

SUMMARY MINUTES
City-County Planning Commission of Warren County
February 19, 2009 @ 7:00 p.m.
City Commission Chambers
Bowling Green City Hall - 1001 College Street

Present:

Mary Belle Ballance
Cliff Nahm
Chuck Coppinger

Tim Huston
Bill Hotaling
Albert Rich

Larkin Ritter
Linda Dickerson
Faye Phelps

Absent:

Bennie Jones

Bill Robertson

Velma Runner

The City-County Planning Commission of Warren County was called to order by Vice-Chairman Linda Dickerson. Vice-Chairman Dickerson requested Sandy Clark, Administrative Executive Secretary, to conduct roll call in order to determine a quorum. A quorum was determined with nine (9) of twelve (12) Commissioners present at the time of the roll call.

I. ADMINISTRATIVE REVIEW:

Vice-Chairman Dickerson asked if all Commissioners had received and read the Summary Minutes of the meeting held on February 5, 2009. The Motion was made by Commissioner Rich, seconded by Commissioner Huston, and agreed upon by all of the Commissioners present to approve the Summary Minutes of the February 5, 2009 meeting as written.

Hon. Hamp Moore, Attorney for the Planning Commission, requested the Vice-Chairman order that the Joint Zoning Ordinance of Warren County, Kentucky; the Subdivision Regulations; and the Comprehensive Plan with all of its elements effective as of this date (February 19, 2009) be introduced as exhibits for each of tonight's hearings. He further requested the Vice-Chairman order that the Staff Report, with all attachments together, and with the Commission's entire file for these applications be likewise introduced as exhibits. Mr. Moore asked that the Oath be administered to Steve Hunter, Executive Director; Mac Yowell, Staff Engineer; Jonathan Britt, Planner, and Marshall Robinson, Planner, as witnesses before the Planning Commission and their oath and qualifications be reflected in the record for each of tonight's hearings. Vice-Chairman Dickerson so ordered and swore in all of the above.

C. REPORT ON SUBDIVISION APPROVALS

Vice-Chairman Dickerson asked if there were any questions or comments on the Subdivision approvals. Being no questions or comments, the January 29, 2009 to February 10, 2009 Subdivision plats stand as recorded.

D. LETTERS OF CREDIT AND PERFORMANCE BONDS

Vice-Chairman Dickerson asked if there were any questions or comments in regard to the list of letters of credit and performance bonds listed below. Mr. Yowell stated there were three additions (#7 thru 9) to the list presented to the Commission and presented a staff report in regard to the Subdivision Sureties. Thereafter, Vice-Chairman Dickerson asked for a Motion:

ACTION: A Motion was made by Commissioner Hotaling, seconded by Commissioner Huston, which passed unanimously to approve the following:

1. Call or release the letter of credit for Kelly Heights Phase 2 in the amount of \$71,364.00 from Kelly Heights, LLC.

Release Letter of Credit and accept \$5,000 cash for drainage clean up and County acceptance.

2. Call the letter of credit for Cool Springs Farm in the amount of \$54,000.00 from JMLD DEV, LLC.

Call due to surface and drainage deficiencies.

3. Call, renew, reduce or release the letter of credit for McLellan Farms Section 1 in the amount of \$200,502.00 from McLellan Farms, LLC.

Renew at full amount.

4. Call, renew, reduce or release the letter of credit for Greystone Section 7 in the amount of \$48,000.00 from Greystone Properties.

Release pending City acceptance - final inspection 2-18-09

5. Call, renew, reduce or release the letter of credit for Fieldstone Farms Section 4, Phase 2 in the amount of \$27,307.00 from Fieldstone Farms, LLC.

Release Letter of Credit and accept \$5,000 cash for drainage clean up.

6. Call, renew, reduce or release the letter of credit for Moss Meadows Section 1 in the amount of \$176,400.00 from Moss Meadows, LLC.

Renew at full amount.

7. Call the letter of credit for Lake View Estates Subdivision in the amount of \$30,373.00 from Barbalas/Toperek.

Call - in default as of February 21, 2009

8. Call or release the letter of credit for Chandler Park Subdivision in the amount of \$26,900.00 from Chandler Park, LLC.

Call or release - need as-builts for basin. Project is private and City may not need as-builts.

9. Release the letter of credit for Greystone Subdivision Section 6 in the amount of \$10,000.00 from Greystone Properties, Inc.

Release pending City acceptance - final inspection 2-18-09

Commissioner Hotaling asked if the final inspections were performed. Mr. Yowell explained that the inspections were done and now the City Public Works would have to go back and ask the City Commission to accept the streets in the subdivision into their system.

II. PUBLIC HEARINGS:

Vice-Chairman Dickerson announced the first items under the Public Hearings section is a request for a cell tower and two Variances described as: 2009-01-T-BG AT&T Wireless PCS, LLC has filed an application for approval of a wireless communications tower (cell tower) located at 131 Parker Avenue. The proposed overall tower height will be approximately 210 feet. This property is zoned LI (Light Industry) with Binding Element; and 2009-V-02 AT&T Wireless PCS, LLC and KWBG Properties, LLC have filed an application for a Variance of 61 feet from the required 126 foot set back from the nearest property line (60% tower height set back) and a Variance of approximately 660 feet from the required set back of 1,500 feet from a residential district in order to locate a wireless communications tower (cell tower) at 131 Parker Avenue. This property is zoned LI (Light Industry) with Binding Elements.

Marshall Robinson presented the staff report and stated applicants have filed an application for approval of a wireless communications tower (cell tower) located at 131 Parker Avenue. The proposed overall tower height will be 210 feet. This property is zoned **LI** (Light Industry) with Binding Elements. The applicants have also requested a Variance of 61 feet from the required 126 foot set back from the nearest property line (60% tower height set back) and a Variance of approximately 660 feet from the required set back of 1,500 feet from a residential district in order to locate a wireless communications tower (cell tower) at 131 Parker Avenue.

The applicants are: AT&T Wireless PSC, LLC., and KWBG Properties, LLC. The property is located at 131 Parker Avenue and contains 7.06 acres. The zoning is currently LI (Light Industrial) with Binding Elements. The property is located in Focal Point 113-3A Corvette with Characteristics of: dominant use area; intense commercial and industrial uses (includes General Motors and Corvette Museum).

The Staff reviewed eight (8) Comprehensive Plan policies affecting this zone change request. Mr. Robinson stated in reference to Policy **EN-2** (*Warren County recognizes the importance of maintaining and fostering the growth of existing business and industry. The community should monitor the continuing needs of existing businesses and be prepared to meet those needs in areas of infrastructure, public service and education of the labor force*) - The

applicant has proposed the location of a telecommunications (cell) tower for property located at 131 Parker Avenue. The proposed tower will be a self-support monopole tower system at two hundred and ten (210) feet in height. The possible height should allow for multiple tenants to co-locate on the proposed tower

Then Policies of **EN-4** (*All new private and public development shall follow sound design principles for buildings, parking, landscaping, signage, and setbacks to be aesthetically pleasing and consistent with the image of the community*); **UT-10A** (*Telecommunication services should co-locate on existing towers, spires, or other structures when feasible*); and **UT-10B** (*New telecommunications towers should be designed and constructed so as to reasonably allow co-location of at least three service providers. Option and lease agreements should not prohibit the possibility of co-location*) - The proposed tower will be located at 131 Parker Avenue. The proposed tower will be a self-support monopole tower system at two hundred and ten feet (210') in height. The possible height should allow for multiple tenants to co-locate on the proposed tower. As can be seen from the aerial and zoning map, there are currently no other towers in the immediate area. The proposed tower location will require a Variance from the required 1,500 feet from any residential zoning classification (RS-1D). A request has been submitted for a 660 foot Variance to meet this requirement. This location also requires the applicants to obtain a Variance for the required set back of 60% of the overall height of the tower from the nearest property line. The overall height is 210 feet which would require a set back of 126 feet from the nearest property line. The request has been submitted for a sixty-one (61) foot Variance to meet this requirement.

Then the policies of **UT-10C** (*New towers should not be illuminated or be identified by signage except in accordance with requirements of state and federal regulations or signs displaying emergency contact information*); **UT-10D** (*All tower sites should be fenced for security purposes*) The proposed tower, as currently shown, would meet all state and federal regulations for illumination and signs displaying emergency contact information. The applicants propose a six (6) foot woven wire fence with three (3) strands of barbed wire to surround the structure for security purposes.

The final two policies are described as: **UT-10E** (*Any tower site abutting a residential use or district must be screened with dense vegetation at a minimum height of six feet, planted in a staggered pattern at a maximum distance of 15 feet on center*); and **UT-10F** (*Towers should be light gray in color to enhance the ability to blend with the environment*) - The applicants provided an original landscape plan showing a 10 foot landscape buffer with fifty three (53), fifteen(15) foot tall Leyland Cypress trees spaced five(5) feet on center to meet screening requirements. Updated correspondence shows that the applicants intend to provide for a double staggered row of trees, placed 15 foot on center. The proposed tower will be constructed of steel poles which are light gray in color.

Mr. Robinson completed his presentation of the Staff Report by stating that the Staff recommends that the application for a telecommunications tower located at 131 Parker Avenue, be approved. In addition, the applicants have requested a 660 foot Variance from the 1,500 foot set back requirement from any residential district and a 61 foot Variance from the required set back of 60% of the overall height of the tower from the nearest property line. The provision of the Zoning Ordinance from which these Variances are requested is 5.2.6.E.5.a(1)(a) & (b).

Mr. Robinson noted that the Staff finds that the proposed Variances will not alter the essential character of the general vicinity; will not adversely affect public health, safety, and welfare; will not cause a hazard or nuisance; and will not allow unreasonable circumvention of the requirements of the Zoning Ordinance and recommends that the Variance requests be approved.

Vice-Chairman Dickerson asked if there were any questions or comments from the Commissioners for Mr. Robinson. One Commissioner asked about the set back, whether it is from a residence or a residential district and asked if it was for safety or for what reason. It seems to be more of a development pattern issue and not really a safety issue.

Being no other questions from the Commissioners, Vice-Chairman Dickerson asked if there were any questions or comments from the audience for the staff or applicant. On behalf of the applicants, Terry Black of 401 West Main Street, Louisville, Kentucky, stepped to the podium and was sworn in by Vice-Chairman Dickerson to testify before the Commission. He stated that he represents both applicants in this case tonight and said that it is his understanding that the wind and scale of the tower has not been a safety problem in the past. There will be multiple companies that can be placed on the tower. The tower will be placed on a pad and bolt the tower down into the concrete with 40 foot deep legs buried into the ground which is 120% more than the national norm for towers. There will be a fence around the compound with barbed wire to detour trespassing from the base of the tower, along with landscaping in able to not see the base. In addition, Mr. Black addressed the Commission by stating that AT&T needs service in the Bowling Green market and the area where this tower will be located is most definitely underserved. This seems to be a high use area and AT&T has a system to monitor such things as radio interference, dropped calls, and other things that aggravate the community and having this tower in this location will solve a lot of the problems in the service in this area.

Another Commissioner asked about the tower emissions affecting human health and if the tower could be health danger in the area. Mr. Black said the only danger so far has been to birds who seem to run into the tower because it blends with the scape of the land. AT&T towers meet all the Federal Aviation Commission regulations. The design of the tower and radio frequencies and radio emissions from the tower have been cleared by the Federal Communication Commission.

Being no additional questions or comments, Vice-Chairman Dickerson asked for a Motion.

ACTION: The Motion was made by Commissioner Hotaling, seconded by Commissioner Huston, to recommend approval of the proposed telecommunications tower application, docket #2009-01-T-BG. The motion is based on the findings of fact as presented in the staff report and the testimony presented in this public hearing, that the proposed telecommunications tower is in agreement with the adopted Comprehensive Plan as demonstrated by its compliance with the Comprehensive Plan's following Policies: EC-2; EN-4 and UT-10A, B, C, D, E & F. Further, it was requested 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 telecommunications tower. The vote was (9 yeas) so the motion carried without opposition. A recommendation for approval will be sent to Bowling Green City Commission

In addition, Vice-Chairman Dickerson asked for a Motion concerning the Variances requested. Attorney Moore advised that the action would require seven (7) affirmative votes to pass.

ACTION: The Motion was made by Commissioner Huston, seconded by Commissioner Coppinger, to approve a 660 foot Variance from the 1,500 foot tower set back requirement from any residential district; and a 61 foot Variance from the 60% of the overall height of the tower from the nearest property line (Docket #2009-V-02). The testimony presented in this public hearing has shown that the granting of these Variances will not adversely affect the public health, safety or welfare; will not alter the essential character of the general vicinity; will not cause a hazard or a nuisance to the public; and will not allow an unreasonable circumvention of the requirements of the zoning regulations. The vote was (9 yeas) so the motion carried without opposition.

Vice-Chairman Dickerson then announced the third and fourth items on the agenda as also being a request for a cell tower and Variances, described as: *2009-02-T-BG AT&T Wireless PCS, LLC has filed an application for approval of a wireless communications tower (cell tower) located at 4660 Nashville Road. The proposed overall height will be approximately 190 feet. This property is zoned AG (Agriculture) and 2009-V-03 AT&T Wireless PCS, LLC & Western Kentucky University have filed an application for a 1,120 foot Variance from the required 1,500 foot set back from a residential district and a 70 foot Variance from the required 500 foot set back from a residential structure in order to locate a wireless communications tower (cell tower) at 4660 Nashville Road. This property is zoned AG (Agriculture)*

Jonathan Britt presented the staff report and stated applicants have filed an application for approval of a wireless communications tower (cell tower) located at 4660 Nashville Road which is located on WKU's farm. The proposed overall tower height will be 190 feet. This property is zoned **AG** (Agriculture). The applicants have also requested a Variance of 70 feet from the required 500 foot set back from the nearest residential structure and a Variance of approximately 1,120 feet from the required set back of 1,500 feet from a residential district in order to locate a wireless communications tower (cell tower) at 4660 Nashville Road.

The applicants are: AT&T Wireless PSC, LLC., and KWC. The property is located at Western Kentucky University, Taylor Agriculture Center and contains 787 acres. The zoning is currently AG (Agriculture). The property is located in Focal Point 108-3A WKU Farm with Characteristics of: dominant use area; University agricultural campus and exposition center.

The staff shared one item of concern: *Proximity to residential zoning district.*

The Staff reviewed eight (8) Comprehensive Plan policies affecting this zone change request. Mr. Britt stated in reference to Policy **EN-2** (*Warren County recognizes the importance of maintaining and fostering the growth of existing business and industry. The community should monitor the continuing needs of existing businesses and be prepared to meet those needs in areas of infrastructure, public service and education of the labor force*) - The applicant has proposed the location of a telecommunications (cell) tower for property located at 4660 Nashville Road. The proposed tower will be a self-support monopole tower system at one hundred and ninety (190) feet in height. The possible height should allow for multiple tenants to co-locate on the proposed tower

Then Policies of **EN-4** (*All new private and public development shall follow sound design principles for buildings, parking, landscaping, signage, and setbacks to be aesthetically pleasing and consistent with the image of the community*); **UT-10A** (*Telecommunication services should co-locate on existing towers, spires, or other structures when feasible*); and **UT-10B** (*New telecommunications towers should be designed and constructed so as to reasonably allow co-location of at least three service providers. Option and lease agreements should not prohibit the possibility of co-location*) - The proposed tower will be located at 4660 Nashville Road. The proposed tower will be a self-support monopole tower system at one hundred and ninety (190) feet in height. The possible height should allow for multiple tenants to co-locate on the proposed tower. As can be seen from the exhibits, there are currently no other towers in the immediate area. The proposed tower location will be required to obtain a Variance from the required 1,500 feet from any residential zoning classification (**R-E**) district. A request has been submitted for a 1,120 foot Variance to meet this requirement. This location also requires the applicants to obtain a Variance for the required set back of five hundred (500) feet from the nearest residential structure. The center of the tower is proposed four hundred and thirty (430) feet from the nearest residential structure. A request has been submitted for a seventy (70) foot Variance to meet this requirement

Then the policies of **UT-10C** (*New towers should not be illuminated or be identified by signage except in accordance with requirements of state and federal regulations or signs displaying emergency contact information*); **UT-10D** (*All tower sites should be fenced for security purposes*) The proposed tower, as currently shown, would meet all state and federal regulations for illumination and signs displaying emergency contact information. The applicants propose a six (6) foot woven wire fence with three (3) strands of barbed wire to surround the structure for security purposes

The final two policies are described as: **UT-10E** (*Any tower site abutting a residential use or district must be screened with dense vegetation at a minimum height of six feet, planted in a staggered pattern at a maximum distance of 15 feet on center*); and **UT-10F** (*Towers should be light gray in color to enhance the ability to blend with the environment*) - The applicants provided an original landscape plan showing a 10 foot landscape buffer with sixty (60), fifteen (15) foot tall Leyland Cypress trees spaced five (5) feet on center to meet screening requirements. Updated correspondence shows that the applicants intend to provide for a double staggered row of forty (40) Leyland Cypress trees, placed 15 foot on center. The proposed tower will be constructed of steel poles which are light gray in color.

Mr. Britt completed his presentation of the Staff Report by stating that the Staff recommends that the application for a telecommunications tower located at 4660 Nashville Road, be approved. In addition, the applicants have requested a 1,120 foot Variance from the 1,500 foot set back requirement from any residential district and a 70 foot Variance from the required set back of 500 feet from the nearest residential structure. The provision of the Zoning Ordinance from which these Variances are requested is 5.2.6.E.5.a. (1).b.

Mr. Britt noted that the Staff finds that the proposed Variances will not alter the essential character of the general vicinity; will not adversely affect public health, safety, and welfare; will not cause a hazard or nuisance; and will not allow unreasonable circumvention of the requirements of the Zoning Ordinance and recommends that the Variance requests be approved.

Vice-Chairman Dickerson asked if there were any questions or comments from the Commissioners for Mr. Britt. One Commissioner asked about the foundations on the ground and the co-location on the poles. It was explained that the electrical boxes and equipment is located on the ground on the pad.

Being no other questions from the Commissioners, Vice-Chairman Dickerson asked if there were any questions or comments from the audience for the staff or applicant. On behalf of the applicants, Terry Black of 401 West Main Street, Louisville, Kentucky, stepped back to the podium to testify before the Commission. He stated that he represents both applicants also in this case tonight and said that site is essential for WKU and very important. There were two sites discussed with WKU on the farm which met the encircled area. WKU had an emergency last year and many families were not able to get through and check on their students and family members. So WKU is definitely looking for better reception and no dropped calls. There are no locaters established yet, but it is the plan of AT&T to place the tower and then offer the co-locations on the tower. Mr. Black noted that cell phones are important during a disaster when land lines are down, so it is important to have ample cell service in many areas, especially when 911 service was needed.

Another Commissioner asked about the tower location compared to the neighborhood and with over 700 acres why the location is so close to a neighborhood and which can be seen so easily from Elrod Road. Mr. Black stated that WKU gave only two options in the radius area.

Therein, Jack Rudolph of WKU Agriculture Department stepped to the podium and was sworn in by Vice-Chairman Dickerson to testify before the Commission. Mr. Rudolph said that this location is near the exposition center off Elrod Road and the area was a grown up thicket area that could be cleared out and behind trees near the greenhouse. This area is a higher point on the farm which would make the tower shorter in size. There was an access road already there that is used to get to the greenhouse, so no road would have to be built. There is a small golf course, horses, cows and barns located elsewhere on the farm and this spot is higher up than most on the property.

One Commissioner asked if Mr. Rudolph would want a cell tower across the street from him. Mr. Rudolph said he would not mind having a cell tower and said that the \$900 per month is going to be used for WKU Ag Scholarships.

From the audience, Sherry Lewis of 3231 North Green River Road, Evansville, IN stepped to the podium and was sworn in by Vice-Chairman Dickerson to testify before the Commission. Ms. Lewis stated she is the RF Engineer that has done the work for AT&T to identify the radius and the zone needed for the location of the tower to be the most amiable for WKU and neighborhood usage of cell phone facilities in order to handle calls without interference and without dropping calls and assist with capacity issues. Ms. Lewis explained the ring diameter of 2,000 square feet, 1,000 foot radius and explained how the ring was determined and what is encompassed for the service area range. Any place that the tower is placed would still need a Variance as part of the request. She also said that people get used to towers and poles and after a while - don't even notice them around their homes or their routes to and from home and work unless a conscious effort is made to look for them.

Vice-Chairman Dickerson asked if there was opposition for the requests.

From the audience, Troy Johnson of 555 Dunbarton, Bowling Green, Kentucky, stepped to the podium and was sworn in by Vice-Chairman Dickerson to testify before the Commission. Mr. Johnson said he lives in Hunters Crossing Subdivision and is in opposition of the location of the tower as the site would be a nuisance to see a tower along Elrod Road. Mr. Johnson said the neighbors should not have to look out their window and see a tower along Elrod Road. He said he is also representing Hunters Crossing Neighborhood Association in terms saying that they have opposition of where the tower is currently going to be located.

Another person from the audience, Jeanette Fetters of 827 Pintail Court, Bowling Green, Kentucky, stepped to the podium and was sworn in by Vice-Chairman Dickerson to testify before the Commission. Ms. Fetters asked if there was any consideration of moving the tower down Nashville Road on the other side of the roadway where the industrial area is located and the tower would not be seen so much as it does in a residential area. She said she wanted to make sure AT&T considered all of the area out on Nashville Road and not just a couple of places at WKU's farm.

Ms. Lewis returned to the podium to address the question and explained that across Nashville Road is out of the ring and would not address the service problems with having extra coverage, losing dropped calls, and picking up stronger coverage in a marginal coverage area today.

Mr. Black returned to the podium to address the Commission and address concerns of the neighbors. He asked that the search ring map be entered as *Applicants Exhibit "A"*, which was done and then the map was passed around through the Commissioners and then placed in the file. Mr. Black said that AT&T thought this location would be less intrusive located on WKU's farm.

The Commissioners asked about moving the location of the cell tower to be further away from residential homes and further off Elrod Road. The applicants said they could go back and review the placement of tower at another location on the WKU farm and bring it back to the next meeting.

Being no additional questions or comments, Vice-Chairman Dickerson asked for a Motion.

ACTION: The Motion was made by Commissioner Rich, seconded by Commissioner Coppinger, to continue tonight's hearing in order that the Applicants may amend their application (docket #2009-01-T-BG) and to continue this hearing until March 19th, 2009 at 7:00 p.m. at this same location. This hearing tonight will be recessed and will resume on the date and time indicated as it appears the Commissioners are unable to fully decide this application request tonight. The vote was (9 yeas).

Vice-Chairman Dickerson asked for a short 10 minute break.

Vice-Chairman called the Commission back to order at 8:45 p.m. with all Commissioners present in the Commission Chambers.

B. Text Amendment

Steve Hunter stepped to the podium and stated that a Text Amendment to the Zoning Ordinance is being requested this evening to amend Articles 1, 3, 4, 5, 6 and 8. Mr. Hunter then explained that staff works on different changes in the narratives of the text in the Zoning Ordinance and rather than bring every single change in the Zoning Ordinance to the Commission they gather them and then bring all the text amendments to the Commission at one time. The last major amendment was in 2004 with signage, and now with all the housekeeping items coming forth, the staff is here tonight with 84 changes. The amendments have been taken to the Liaison Board and Mr. Hunter said he went over to the City Commission at a working session to share the proposed amendments prior to bringing before this group. Mr. Hunter then went through the multiple pages of the Zoning Ordinance in Articles 1, 3, 4, 5, 6 and 8 covering the amendments.

There was discussion about the distance for a cell tower which is currently 1,500 feet from a residential district. Many people are not using land lines and are going to cell phones for their homes and besides for esthetics, there was concern about service options in the search ring and the distance a tower should be from a residential district. With different topographies and different types of neighborhoods, then the Planning Commission probably should have control on the distance and review each case individually, even if it involves having a variance request along with the application. (This was listed as Article 5 on page 46)

One specific thing that Mr. Hunter called attention to the Commissioners about was page 8-6 in Definitions: Family with an example of the proposed wording as follows:

***FAMILY:** This means a person living alone or any of the following groups living together as a single non-profit housekeeping unit sharing common living, sleeping, cooking and eating facilities:*

a. *any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship;*

b. *two unrelated people*

[proposed four options:

1) *three (3) unrelated people)*

2) *four (4) unrelated people)*

3) *based on number of bedrooms per dwelling unit, but in no case shall it be greater than three (3), unrelated people*

4) *based on number of bedrooms per dwelling unit, but in no case shall it be greater than four (4), unrelated people]*

c. *two (2) unrelated people and any children related to either of them;*

d. *not more than eight people living in a residential care facility.*

After much discussion, Vice-Chairman Dickerson asked if there were any other questions or comments from the Commissioners. Being none, she asked if there were any questions or comments from the audience.

Therein, from the audience, Betty Thomas of 713 Hardcastle Court, Bowling Green, Kentucky, stepped to the podium and was sworn in by Vice-Chairman Dickerson to testify before the Commission. Ms. Thomas said that she was in attendance on behalf of Steeplechase neighborhood and its 61 property owners who feel a change in Article 8.6 concerning the definition of "**Family**" would be detrimental to their neighborhood. She said the neighborhood organization has re-written its By-Laws to state that an owner has to occupy its property for at least two years before the property could become rental property trying to cut down on problems. In addition, Ms. Thomas said that the neighborhood association representatives go door to door to property owners and tell them the rules and regulations they expect the owner to follow. She then said that the By-Laws stated that all of the property must be single family, even though they have not looked at the zoning map to see if the Planning Commission has single family in the entire neighborhood. Ms. Thomas then said if more than two people lived in one house, then parking would be a problem as the neighborhood does not want parking on the streets and most houses only have parking for two vehicles. She said that she does not want a change in her neighborhood.

Another person from the audience, Mark Boling, of 1843 Cedar Ridge Road, Bowling Green, Kentucky, stepped to the podium and was sworn in by Vice-Chairman Dickerson to testify before the Commission. Mr. Boling said that he lives in Cedar Ridge neighborhood and they have fought for single family residential property owners in their neighborhood. He said, on behalf of Cedar Ridge, they are opposed to any change in the text in regard to family. Mr. Boling said it has taken years to learn the rules and does not want any changes made. He said he hopes the Planning Commission will not change Cedar Ridge neighborhood and not change the rules and regulations. Mr. Boling then said he did not think the public had enough time to get the word out about possible changes in the Zoning Ordinance and he wants to delay any decision or recommendation for this change.

The next person from the audience, Jeanette Fetters of 827 Pintail Court, Bowling Green, Kentucky, stepped to the podium and was sworn in by Vice-Chairman Dickerson to testify before the Commission. Ms. Fetters asked how code enforcement is done in the county in order to keep multiple people from living in a single family house. She said she has concerns about the number of people who live in a house; the number of cars; rental housing with loud noises and loud parties. Also, she stated that when she looked at the website, she could not tell what was going to be covered in the text amendments and she said she felt it was important to let people know what all is covered by the amendments.

Mr. Hunter explained that it is challenge for the staff to advertise all 84 text amendments. The staff went before the Liaison Board and it has taken a couple of years to get things through all the loops and then it will take another six months to get it through the City, County and other cities involved. The key to "family" living is to find out if the people who live in the house are related or not and determine if the guy or girl lives there or if they are a transient guest. Some times it takes a lot of time to determine who really lives in a house and who is related or not. It is tricky for the Code Enforcement officer to go and determine who really lives in a house.

The fourth person from the audience, Mike Moseley of 107 Pine Creek Court, Bowling Green, Kentucky, stepped to the podium and was sworn in by Vice-Chairman Dickerson to testify before the Commission. Mr. Moseley said the issues with the number of people living in a rental home. He found out about this meeting tonight this afternoon and really did not have time to prepare, but attempted to address the issue of Code Enforcement of family living. He said the City adopted a strategic plan for 2007 - 2020 and BG adopted five major objectives, with one being development of strong neighborhoods and increase in home ownership. He asked that the wording remain the same right now with no changes.

The fifth person from the audience, Karen Foley, City Neighborhood Action Coordinator of 1001 College Street, Bowling Green, Kentucky, stepped to the podium and was sworn in by Vice-Chairman Dickerson to testify before the Commission. Ms. Foley said she works with neighbors and has done this for the past nine (9) years and she works with 70 active neighborhood groups. She said that not all of these neighborhood groups would be affected by a change in the text amendment, however, there are some neighborhoods that perceive the current text to be a strong deterrent for rental property to have multiple persons in a house. Ms. Foley said she understands it is hard for Code Enforcement to enforce the rules, but she asked that the rules remain the same at this time.

Commissioners commented on the issues and one Commissioner commented that this rule has worked successfully in his neighborhood when five (5) students moved into a house down the street from his home and then moved several of them out which preserved the property value. This would be a greater issue in the City of Bowling Green and he said he would like to see it remain two (2) unrelated people. Another Commissioner said she lived with two other girls while in school in order to save money for school and believed there is no way to decide on this particular text amendment tonight.

Mr. Hunter assured the commission that the staff will study this more and bring it back to the Commissioner at another time. He also stated that the staff does not want to do Code Enforcement in the City and we do not have the manpower to do so.

ACTION: The Motion was made by Commissioner Hotaling, seconded by Commissioner Huston to approve the proposed Zoning Ordinance Text Amendments as presented tonight and with the amendments from the floor tonight of pages 8-6 and 5-46 to be held in abeyance. The vote was (9 yeas).

IV. MISCELLANEOUS BUSINESS:

Vice-Chairman Dickerson stated there were a couple of items of business to come before the Commission. Mr. Hunter announced that there is no agenda for the March 5th, 2009 meeting which has been canceled.

Mr. Hunter then stated the Comprehensive Plan Task Force will be meeting with the consultants next Tuesday, February 24th at the City-County Planning Commission office.

Vice-Chairman Dickerson stated there was no additional business to come before the Commission, the meeting was adjourned.

VICE-CHAIRMAN, LINDA DICKERSON

Administrative Executive Secretary
Sandy M. Clark