments with a request for 80% which would be a Variance of 10% from the 70% allowed in this zoning district. He asked when the Variance would be heard. The applicants stated that they went before the Board of Adjustments last Thursday night on August 11<sup>th</sup> and they approved the Variances on Lots 9-1 and 9-2. Jonathan Britt stepped in and said that there was a lot of discussion at the Board of Adjustments about the other lots surrounding this site, is that Dr. Compton had to get Variances; Dr. Sims had to get Variances and now we came back again with more requests for Variances. It was determined that if kept at 70% lot coverage, then approximately 20 parking spaces would be lost.

Marshall Robinson came in and stated that four lots have been subdivided and now the fourth lot is probably not going to be buildable. Mac Yowell said that he reviews the plats and the four lots were recorded.

Mr. Britt explained that the Review Board has the ultimate control over the site design. The Variances have already been granted by the Board of Adjustments. One of the Board members then said that the three (3) Variances approval was a condition that has been met under this application. Now the only condition for approval of this design would be recording of a plat.

Mr. Robinson said the three (3) Variances have all been approved for the lot coverage and that set backs have been satisfied. Mac Yowell, Staff Engineer, said that other facilities in the development have been built with lessor lot coverage, so it may be very easy to change the storm water basin to go into the storm water system by allowing more water from these lots to make up for the lessor use on other lots in the development. It was suggested that perhaps pervious pavement could be used which could change the storm water consideration.

Chairman Southard asked if the Board of Adjustments approved Variances on both lots – 9-1 and 9-2. It was confirmed that both lots have received the Variances. It was also confirmed that both lots will have a medical facility which increases the number of parking spaces. Mr. Robinson said there were engineering questions and technical questions that the Boards themselves are not qualified to review the storm water and draining questions, that is what the Engineering staff and qualified staff are there to do, but Board just needs to look at the design and layout, but not the greenways and engineering aspects as to the project or development.

Mr. Britt then said the ultimate solution would be one lot with one building instead of two lots and two buildings. Chairman Southard said she would rather see both lots brought before the Board and table this discussion until both Lots 9-1 and 9-2 are designed and brought before this Board. Mr. Britt said he could not remember any additional lot coverage Variances in this same area, there have been set back requests, but he could not remember lot coverage request. Mr. Sowders said he is little unhappy with the lot coverage increase with less green. Mr. Britt said he does not want to cross any lines in comparing other cases to this case. Each case is its own development and its own design and each case should be looked at individually.

Attorney Hamp Moore said that the By-Laws indicate that the meeting/hearing can be recessed or adjourned until a day certain - which would be the next scheduled meeting on September 21, 2011 at 5:00 p.m. Chairman Southard then said, there are three options here today: 1) vote to approve; 2) vote to disapprove; or 3) adjourn/table this meeting until next month.

Brian Shirley confirmed that even though the applicants went to the Board of Adjustments to get approval for a change in lot coverage; that this Board is not going to acknowledge that the applicants were allowed to and permitted to use 80% lot coverage. Mr. Gottfried stated that anytime there are small lot sizes, business and economic wise, everything becomes more intense and more use of lot coverage - - the smaller lots will never to as spacious and open as WKOA or Lifeskills. It would not be possible because of lot sizes.

Dr. John Brewia asked if he could speak after listening to all that has been said today. Chairman Southard swore him in and he spoke to the Board. Dr. Brewia said they purchased 2½ acres of land to build a 10,000 square foot building with plenty of parking. The drawing from the Engineer allowed for a little over 6,000 square foot building on one lot and he said he was assured from everyone involved in this development that these lots and buildings were going to be okay. Now, he is told that this not okay and he is unhappy that money has been invested and things have been done in good faith and done the proper way, is now being stolen away. Now, he is told the building has to be shrunk down on Lot 9-1, not sure if even can have a building on Lot 9-2 and now find out that the other lot may not even be a buildable lot due to a misstep. Surely something can be built on the small lot, even if it is a small building on a small lot.

Now having to come back delays the construction on this building; delays the lease for the other lot building - - there are issues that the Board is just not considering. Chairman Southard said she does not see enough green space for this development and believes it would be over-developed for the area. Mr. Shirley said that the lots each would have twenty percent (20%) open space. Chairman Southard said the design just looks over-developed. Mr. Shirley then said that part of the frustration is that Dr. Brewia accommodated Dr. Compton with the access easement which encompassed some lot coverage. If this had not been done, then Dr. Compton's lot would probably have needed an additional Variance besides the one it had to already get, in order to have the proper area for parking. So being a good neighbor now is going to penalize Dr. Brewia.

Mr. Britt told Dr. Brewia and the applicants they are not being penalized, but you are trying to put too much building on not enough property. He said he has told the applicants from day one, and now you need to go back and re-design a new building and then bring it back to this Board. Mr. Britt said he would give written specifications as to what is expected. Chairman Southard told the applicants to buy a bigger lot if they want such a large building on a lot.

Chairman Southard asked if there were any additional questions for the applicants. Being no other questions or comments, Chairman Southard then asked for a Motion.

**ACTION: Upon Motion of David Sowders, seconded by Bill Finley, to recess/ adjourn this meeting of the Urban Growth Design Review Board until its next regularly scheduled meeting on September 21, 2011, at 5:00 p.m., in order to get more information from applicants. All members concurred (6 yeas).**

**ADDITIONAL BUSINESS:**

Chairman Southard asked if there was any additional business to come before this Board. She asked if there were any announcements for the Board.

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Being no additional business, the meeting was adjourned by Motion of Laura Jones, seconded by Chip Hightower. All Board members agreed and the meeting adjourned at 6:29 p.m.

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Chairman Laura Southard

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Sandy M. Clark, Zoning Administrator