

SUMMARY MINUTES
City-County Planning Commission of Warren County
December 3, 2009 @ 7:00 p.m.
City Commission Chambers
Bowling Green City Hall - 1001 College Street

Present:

Velma Runner
Kenneth Sparks
Larkin Ritter

Albert Rich
Cliff Nahm
Mary Belle Ballance

Chuck Coppinger
Bill Hotaling
Bennie Jones

Absent: John Atkerson Tim Huston Faye Phelps

The City-County Planning Commission of Warren County was called to order by Chairman Velma Runner. Chairman Runner requested Sandy Clark, Administrative Executive Secretary, to conduct roll call in order to determine a quorum. A quorum was determined with eight (8) of twelve (12) Commissioners present at the time of the roll call.

I. ADMINISTRATIVE REVIEW:

Chairman Runner asked if all Commissioners had received and read the Summary Minutes of the meeting held on November 19, 2009. The Motion was made by Commissioner Rich, seconded by Commissioner Hotaling, and agreed upon by all of the Commissioners present (1 abstained) to approve the Summary Minutes of the November 19, 2009 meeting as written.

Hon. Hamp Moore, Attorney for the Planning Commission, requested the 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 (December 3, 2009) be introduced as exhibits for each of tonight's hearings. He further requested the Chairman order that the Staff Report, with all attachments together, and with the Commission's entire file for each of 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. Chairman Runner so ordered and swore in all of the above.

C. REPORT ON SUBDIVISION APPROVALS

Chairman Runner asked if there were any questions or comments on the Subdivision approvals. Being no questions or comments, the November 11, 2009 to November 23, 2009 Subdivision plats stand as recorded.

D. LETTERS OF CREDIT AND PERFORMANCE BONDS

Chairman Runner asked if there were any questions or comments in regard to the Subdivision Sureties staff report given to Commissioners. Chairman Runner noted there were two additions to the list presented to the Commission in regard to the Subdivisions listed. Being no questions, Chairman Runner asked for a Motion:

ACTION: **A Motion was made by Commissioner Coppinger, seconded by Commissioner Rich which passed unanimously (8 yeas) to approve the following:**

1. Call the letter of credit for Hillview Mills Section 1 Residential (Sidewalks) in the amount of \$64,768.00 from Baker & Hilliard.
2. Renew the letter of credit for Hidden River Section 6 (Ashton Place) in the amount of \$20,000.00 from Ed Young.
3. Release the letter of credit for landscaping Collegeview Lot 29 in the amount of \$5,800.00 from Jerry & Rosalind Davis.
4. Release the cash bond for landscaping and paving Riverwood Self Storage at 227 Riverwood Avenue in the amount of \$10,000.00 from Todd Dyer.
5. Release of Letter of Credit in the amount of \$33,232 and accept a \$5,000 cash surety for Springfield Subdivision - Section 5 from Horizon Development Group.

II. PUBLIC HEARINGS:

Chairman Runner announced the first item under the Public Hearing section is an application for an alley closing request described as: *2009-06-RWC State Street United Methodist Church* has filed an application to close approximately 152 feet of an alley beginning at 11th Avenue which is approximately 200 feet from the intersection of 11th Avenue and State Street.

Commissioner Cliff Nahm recused himself and left the Commission Chambers.

Mac Yowell, Staff Engineer, stated that State Street United Methodist Church has filed an application to close a portion of the 15 foot wide alley extending southwest approximately 152 feet between 11th Avenue and 12th Avenue beginning approximately 200 feet from the intersection of 11th Avenue and State Street. Mr. Yowell explained that the applicant, State Street United Methodist Church, has requested this closing to construct an overhead connector from the existing building to a proposed addition across the alley and to eliminate a current safety hazard to pedestrians. After staff review, *“It is the recommendation of the Planning Commission to close an additional approximate 112 feet and to install bollards at both ends of the closed portion of the alley to create a pedestrian only walkway”*.

Letters have been submitted from the agencies listed below stating the closing of this right-of-way is in agreement with their agency and any conditions are noted.

1. City of Bowling Green, Public Works by Jeff Lashlee, City Engineer
2. BG Fire Department, Edward Moody, Asst Fire Chief - *Approved as requested.*
3. BG Police Department, Doug Hawkins, Chief of Police
4. Emergency Medical Dept., The Medical Center, John R. Fathbruckner, EMS Director
5. Sanitation Services, Scott Waste Services, Gregory Wittee, District Manager
6. BG Municipal Utilities – Water and Sewer, Rebecca Brown, GIS Specialist
A 10 foot easement must stay in place for maintenance of an 8 inch sewer line which runs the length of the alley.
7. BG Municipal Utilities - Electric, Chad Spencer, Electric Engineering Supervisor
8. AT&T, Brenda Willoughby, OSP Engineering Manager.
9. Insight Communications, Tosh Mracek, Project Supervisor
10. Atmos Energy, Byron Oost, Project Specialist

During staff review, Mr. Yowell noted that the FINDINGS OF FACT PER KRS 82.405:

- (A) Identification of all property owners abutting the right-of-way to be closed was made by applicant;
- (B) Written notice was given to the property owners abutting the right-of-way to be closed;
- (C) All property owners abutting the right-of-way to be closed have given their written and notarized consent to the closing. Warren County Fiscal Court will make this determination on December 4, 2009.

Mr. Yowell stated that the staff finds all criteria for the public hearing has been met pending Warren County Fiscal Court consent and recommends this evidence and testimony be made part of the official record and forward this record to the Bowling Green City Commission. A revised plat must be recorded reflecting these revisions if the rights-of-way are closed by the City of Bowling Green. Mr. Yowell noted that the representatives from the church and the surveyor are present if there are any questions.

Commissioner Bennie Jones entered the Chambers at 7:10 p.m.

Chairman Runner asked if there were any questions or comments from the Commissioners. Commissioner Ritter asked about the affect of the closure to all of the parking lots around the alley. Mr. Yowell explained that the lots will have to run onto State Street or College Street depending on which way the automobile is going to travel. Hopefully in the future, there will be some re-working of the pathways of the parking lots, but budgeting at the current time does not allow for it. Being no other questions, Chairman Runner asked for questions or comments from the audience. Being none, she then asked for a Motion.

ACTION: The Motion was made by Commissioner Hotaling, seconded by Commissioner Sparks to approve the right-of-way closing docket #2009-06-RWC – State Street United Methodist Church, for a portion of an alley running southwest approximately 152 feet between 11th Avenue and 12th Avenue; it has a width of approximately 15 feet and begins approximately 200 feet from the intersection of 11th Avenue and State Street. The total area of the proposed closed right-of-way is approximately 152 feet as presented by the staff in its staff report and included in tonight’s report with the condition that, if approved, a new plat would be recorded with the revisions of the right-of-way closing indicated. The vote was unanimous (7 yeas) - so the motion carried without opposition. The request for the right-of-way closing will be forwarded to the Bowling Green City Commission for approval.

Chairman Runner announced that the next item on the agenda was a zone change request, being described as: *2009-23-Z-BG Jersey Development, LLC., has filed an application in order to re-zone two tracts of land containing a total of 45.23 acres located at 280 John D. Jones Road which is approximately 340 feet from Russellville Road from AG (Agriculture) to RS-1D (Single Family Residential) with a general development plan*

Cliff Nahm re-entered the Commission Chambers and joined the other Commissioners.

Jonathan Britt presented the staff report and stated that the applicants, Jersey Development, LLC., are proposing to re-zone two tracts of land containing a total of 45.23 acres from AG (Agriculture) to RS-1D (Single Family Residential) for a single family residential subdivision. The applicant has also agreed to certain site restrictions and development standards as outlined in the General Development Plan (Binding Elements). The applicants have proposed to construct a single family residential subdivision with a maximum of 135 residential lots. The Zoning Ordinance would allow the proposed development to use the development standards as follows: 5,000 square foot minimum lot area; seventy percent (70%) maximum lot coverage; twenty-five (25) foot front yard set back; five (5) foot side yard set back and ten (10) foot rear yard set back. The proposed single family residential dwelling units will be constructed with a brick or split face block foundation. At least thirty percent (30%) of the front façade of the dwelling units will be constructed of at least thirty percent (30%) brick or stone. The developer will need to approve the building materials for all elevations. Each façade of the dwelling units will not be repeated more frequently than every third lot on any block. The garage, porch or front façade of any dwelling unit shall be designed in such a way where the residential structures are not repetitive to give the overall development a mixed and staggered style. These dwelling units are to be constructed with a minimum of 1,200 square feet of living space, exclusive of garages and porches. There are sidewalks proposed on both sides of the interior street system within the development and utilities will be located underground. The interior streets to the proposed property will have curb and gutter.

The applicants are proposing to re-zone two tracts containing 2.52 acres and 42.71 acres, for a total of 45.23 acres of property in order to create a single family residential subdivision. The two subject lots for this zone change request are located at 280 John D. Jones Road. This property was originally zoned AG and its current Land Use is Residential and Agriculture.

The applicants and staff held a Pre-Application Conference on September 29, 2009. The property has frontage on John D. Jones Road, a City Street with 50 feet of right-of-way and 10 feet of pavement width. The property will be developed with a maximum of one hundred thirty-five (135) building lots. The concept plan shows the density of the proposed development to be 2.99 units per acre with a minimum lot size of 7,000 square feet. Access will be provided along John D. Jones Road, a local City street. The applicants have committed to improving John D. Jones Road from the intersection of Russellville Road to the access point of the proposed development. Staff noted several items of concern with this zone change request which are as follows:

- *Assuring connectivity with adjacent tracts;*
- *Common open space and possible greenways connection;*
- *Adequate Open Space;*
- *Adequate exterior controls to meet Walnut Valley requirements;*
- *Light control standard; and*
- *Compatibility with surrounding properties.*

In order to adequately address the concerns of the staff, the applicants submitted the following set of Binding Elements:

BINDING ELEMENTS

- I. *All utilities lines will be located underground*
- II. *The property will have sufficient water supply and fire hydrants to meet the fire control standards of Bowling Green, Kentucky.*
- III. *All single family residential dwelling units will be connected to sanitary sewer.*
- IV. *The property will be developed with sidewalks on both sides of the street and with curb and gutter.*
- V. *The property will be developed with a maximum of one hundred thirty-five (135) residential building lots.*
- VI. *The property will be developed with uniform street lights, with light poles constructed of either: metal, fiberglass, or composite materials.*
- VII. *The property will be developed to provide a connection to Greenbelt System Master Plan. This connection may be via sidewalk connections to adjacent future developments.*
- VIII. *All lots will be developed with the principle single family residential dwelling units will be constructed to a minimum of 1,200 square feet in living space, exclusive of garages and porches.*

- IX. No single façade or elevation shall be repeated more frequently than every third lot on any block. The garage, porch or front façade shall be designed so that a portion of any single family residential dwelling unit shall have a staggered alignment to the front building façade of any unit.*
- X. All principle single family residential dwelling units shall be constructed with a split face block or brick foundation. At least thirty percent (30%) of the residences shall be constructed with a front façade of at least thirty (30%) brick or stone. All elevations and exterior materials are to be approved by the developer or designee.*
- XI. The property will be developed with stub streets to the adjacent properties to the West, North and South as generally shown on the concept "Exhibit B"*
- XII. John D. Jones Road will be improved from the intersection of John D. Jones Road and Russellville Road up to the second entrance to the proposed development.*
- XIII. Each lot owner along the main thoroughfare that fronts the 55 foot right-of-way shall be required to plant at least one deciduous tree with at least a 2" caliper prior to occupancy of their primary residence.***
- XIV. Developer shall offer to donate to the City of Bowling Green a tract of land of at least 8,000 square feet to be used as a common recreation area with open space. If the City of Bowling Green declines the offer, then developers and its assignees, agree to construct and maintain open space for a period of time no longer than four (4) years or until total build-out of the subdivision, whichever shall first occur.***
- XV. Binding Element numbers VIII, IX and X shall remain Binding Elements only until a plat of the property shall be recorded in the office of the Clerk of the Warren County Court, at which time those Binding Elements shall become plat restrictions.*

The Staff reviewed twenty (20) Comprehensive Plan policies affecting this zone change request. Mr. Britt stated that the first policy was **LU-1A-2** (*All applicants should contact adjacent neighbors prior to the public hearing or have a neighborhood meeting.*) 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 of a public meeting was provided to the Planning Commission, but the applicants can address this when they come forward.

Then, Policies **LU-4B-2** (*Urban density single family detached residential development must be served by a public water supply capable of 250 GPM at 20 PSI residual pressure (600 GPM within the City Limits of Bowling Green)*); **LU-4B-4** (*All urban density residential development shall be served by public sanitary sewer*); and **LU-4B-5** (*Electric, telephone and CATV utilities should be placed underground in urban density residential developments*) - A 4 inch water line providing 250 GPM at over 20 PSI is available along John D. Jones Road. This is not adequate for domestic uses, and to meet the fire control standards of Bowling Green; however, there is an 8 inch and 10 inch water line providing greater than 600 GPM at greater than 20 PSI available along Russellville Road and this does meet the minimum fire control standards of Bowling Green, Kentucky. The applicants have agreed to meet the minimum fire

control standards for the City of Bowling Green, including the installation of any necessary fire hydrants. An 18 inch gravity sewer line is available along John D. Jones Road. All single family residential dwelling units will be connected to sanitary sewer. All utility lines will be located underground.

Also Policies **LU-4B-7** (*Urban density residential development shall have street lights, sidewalks, curbs, and gutters installed at the time of development*); **LU-8B-WV-1A** (*All new streets should have curbs, gutters and sidewalks*); **LU-4A-10** (*All proposals for urban density residential development should make provisions for implementation of the Greenbelt System Master Plan*); **LU-4B-10** (*All urban density single family residential development should maintain at least 6.5% common open space as defined by the Subdivision Regulations for Warren County*) and **LU-8B-WV-2E** (*A minimum of 20% of the tract to be developed should be set aside and maintained as open space. All open spaces should interconnect by a minimum of three feet wide walking trail*) - The property will be developed with uniform street lights, with light poles constructed of either: metal, fiberglass, or composite materials. The property will be developed with sidewalks on both sides of the street, and with curb and gutter. The property will be developed to provide a connection to the Greenbelt System Master Plan. This connection may be via sidewalk connections to adjacent future developments.

In addition, there are Transportation/Traffic Polices of: **LU-4B-6** (*Urban density 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 coordination of this local street system with the major transportation network*); **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*); **TR-2H** (*Development within the City limits of Bowling Green shall comply with the City's adopted Traffic Access Management Manual*); **TR-2A** (*Adjacent developments shall provide for internal circulation between them in accordance with the subdivision regulations*); **TR-2B** (*At least one stub street should be constructed into each adjacent undeveloped property of 10 acres or more. Subsequent development of these adjacent tracts must then connect to the original stub street*); **TR-2D** (*All residential developments of more than 10 lots should be served by an interior street system*) The proposed concept plan describes an urban density development for single family residential building lots that has sidewalks on both sides of the interior street system. As can be seen from the development plan, connections to adjacent properties are provided for future development, by way of the interior street system, to include pedestrian linkages. The proposed zone change request did require the submission of a Traffic Impact Study (TIS). The area studied for the Traffic Impact Study has been revised to provide for one hundred thirty-five (135) lots instead of the one hundred twenty (120) lots originally planned. HCS+ analysis have been modified to reflect the additional traffic trip generation numbers produced by the development. These revised HCS+ analyses were then compared to the original analyses that were provided in the aforementioned Traffic Impact Study. In every instance, the Level of Service for each critical movement remained the same. The worst critical movement delay went up two seconds. As a result, no adverse affects in regard to traffic are expected from the increased number of subdivision lots. Based on the analysis of the Future Build Condition the proposed development will have no adverse effects on the traffic flow in the area surrounding the proposed development. All queue lengths are sufficient in length to accommodate the future traffic including the traffic created by the proposed development, when compared to the Future No-Build Condition, result in a slightly lower average delay with the same LOS (Level of Service) for all critical movements during both the A.M. and P.M. peak hours. The analysis of the Future Build Condition results in a LOS "C" or better during both the A.M. and the P.M.

peak hour at both intersections. John D. Jones Road will be improved from the intersection of John D. Jones Road and Russellville Road up to the second entrance of the proposed development. The property will be developed with stub streets to the adjacent properties to the West, North and South as generally shown on the concept "Exhibit B".

The final policies of **LU-4A-8** (*Infill residential uses should reflect the overall density and style of the neighborhood*); **LU-4A-9** (*Residential development should not exceed density of surrounding developments by more than 50%*); **LU-8B-WV-2** (*Residential development should be compatible with adjacent land uses. New development should not exceed the overall density of adjacent development by more than 50%*); **LU-4E-1** (*Growth focal points represent unique opportunities to introduce new residential ideas and design concepts*); and **LU-4E-2** (*Innovation in design and variety in size, style, and cost of housing is encouraged*)- As can be seen from the zoning map, the subject property is surrounded by a variety of zoning districts. There is **AG** (Agriculture) zoning located to the north and south of the proposed development with **RM-3** (Multi-Family Residential) and **HB** (Highway Business) to the west. Located to the east of the proposed development is **PUD** (Planned Unit Development) zoning. The applicants are proposing a maximum of 135 residential lots on 45.23 acres resulting in a density of 2.98 units/acre. Staff reviewed several surrounding developments as follows: Parkland Gardens with 120 residential lots on 49.78 acres for a density of 2.41 units/acre with an average lot size of 0.41 acres; the Bogle property, (single family section) 60 units on 19.23 acres for a density of 3.12 units/acre with an average lot size of 0.32 acres; the Bogle property, (multi-family section) 60 units on 8.27 acres for a density of 7.26 units/acre; Pin Oak Manor (Tee to Green), 230 units on 13.95 total acres for a density of 16.48 units/acre; Willow Heights Subdivision, 38 residential lots on 27.20 acres for a density of 1.40 units/acre with an average lot size of 0.72 acres; Hillview Mills Subdivision, 65 residential lots on 17.52 acres for a density of 3.71 units/acre with an average lot size of 0.27 acres; Shirley Basham (multi-family section) 80 units on 3.17 acres for a density of 25.24 units/acre and Brentwood Place Subdivision (platted section), 34 residential lots on 9.16 total acres for a density of 3.71 units/acre with an average lot size of 0.27 acres.

Mr. Britt completed his presentation of the Staff Report by stating the Staff finds that the proposed zoning request is in agreement with the adopted Comprehensive Plan and recommends that the Zoning Map Amendment, together with the General Development Plan, be approved. Chairman Runner asked if there were any questions from the Commissioners for Mr. Britt.

Commissioner Sparks asked about the 1/3 of every three houses set out in the Binding Elements. Mr. Britt explained that the 1/3 of the front façade of at least every third house would be brick, stone, etc., along with vinyl.

Commissioner Hotaling asked about greenspace and the standards the Planning Commission has for greenspace. Mr. Britt explained that the applicants have provided five (5) foot sidewalks on both sides of the street to be used as greenspace. The applicants look to accomplish drainage on individual lots and not have property to be used as common open space and would not have to establish a neighborhood association for the subdivision. With the sidewalks, the applicants provide about 7.1% of open space. Open space is perceived as a common open area that can be seen and is available to the public. Also, the grass area between the sidewalk and the street is counted towards common open space.

Commissioner Jones said he felt there should be a common open space for kids to congregate or play within the development. Mr. Britt said he would be glad to have the applicants come forward and address how they see the development coming together.

Therein, Brian Shirley of Arnold Consulting of 1136 South Park, Bowling Green, Kentucky, and Dino Pinerola of 3207 Vicksburg Court, Bowling Green, Kentucky, both stepped to the podium and were sworn in by Chairman Runner to testify before the Commission. Mr. Pinerola said that he is one of the owners/developers here tonight and stated that a lot of the decisions made on this subdivision are dictated by financial issues and the economy. The houses will have 30% brick or stone on the front façade of the house, but it will have to be at least every one of three houses.

Commissioner Jones complimented the applicants for other developments they have done here in Bowling Green and Warren County and noted that he has a concern that there is no place for children to play in this new subdivision. Mr. Shirley stated that the applicants want to build something affordable for homeowners, but not have to have a Homeowners Association to maintain common areas. The applicants want to provide sidewalks on both sides of the street so that children can get from one house to another without getting on roadways. On the concept plan, it was noted that the applicants plan to have a 55 foot right-of-way instead of 50 foot right-of-way and leave an eight foot wide landscape strip between the sidewalk and the back of the curb. In this strip, trees can be planted and a corridor can be established between the street and the sidewalks. This extra space is to make the area more livable and make this a unique street scape for the neighborhood.

The Commissioner asked if the homeowners pay \$20 if it would allow for a place to play and maintenance of the space. Mr. Pinerola said they have only a concept at this point, but once the drainage calculations are done, there could be some flexibility as to a common area.

Commissioner Nahm asked about a stub street to the area on Russellville Road for a connection to a future development. Mr. Britt explained that the stub street could be a connection in the future with the adjoining properties. Mr. Shirley explained that the cul-de-sac was designed to work off another street instead of a main thoroughfare in order to give some of the houses additional back yard areas.

Commissioner Rich asked about improvements from Russellville Road to the development. Mr. Shirley explained that there is an 8 inch and a 10 inch water line along Russellville Road which will be extended and brought into this new subdivision.

Commissioner Ritter asked if the landscape trees are part of the commitment of the applicants. Mr. Pinerola explained that each lot owner will have to put out a tree on the main thoroughfare. The applicants agreed to add to their Binding Elements:

XIII. Each lot owner along the main thoroughfare that fronts the 55 foot right-of-way shall be required to plant at least one deciduous tree with at least a 2" caliper prior to occupancy of their primary residence.

Mr. Dino Pinerola agreed to the change in the Binding Elements.

Commissioner Ritter shared his concern about having families with children in this subdivision and nowhere for them to play. He asked the applicants if they would consider a change in the concept plan to allow for a play area. Mr. Pinerola said he sees large backyards that could be fenced in. He then said that this is only a concept plan and things could lay out differently once the drainage plan is calculated. The lots are deep; houses are minimal sizes and the applicants really do not want to have to form a Homeowners Association. Sometimes when an association is formed, some do not pay their dues and this becomes a problem with maintenance of common areas. Mr. Ritter said that he knew the applicants would take care of maintenance, but once property is transferred, the Planning Commission is really trying to make sure maintenance does not become an issue in the future.

Steve Hunter, Executive Director of the Planning Commission, stated that staff had discussed this exact thing, as there would be a large drainage area that could be used as common open space. There is not a requirement in the Subdivision Regulations that mandate a Homeowners Association. If a common open space is created, then maintenance could become an issue. There was discussion of dedicating a lot or two to the City for a pocket park. Staff sees the need for this type of housing in a subdivision, and possibly the City could agree to a small pocket park and then the City could maintain the park. This would help the situation with not having to form a neighborhood homeowners association. Mr. Pinerola said he could accept the idea of donating land and would not have a problem to set out an area for a park.

XIV. Developer shall offer to donate to the City of Bowling Green a tract of land of at least 8,000 square feet to be used as a common recreation area with open space. If the City of Bowling Green declines the offer, then developers and its assignees, agree to construct and maintain open space for a period of time no longer than four (4) years or until total build-out of the subdivision, whichever shall first occur.

Therein, Darri Pinerola of D&D Contracting of 710 Covington Cove Blvd., Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Pinerola said he does not want to form a Homeowners Association for this subdivision and wants to stay away from doing this in this particular subdivision. This subdivision will be affordable houses and no extras for maintenance.

Both Darri and Dino Pinerola agreed to the changes in the Binding Elements as set out in the new XIII; changing XIV; and having a new XV.

Chairman Runner asked if there were any additional questions for the applicants from the Commissioners. Being none, she asked for questions from the audience. Therein, James Felts of 180 John D. Jones Road, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Felts said his main concern is where the house could be built next to his property. He also asked that the house on the lot beside him face John D. Jones Road. Mr. Felts said he wants to make sure water is not sent towards his residence when the roadway is improved. He said he did not want a ditch as he mows his own yard and does not want to have to cut a ditch. Mr. Felts said he had concerns about fire protection.

Dino Pinerola stepped back to the podium to address concerns of the neighbor. Mr. Pinerola said he is committed to having the house on the adjoining property of Mr. Felts face John D. Jones Road. There is 7½ feet to the property line and a fence could be placed by either

property owner if they so wished. Also, there was discussion of landscape buffering between the properties, with trees, evergreens, etc. Darri Pinerola stepped back to the podium and said he met with each and every property owner that adjoins this project. No one objected to the project and most welcomed the improvement to John D. Jones Road.

There was discussion of curb and gutter being placed. Mr. Pinerola said due to the cost of running and improving the roadway, it was decided, after talking with Public Works (Jeff Lashlee) that this is a rural roadway and how it fits with the development. Not having curb and gutter cuts down on the costs for the roadway, but the improvements will be 395% better than what is there now. Brian Shirley commented that he and Jeff Arnold (Engineer) met with Public Works and together they came up with a plan for John D. Jones Road that is not curb and gutter, but is a modified rural road section to keep the rural road character of the area. The roadway will not impact the water line, optic lines, etc. At this time, it is not known which side the water lines will run, but probably across the roadway from the development. The applicants plan to provide a modified swell or slight slant depending on where the low points and high points are located in order to have the water flow properly.

Public Works sent a letter that this is an existing City street already and the applicants are planning improvements based on the agreement with Public Works. It was determined that curb and gutter was not required and sidewalks are agreeable by letter agreement.

Being no other questions or comments from the Commissioners, Chairman Runner asked if any other questions or comments for applicants. Being no questions or comments, Chairman Runner asked for questions from the audience for staff or audience. Being none, Chairman Runner asked for a Motion.

ACTION: The Motion was made by Commissioner Jones, seconded by Commissioner Coppinger to approve the proposed Zoning Map Amendment, together with and conditioned upon a general development plan, docket #2009-23-Z-BG. The motion was 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-8, 9 & 10; LU-4B-2, 4, 5, 6, 7 & 10; LU-4E- 1 & 2; LU-8B-WV-1A, 2 and 2E; and TR-2, 2A, 2B, 2D and 2H. 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 amendment. The vote was nine (9) yeas, so a recommendation for approval will be sent to the Bowling Green City Commission.

Short break beginning at 8:22 p.m.

The meeting reconvened at 8:35 p.m.

Chairman Runner reconvened the meeting and announced the third item on the agenda as being another zone change request and a request for a right-of-way closing described as: 2009-27-Z-BG Western Kentucky University & Bowling Green SPE, Inc. have filed an application in order to re-zone multiple tracts of land containing a total of 5.94 acres located between Kentucky Street, Center Street, 13th Avenue E., 14th Avenue E. & west of 14th Avenue (Block 12 of the TIF District) from RM-4 (Multi-Family Residential), P (Public), NB (Neighborhood Business) & GB (General Business) to PUD (Planned Unit Development) with a general development plan.

Steve Hunter presented the staff report and stated that the applicants are proposing to re-zone multiple tracts of property from **RM-4** (Multi-Family Residential), **P** (Public), **GB** (General Business) & **NB** (Neighborhood Business) to **PUD** (Planned Unit Development) in order to provide for a vibrant mix of uses including a Commercial Structured Parking, Retail Use, Office and Professional/ Community Use, Residential Use, WKU Alumni and Conference Center and a Hotel. The applicants have also agreed to certain site restrictions and development standards as outlined in the General Development Plan (Binding Elements).

The WKU Gateway to Downtown Bowling Green (the “Gateway Development”) is a multi-block redevelopment in the City of Bowling Green extending from the Northeastern edge of the Western Kentucky University Campus to the Barren River as shown on the TIF Redevelopment District Map. The portion of the Gateway Development that is the subject of this narrative Concept Plan consists of Block 12, as is more generally shown on the graphic plans (the “Sketch Plans”) submitted as a part of this Concept Plan. WKU Gateway to Downtown Bowling Green is envisioned as a vibrant mix of uses including a new minor league baseball park, urban residences, offices, hotels, shops, and restaurants along pedestrian friendly streets intended to re-energize Bowling Green’s downtown area and create a true live, work, and play district

A comprehensive set of Design Guidelines and review process; including standards for bulk, signage, lighting, architectural style, building materials, and landscaping has been developed for the entire Gateway Development, including Block 12 by Looney Ricks Kiss Architects, Inc. (“LRK”) in consultation with the Master Developer, Alliance Corporation. The applicant has also agreed in the Statement of Binding Elements that all improvements on the Property will be developed with at least 80% architectural steel, EFIS, brick, stone or other masonry material.

The applicants and staff held a Pre-Application Conference on October 15, 2009. The property is bounded by Kentucky Street, Center Street, 13th Avenue, 14th Avenue and the west side of 14th Avenue. Staff noted that this property is located in two Focal Points 101- Downtown Bowling Green, which has Characteristics of: Dominant use area; traditional central business district, including Fountain Square and several governmental administrative buildings with associated offices and professional uses. Residential, including College Hill Historic District and several large early 20th Century single family dwellings, some in transition to mixed density housing and offices. Some areas warrant clearance and redevelopment. And Focal Point 104 - WKU Campus with Characteristics of Dominant use area - Western KY University Campus.

This property has an existing land use of Residential/Vacant and has a zoning history of an area zoned P (Public) was converted from NB, GB & RM-4 thru a text amendment on May 5, 2009; the GB tracts were re-zoned in 1975 from NB; the NB tract was re-zoned in 1972 from R-4; and a tract zoned P was re-zoned in 1976 from B-1.

The project covers a significant portion of two blocks around and adjacent to Western Kentucky University. The applicants have provided a Traffic Impact Study for the development and committed that all public street access to the Property will be coordinated with the Kentucky Transportation Cabinet and the City of Bowling Green Traffic Access Manual. The property will be developed with uniform street lighting which is described in the comprehensive Design Guidelines created by the applicants' architectural firm.

The City of Bowling Green, through Will Linder & Associates, Consultants, Inc., prepared a Community Development Chapter 99 Plan (also known as an urban renewal or redevelopment plan) for the 12 block area identified by a map, roughly from 12th Avenue to Western Kentucky University and from College Street to the CSX Railroad, called the Western Kentucky Growth Area Revitalization Project. This Community Development Plan was prepared according to the requirements of Chapter 99 of the Kentucky Revised Statutes. The City-County Planning Commission reviewed the Plan in May of 2004 to ensure the Chapter 99 Plan complied with the policies of the Comprehensive Plan. The Plan was approved by the City of Bowling Green in June of 2004. This Community Development Chapter 99 Plan was the second step in the process of redeveloping Bowling Green. The plan outlined the framework for public and private development activity in the target area. The Plan calls for the elimination of slum and blight conditions, while promoting new mixed use development and expanding green spaces.

The University District Overlay Boundary was adopted by the City-County Planning Commission in January 1990 and amended in March 2003. The primary purpose for the University Overlay District is to allow a new opportunity for University Related Organizations, Activities and Student related services to operate within this University related boundary. The University District Overlay is a special Zoning District with additional site criteria which must obtain favorable review from the University District Review Committee. All new construction in this district, including additions to an existing structure must be approved by the University District Review Committee

Staff noted four items of concern, being:

- *Compatibility of redevelopment area with surrounding properties;*
- *Traffic Management & parking;*
- *Development and roadway access; and*
- *Proposed uses within development;*

In order to address concerns of staff, the applicants have agreed to Binding Elements, which are as follows:

BINDING ELEMENTS

I All improvements on the property shall be connected to sanitary sewer.

- II. *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. All utility service lines to improvements on the property will be underground.*
- III. *Signage on the property will be developed in compliance with the campus signage plan of Western Kentucky University; the provisions of the Zoning Ordinance of Warren County, Kentucky and the provisions of the Design Guidelines for WKU Gateway to Downtown Bowling Green (“Design Guidelines”).*
- IV. *Landscaping on the property will be installed and maintained in compliance with the landscaping provisions of the Zoning Ordinance of Warren County, Kentucky.*
- V. *Use of the property will be limited to the following uses: Single-Family and Multi-Family Residential; Parks and Open Areas; Community Services; Religious Institutions; Eating Establishment (excluding Drive-through); Office; Overnight Accommodation (excluding Recreational vehicle park); Commercial Parking; Retail Sales and Service (excluding Animal hospital, kennel or veterinarian; Greenhouse or nursery, Live animal or poultry sales, Planned shopping centers, Vehicle sales, Heavy vehicle & manufactured home sales); public and non-profit uses; and university related uses.*
- VI. *The property will be developed with uniform street lighting consistent with the Design Guidelines.*
- VII. *The total development of the property shall not exceed 500,000 square feet.*
- VIII. *The property will be developed consistently with the Design Guidelines **in affect at this time on December 3, 2009.***
- IX. *The property will be developed with the following requirements related to vehicular and pedestrian traffic:*
 - (1) *Prior to the occupancy of the proposed parking garage, construction of a 175 foot right turn lane with at least 50 feet of vehicle storage at the access point from the Property to US 68 (Kentucky Street) near the current intersection of 14th Avenue and Kentucky Street, as is conceptually shown on Exhibit “B”.*
 - (2) *Prior to occupancy of the proposed parking garage, creation of an all-way stop at the intersection of US 68 (Kentucky Street) and 13th Avenue. The all-way stop shall be converted to a signalized intersection upon completion of 350,000 square feet of building on the property.*
 - (3) *Prior to the occupancy of the proposed parking garage, construction of a pedestrian crosswalk on the northern side of the access point from the property to US 68 (Kentucky Street) near the current intersection of 14th Avenue and Kentucky Street as conceptually shown on Exhibit “B”, providing sufficient stopping site distance for a vehicle approaching at 45 miles per hour, and utilizing appropriate warning signs and/or enhanced lighting and/or warning lights and/or embedded crosswalk lights.*

B. The property will be developed pursuant to approved Detailed Development Plans (as defined in the current Zoning Ordinance/resolution of Warren County, Kentucky) which Detailed Development Plans shall address the following:

- (1) Development of improvements on the properties with ADA-compliant pedestrian facilities and with consideration given to connecting 15th Avenue (College Heights Blvd.) with the property by way of a Campus ADA walkway.*
- (2) Coordination with the City of Bowling Green and Western Kentucky University concerning a possible bike lane on Center Street and preserving vital pedestrian facilities helpful to cyclists.*
- (3) Provide appropriate access from intersection of Center Street and 14th Avenue for visitors to the planned hotel, to buildings constructed on the property and to the WKU Campus.*
- (4) Cooperate with WKU Transit Officials in locating an appropriate Campus bus stop at the property and coordinate with City of Bowling Green Public Transit Officials concerning future bus stop locations at or near the property.*

The Staff reviewed twenty-nine (29) Comprehensive Plan policies affecting this zone change request. Mr. Hunter stated that the first couple of policies were **LU-1A** (*The use of land is principally a private decision. However, the community must institute appropriate land use guidance systems which will insure orderly development of undeveloped tracts and in-fill sites and which will ensure sound redevelopment or interim uses and transitional areas*) and **LU-1D** (*The governments of Warren County should promote and support the development and redevelopment of in-fill sites which already have adequate urban services. In-fill sites, for the purpose of this document, shall be defined as any area of 10 acres or less which is generally surrounded by development and which is served by existing public services*) - LU-1A states in part, *the community must institute appropriate land use guidance systems which will insure orderly development of undeveloped tracts and in-fill sites and which will ensure sound redevelopment or interim uses and transitional areas.* The adopted Community Development Plan (Chapter 99 Plan) proposed specific goals and objectives which will guide all development within the target area for the next 20 years. The Development Objective in the 2004 Plan states:

“Recognizing the dangers of blight, deterioration and obsolescence to the continued stability and vitality of the Western Kentucky University Growth Area Revitalization Target Area, the City has developed a Revitalization Program for upgrading and stabilizing property located within the Target Area.” “The purpose of the program is to assist in removal of blighted conditions in the area; create/expand park and green spaces in the target area; promote new development in areas which are presently identified as slum and/or blighted areas; increase the potential for University expansion, including Group Housing; encourage the redevelopment to eliminate unsafe housing conditions; and support the renovation of public uses and/or utilities in the redevelopment area.” The Community Development Chapter 99 Plan primarily proposes “mixed land use” for the target area. Mixed Land Use is defined as “any building or development which includes two or more different uses in close proximity, but which is planned in a manner to be compatible and complementary”. While this Plan does not propose a design review board to oversee development, it does limit the types of uses and zoning districts that will

be allowed in the redevelopment of the area. Initial investment in the area by Western Kentucky University will hopefully spur the interest of private, market-driven development in the area that will be in compliance with the Chapter 99 Plan. The elimination of blight conditions in the area will offer opportunities for additional in-fill development.

Then Policy **LU-1A-2** (*In preparing a general development plan, surrounding property owners must be consulted prior to submitting a zone change request to the Planning Commission.*) The Staff recommends to all applicants that they contact adjacent neighbors prior to the public hearing or have a neighborhood meeting, if possible. Information was received of a neighborhood meeting was provided to the Planning Commission, which set the meeting for Tuesday, November 24, 2009 at the Carroll Knicely Center. Applicants can address this when they come forward and explain who was there and who was notified about the meeting.

Then, the 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*); **LU-5A-2** (*Commercial uses include all non-residential, non-industrial uses considered under this plan*); **LU-5A-12** (*New commercial development should follow sound design principles for buildings, parking, landscaping, signage, and set backs*); **LU-5A-15** (*Freestanding signs should be in proper scale, style and bulk with the surrounding area. In general, all sign should not be taller than the tallest structure on the site*); **LU-4B-10** (*All urban density multi-family residential development should maintain an overall minimum of 25% open space, excluding paved areas, and individual lots. Provision of additional open space is encouraged*); **LU-4B-7** (*Urban density residential development shall have street lights, sidewalks, curbs, and gutters installed at the time of development*); **LU-5A-13** (*Commercial developments, including loading docks, vehicle use areas, public use areas and outside storage areas should be screened from adjacent residential developments or districts*); **LU-5A-14** (*Parking areas are discouraged within the building setback areas to allow for street landscaping*). As provided in the narrative of the Concept Plan, the property will be limited to a maximum of 500,000 square feet and a portion of the proposed re-zoning presents a mixture of developments as follows:

- Commercial Parking Structure – 260,000 square feet
- Retail – 11,000 square feet
- Office/Professional/Community – 13,000 square feet
- Residential – 110,000 square feet
- Alumni Center/Meeting Center – 25,000 square feet
- Hotel – 50,000 square feet

The various land uses proposed would be staged as a “mixed-use” development following a detailed set of guiding principals for urban construction as set out in the Design Guidelines. The WKU Gateway to Downtown Bowling Green District Design Guidelines are provided as a guide to assist municipal officials, developers, architects, designers, builders and contractors in understanding the comprehensive level of planning, design and implementation that is required for new buildings and improvements. The Design Guidelines are comprehensive in nature and set out a review process for all construction including standards for bulk, signage, lighting; architectural style, building materials and landscaping to be developed for the entire Gateway Development, including Block 12 by Looney Ricks Kiss Architects, Inc. (“LRK”) in consultation with the Master Developer, Alliance Corporation. The vision for this area is a livable community of streetscapes, buildings and site improvements that are based on time-

tested, urban design and architectural design principles. While each building should stand on its own design merit, it is also necessary that each individual building or improvement contribute to the desired neighborhood character and to the creation of an enduring, livable downtown. The overall scale and mass of the buildings that make up the District play a key role in providing the critical threshold of development needed to attract patrons, pedestrians, and activities. Buildings provide the perimeter walls for streets and public spaces and should be designed in a manner that is consistent with the nature of the spaces that they define. Buildings, collectively, should create a sense of harmony that reveals a shared focus of defining high quality, vibrant public spaces. In the downtown, the focus of building design should be on the whole rather than on individual buildings with a strong individual expression. It was determined that 615 parking spaces were needed for this parking structure.

Also, utilities Policies **LU-5A-11** (All commercial development 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 and **LU-4B-3** (*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*); **LU-4B-4** (*All urban density residential development shall be served by public sanitary sewer*); **LU-5A-9** (*All new commercial uses shall be served by public sanitary sewer, when sewer is available*) - The properties are served by a 6 inch water line providing 453 GPM with a static pressure of 46 PSI and a residual pressure of 6 PSI along Kentucky Street. A 4 inch water line along Center Street provides 585 GPM with static pressure of 67 PSI and residual pressure of 10 PSI. A 16 inch water line is also available along Center Street providing 1,409 GPM with a static pressure of 78 PSI and residual pressure of 58 PSI. According to documents provided by Bowling Green Municipal Utilities (BGMU), the “area” does have adequate water line sizes in order to accommodate the proposed uses. The applicants have agreed, within the Binding Elements, that 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. An 8 inch sewer line is available along Kentucky Street, Center Street and 13th Avenue. The applicants have agreed, within the Binding Elements, that all improvements to the properties will be connected to public sanitary sewer.

In addition, Policy **LU-1C** (*“Leap-frog” development, development at urban densities beyond the availability of urban services and uncontrolled development directly fronting existing county roads should be discouraged. Instead, the community should encourage and promote the utilization of land in areas already served by adequate utilities and other infrastructure*) - The applicant is proposing to redevelop an area within the City of Bowling Green and the approved Chapter 99 Redevelopment Plan. This area has existing utilities that will be reutilized to its fullest extent and thus not extending any utilities out into undeveloped areas of the community.

The following is an excerpt from the Concept Plan as submitted by the applicant: Block 12 is located in an area where public infrastructure is already in place. Block 12 will be served by sanitary sewer and water services provided by Bowling Green Municipal Utilities, electric services provided by Bowling Green Municipal Utilities, and by natural gas provided by Atmos Energy.

Policies **LU-4A-3** (*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;* and **LU-4A-4** (*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*) - As can be seen from the Zoning Map, the proposed development is adjacent to property currently zoned **RM-4** (Multi-Family Residential), **GB** (General Business), **NB** (Neighborhood Business) and **P** (Public). (Zoning Map Attached) The existing uses in the general vicinity range from fraternity housing, single-family residential housing, high density multi-family residential housing, a variety of commercial uses and public/institutional uses. The proposed uses as outlined in the Concept Plan and the Binding Elements include: single-family residential; multi-family residential; parks and open space; community services; religious institutions; eating establishments; commercial parking; retail sales and service; public and non-profit uses; and university related uses. As mentioned, the applicants have committed that the entire area to be re-zoned will be developed consistently with the Design Guidelines, which shall regulate standards for bulk, signage, lighting; architectural style, building materials, and landscaping.

Then Traffic Policies of **LU-5A-3** (*Commercial uses which are traffic generators shall a traffic impact study to be performed prior to requesting a zoning map amendment*); **TR-1** (*Provisions should be made for safe movement, in the most expeditious manner, of people and goods from place to place throughout the country*); **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 street, roads and intersections*); **TR-2F** (*Increased building setbacks and more stringent sign controls on arterial and collector streets should be required*); **TR-2G** (*Traffic calming techniques should be included in all new developments, where appropriate*); **TR-2H** (*Development within the City Limits of Bowling Green shall comply with the City's adopted Traffic Access Management Manual*); **TR-2I** (*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*); **LU-4B-8** (*High density residential development should have direct access to at least a minor collector street*); **LU-5A-7** (*Commercial uses which are high traffic generators are appropriate only with direct accessibility to at least a collector street*); and **LU-5A-8** (*Commercial uses which are high traffic generators should not be located adjacent to any residential area except the highest density urban residential areas*) - The applicants have provided a Traffic Impact Study (TIS) for the proposed development. The purpose of the study is to evaluate the impact of the development on area intersections, including the un-signalized intersections of 14th Avenue and Kentucky Street, 13th Avenue and Kentucky Street, 13th Avenue and Center Street (both the north and south legs of this off-set intersection), and 14th Avenue and Center Street. The study will also provide an access management plan, recommending closing and/or consolidation of certain existing site access points on the west side along Kentucky Street along with the new access points. Background traffic volumes will assume a three-year build out period for the Phase I portion of the project: 11,000 square feet of retail space, 13,000 square feet of office space, 110,000 square feet of residential living units, a 25,000 square foot alumni center with meeting area, and a 100-room hotel. Parking will be provided by surface parking within the complex along with a 432-space multi-story parking garage. Opening day for Phase I is assumed to be in late 2012. Phase II involves the relocation of the Gordon College of Business to an area immediately adjacent to Phase I of the development. Phase II will have a separate access at the intersection of Kentucky Street with 14th Avenue and no internal circulation with the remainder of the site. The two phases will share

facilities for non-vehicular modes of travel: bicycle, pedestrian, and public transit. The second phase is anticipated to be open prior to the design year of 2022. The capacity analysis results indicate that acceptable levels-of-service are currently being provided for all intersections included in the study. Northbound drivers on 13th Avenue approaching the Kentucky Street (US 68X eastbound) intersection experience LOS “C” in the existing afternoon peak hour and will experience LOS “C” in the 2022 background traffic morning peak hour as well as LOS “D” in the background traffic afternoon peak hour in 2022. Queuing is not an issue at the 95th percentile condition for any approach or movement, with the longest queue length in the 95th percentile condition being 85 feet.

Under future traffic conditions, it becomes evident that some mitigation will be required in order to offset capacity problems and resultant delay associated with the proposed development. Mitigation to off-set capacity concerns is needed at several locations. The recommended improvements to off-set some of the delay concerns, along with the time frame for implementation, are recommended to mitigate the projected traffic or operational impacts of the proposed development. The first location requiring mitigation is the intersection of the main site entrance at Access #2 on Kentucky Street at what is now the new 14th Avenue corridor. The right turn volumes will meet warrants for a right turn lane; in fact, the existing volumes turning onto 14th Avenue already meet the requirement. Turn lane warrants and calculation sheets from the KYTC website based on current policy guidelines are given in Appendix “G”. Although the minimum 125 feet of deceleration length is provided by the guidelines, an additional storage of 50 feet is recommended at this location for a total length of 175 feet. The second intersection requiring mitigation is the un-signalized intersection of 13th and Kentucky. The minor street approaches to this intersection encounter LOS “D” in 2012 with site development due to the diversion of southbound traffic from 14th Avenue and additional traffic departing the site onto Kentucky Street and then turning left at 13th Avenue to get to the westbound travel lanes of Adams Street. Without any improvements this intersection will reach LOS “F” (failing) in the 2022 afternoon peak hour for the approaches of 13th Avenue. No combination of additional lanes on either the minor or major street approaches can improve the afternoon peak hour conditions above LOS “E” (capacity). Queuing will approach 150 feet at the 95th percentile on 13th Avenue in the 2022 afternoon peak hour. The most appropriate traffic control for 13th and Kentucky would be a traffic signal. Specific Federal warrants for such a signal must be met; therefore, a traffic signal warrant analysis is recommended for this intersection, with submittal of results to KYTC for review. If the warrant study is conducted prior to opening day in 2012 the traffic on 14th Avenue being diverted should be included in the 12 hours of traffic counts required for the study. All other intersections in the study area will continue to provide acceptable levels of service in the 2012 and 2022 future traffic conditions. No changes are recommended in the traffic control devices in-place at those other intersections

The proposed development will have an impact on adjacent roadways and intersections in the vicinity. The following mitigation measures are recommended:

- A 175-foot right turn lane (125 feet of deceleration length and 50 feet of storage) should be constructed for traffic on US 68X Eastbound (Kentucky Street) at Access #2 (currently the new 14th Avenue corridor).
- A traffic signal warrant study should be conducted under KYTC Guidelines at the intersection of 13th Avenue and US 68X Eastbound (Kentucky Street) due to the

projected level of service which will otherwise result regardless of the addition of turn lanes on any of the approaches. If a signal is implemented the on-street parking in the 1300 block of Kentucky Street should be removed.

- Provide ADA-compliant pedestrian facilities open to the public within the site. Consider public elevator access to address the steep slopes on the site rather than an ADA-compliant sidewalk at the same location. Also consider the addition of an elevated walkway connecting the various buildings on the site (other than the future Business College) with 15th Avenue (College Heights Boulevard).
- Install a pedestrian crossway at Access #2 across Kentucky Street (unless a preferred location is determined). Provide sufficient stopping sight distance for a vehicle approaching at 45 mph, 10 mph above the posted speed limit. Utilize warning signs and lights consistent with the *Manual on Uniform Traffic Devices*. Enhanced lighting, such as embedded crosswalk lights, may also be useful. (Consider street and site illumination when planning pedestrian facilities.)
- Coordinate site development with plans for a bike lane on Center Street. Consider preserving existing facilities that would be appropriate for cyclists to utilize.
- Provide way-finding signage and a simple route for campus visitors going to the hotel or other parts of the site. Consider using College Street and 14th Avenue between College Street and Center Street for entry. Use a breezeway construction, if necessary, to get vehicles to the parking areas.
- Identify any truck traffic or bus traffic that would use the site and provide appropriate turning radii and parking on site for such vehicles.
- Implement the recommended access management plan by permit application with KYTC and the City of Bowling Green.
- Enter into negotiations with the City of Bowling Green regarding the formal legal closure of the right of way for the realigned 14th Avenue between Center Street and Kentucky Street.
- Coordinate and cooperate with campus transit and public transit managers to provide bus stops as needed adjacent to the site. A designed pull-off for buses and/or shelter would be preferred amenities.

The applicants state that these recommendations are subject to the review of the KYTC District 3 Permits Engineer; the District 3 Traffic Engineer; City-County Planning Commission staff; the City of Bowling Green Engineering Division staff; as well as other state and local officials. The applicants have also committed within the proposed set of Binding Elements that all improvements recommended by the Traffic Impact Study will be completed at a given time during construction.

Mr. Hunter completed his presentation of the Staff Report by stating the Staff finds that the proposed zoning request is in agreement with the adopted Comprehensive Plan and recommends that the Zoning Map Amendment (Zone Change), together with the General Development Plan, written narrative and concept plan, be approved.

Chairman Runner asked if there were any questions from the Commissioners for Mr. Hunter. Commissioner Nahm asked if we would see and review a Detailed Development Plan. Mr. Hunter said in a PUD development the Planning Commission does receive and review a Detailed Development Plan that will come before the Commissioners for approval. Mr. Hunter showed a concept plan for Western's College of Business and how it fits next to this project.

Commissioner Ritter asked about the traffic signal mentioned, being 500,000 square feet, and this proposed project is currently set at 469,000 square feet which does not mandate a signal. Mr. Hunter responded that the staff just threw out a number to be fair to the developer, and noted that the signal was not mandated in the traffic study and he is not sure of the State Highway Department is even okay with the signal. Staff wanted to make sure if this project grew that this would be up to the developer, so he would be aware of the signal request. Also, Mr. Hunter said that the downtown area has mast arms, pedestrian countdown boxes and decorative poles which could get expensive. Staff did not want to mandate a traffic signal because then the developer would have the expense of putting in the traffic signal. There will be a study done and the study could reveal that the signal is not even needed, so the developer will check on the feasibility for the signal or not. It would be the best interest for WKU and this developer to put in a traffic signal at this particular site for any future growth.

Being no other questions or comments from the Commissioners, Chairman Runner asked if the applicants wanted to come forward and add anything additional. Therein, Attorney Kevin Brooks stepped to the podium. He stated that he has a representative for the applicants here and that the applicants would agree to 350,000 square feet for the trigger of a study for a traffic signal analysis. This would provide for anything past the parking structure would trigger a study for the traffic signal. Mr. Brooks said that he had a rendering this evening to present that shows the schematic design for the Student Life Foundation which will house graduate students and non-traditional students. This shows the opposite side of Kentucky Street to the give the Commissioners an idea of what the parking structure and Student Life Foundation plans would look like at this time.

Mr. Brooks then called Mary Cohron of 1328 Edgewood Avenue, Bowling Green, Kentucky, who stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Ms. Cohron said she is the Chairman and representative for BG SPE which is one of the applicants for tonight's zone change request. BG SPE is a single purpose entity created to provide a parking garage and use new market tax credits for financing. The financing requires that an entity is created and the Board that created this entity is the Warren County Downtown Economic Development Authority. This is to isolate the parking garage into that entity for any purposes that may come in the future.

Mr. Brooks asked Ms. Cohron if she agrees, on behalf of the BG SPE, to the change in the Binding Elements and if she agrees and understands that the company and property will be bound by that change. Ms. Cohron agreed to the change.

Mr. Brooks then said that he has three documents that he presented to Ms. Cohron and asked her to identify these documents, being a letter written to property owners informing them of a neighborhood meeting on November 24th with the date, location and time of the meeting; a list of the people invited to the meeting and the third sheet is the mailing addresses for 120 households that were used to mail out the 120 letters. Mr. Brooks asked that the three documents be placed in the record as composite Applicants' Exhibit "1". Mr. Brooks asked that the schematic drawing for Kentucky Street with the WKU Student Life Foundation and the parking structure be entered into the record as Applicants' Exhibit "B".

Mr. Brooks asked Ms. Cohron if she would confirm that the Design Guidelines have been approved and adopted by the Warren County Downtown Economic Development Authority. Ms. Cohron confirmed that the Design Guidelines are approved and that there is a design review committee established that will review the designs presented to them to make sure the designs and plans follow and are agreeable with the Guidelines.

Ms. Cohron discussed that Block 12 is a portion of the TIF project which has a deadline of 2014 in which \$150,000,000 has been invested into the TIF district in order to receive the TIF revenue match from the State of Kentucky. Right now the TIF revenue is escrowed by the State and once the investment amount is matched, then the escrowed amount will come back to the City of Bowling Green and this can be used to pay off the indebtedness incurred by the City of Bowling Green and will be incurred by the Authority for properties developed in the downtown. There is a certain piece of this puzzle to encourage development that produces a lot of TIF revenue. The hotel in this development will do this and it is crucial that we move forward in Block 12 in order to get us to the \$150,000,000 goal. The economy has played an important role in the start up development, such as this project, and it is important that the city and county work with developers to bring development into this TIF area. With this project, the Authority is working toward \$130,000,000 with the projects that are under construction and she believes the amount of \$150,000,000 is obtainable.

Chairman Runner asked if there were any questions for Ms. Cohron from the Commissioners. Commissioner Rich asked how many businesses are going to locate in this Block? Ms. Cohron said that negotiations are being discussed with a partnership with WKU for Student Life; WKU Alumni and Musselman Hotel chain. There are discussions about student housing; administrative offices; book store; and coffee shop. There are negotiations in the works with different elements for the development. The parking garage is certainly ironed out and negotiations are in the works for private development in this area. Financing is being put together as this will take substantial financial backing.

Being no other questions from the Commissioners, Chairman Runner asked if there were any questions from the audience for the applicants. Therein, Michael Minter of 1262 Chestnut Street, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Minter said he understood from prior presentations there was mention that there would be WKU campus police relocation. He said he wondered if there would be criminals held in detention at the facility and if zoning allowed for police/criminal detention. Ms. Cohron said there was discussion about having administrative offices for the police force, but there would certainly be no detention center and she said she was not even sure if WKU even did detention of any type since the jail was in the vicinity.

Being no other questions, Attorney Kevin Brooks called his next witness, Bill Hays of Barge, Waggoner, Sumner and Cannon of 211 Commerce Street, Suite 600, Nashville, Tennessee, who stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Hays stated his education in Civil Engineering and Masters in Transportation Engineering and that he is certified and registered in Kentucky, Tennessee and Georgia as a Professional Engineer, as well as a Professional Traffic Engineer nationally. Mr. Hays said he has 35 years of Civil Engineering and 20 years of that as Engineer for the City of Bowling Green.

Mr. Hays explained how the scope of the traffic study is determined. He said that he bases a study on the Kentucky Transportation Cabinet standards as intersections vary and addressing various intersections adjacent to the site and the impact a development would have on adjacent intersections studied. There are unique elements in this intersection area which make this traffic study unique. This area was not simply a residential study, but a study with pedestrians, bikes, campus area and public transit. Mr. Hays said that sustainability to get to areas with various transportation modes. The improvements mentioned and Binding Elements address the concerns of staff and traffic. The study contained information about traffic caused by students for parking spaces. Students tend to drive around for parking and turn right onto Kentucky Street to Center Street, over to College Street and State Street. Warrants are set out by Uniform Traffic Signal Studies which indicate that a project would have to have a warrant obtained to get an all-stop intersection or a signal.

Mr. Hunter asked Mr. Hays about a general circulation study. Staff wanted to know how he sees the whole area improved. Mr. Hays said he sees a speed problem on Kentucky Street which has been going on for years. He said he would like to see speed reduced as this has been an issue near the campus, but especially at night from 10 p.m. to midnight. He said he would like to see Kentucky Street as a local street with less speed and lower traffic versus Adams Street being the same way except in a different direction. He said he would like to see traffic be rerouted and provide for an arterial highway and expand local roadways. This would be a major project for streets to provide for pedestrian traffic, shops and much more conducive roadways for crossing the streets.

Chairman Runner asked if there were questions for the witness from the Commissioners. Being none, she asked if the audience had questions for Mr. Hays. Mr. Brooks said he had called all the witnesses he wished to call, but that he had David Butler with Alliance and Jeff Arnold and Brian Shirley with ACES all in the audience if there were any additional questions.

Being no other questions or comments, Chairman Runner asked once again if there were any other questions or comments from the Commissioners and/or the audience for the staff or the applicants. Being none, she asked if there was opposition or if anyone in the audience wished to make a statement.

Therein, Eric Reed of 1405 State Street, Bowling Green, Kentucky, stepped the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Reed said he had a couple of issues to address, being compatibility with surrounding properties and that his concern about this unique development is with this conception plan which indicates it may not be compatible with the surrounding properties. Assuming that the project comes to its proper solution, including what is shown here in its conceptual design, he wondered if the development could ever meet the Design Guidelines with the TIF. He noted that on page 27 of the Guidelines

about parking lots which say off-street parking should not occur in front of the primary façade or on corner locations. This development is showing student housing along Kentucky Street and this abuts the College Hill Historic District on the other side and the design looks like a hotel surrounded by a parking lot. He said this concept does not look like it meets the Design Guidelines. Mr. Reed said that he thought a solution would be to locate the building on the sub-fax on the property on the block. For example, the hotel could face Kentucky Street and along the right-of-way and would hope developers would move the building and make a pedestrian friendly corner and not necessarily put a parking structure on the corner. He asked about aesthetics similar to the other case tonight and asked if they would change this in tonight's case.

The next witness, Dorian Walker of 1503 State Street, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Walker said he lives in a Historic District and wanted to talk to the Commissioners about family. In the previous case tonight, there was discussion about the importance of an area for children to play. He said in this Historic District, there was a good part of this area that was blighted and several have invested sweat-equity, without asking the City for money, to create a better place to bring family and children the streets that surround Western Kentucky University. If you drive around, you will see strollers up and down the street; children playing ball in front yards and it is a wonderful thing to see. There is also an increase in property values with the sweat-equity of several property owners which helps to support the City in a very positive way. With that in mind, his concern and question is - how the Commissioners could help to get a more comprehensive traffic study. It seems, the traffic study needs more information about what is being planned and there would have to be driving to and from the things that are planned for this project. There would be driving around a major artery of Exit 26 which is a gateway to College Street and to WKU and with conceivably 500 parking spots and with the development being discussed, there would be considerably more traffic. He encouraged that a more substantial traffic study be done. He said he was not a traffic engineer, but he said clearly there may be some results for traffic going two ways on streets that are presently one-way and that may give more egress and ingress into the entrance to this area.

Mr. Walker said he was at the meeting on November 24th, 2009, and he said he knew it was a complete oversight that the 24th was Thanksgiving week and many professors that live in the neighborhood left after classes that day for the holiday. Mr. Walker said he wanted to bring attention that what is shown on the conceptual drawing is only one-half (½) of Block 12. He said he wanted to see development and he was invited to participate and with this recession it may be difficult to get financing committed, but he believed there is more at stake than what is shown. There is only one-half of the block and want to see partnerships and growth in the community and he would like to see best advantage of it.

Chairman Runner asked if there was any additional questions or comments. Therein, Brian Clements of 841 Albermerle Drive, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Clements said he is the Chairman of the Design Review Committee and he is merely here tonight to make sure that this Design Review Committee is allowed to do its work. There are five (5) volunteer members to the Committee. He then said he had a couple of issues, one being that this is Block 13 in the TIF District and not Block 12. Mr. Clements said the Design Guidelines do not allow for EFIS materials and in the Binding Elements there is a contradiction to the Guidelines which stated that EFIS could be used and he thought it important to make this consistent.

Also, Mr. Clements said that the developer made an informational presentation to the Review Committee and Block 13 has a couple of items suggested for it, being a parking structure with a wrapper and a hotel. For an informational purpose, the parking structure and wrapper should meet the Design Guidelines. In regard to the other project, the hotel side, the hotel is schematic at this point, but the plans currently do not comply with the Design Guidelines. What is shown across Kentucky Street should follow the letter of the Design Guidelines.

Commissioner Jones asked if the Design Review Committee had the ability to approve or deny or make changes to what is submitted before it is approved. Mr. Clements said his understanding is that the Design Review Committee has to approve plans before permits can be issued. Mr. Hunter said that the Planning Commission would receive a building permit, but cannot sign off on it until the Plan is approved by the Design Review Committee.

Mr. Hunter confirmed that the Design Review Committee would review each plan and would have to approve the plan based on the Design Guidelines. The Chapter 99 Plan has a set of standards and the plans would have to meet the Chapter 99 Standards also. The Chapter 99 Plan was written like an overlay district and there could be some problems with that with landscaping, travel ways, etc. The Design Guidelines should also include the Chapter 99 standards and the plan should be revisited as the Chapter 99 Plan was written a while ago and standards have changed. Mr. Clements said the Review Committee will also look at the Chapter 99 standards. Mr. Hunter said he has a copy of the Chapter 99 plan for Mr. Clements.

The Binding Elements will be set tonight and Mr. Brooks came back to the podium. He asked that Binding Element #V be removed from the set given tonight and asked to add to Binding Element IX. After discussion, BE #V is removed from the Binding Elements. Since the Design Guidelines could change, then the Binding Elements should reflect that the **Design Guidelines that are in affect as of this date, December 3, 2009**. Mary Cohron agreed to the two changes in the Binding Elements. Mr. Brooks said the committee is established and we can allow them to do their job of design review based on the Design Guidelines.

Mr. Brooks asked that the Commission accept the application for re-zoning and recommend approval to the City of Bowling Green. Being no other questions or comments, Chairman Runner asked once again if there were any other questions or comments for staff or the applicants. Being none, Chairman Runner asked for a Motion.

ACTION: The Motion was made by Commissioner Hotaling, seconded by Commissioner Ritter to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan and Concept Plan, docket #2009-27-Z-NG. The motion was 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 and 1A-2; LU-1C; LU-1D; LU-4A-3 and 4; LU-4B-3, 4, 7, 8 and 10; LU-5A-2, 3, 5, 7, 8, 9, 11, 12, 13, 14 and 15; EN-4 and TR-1, 2, 2F, 2G, 2H and 2I. 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 amendment. The vote was nine (9) yeas, so a recommendation for approval will be sent to the Bowling Green City Commission.

Chairman Runner then said that the final item this evening on the agenda is a request for a right-of-way closing described as: *2009-05-RWC Western Kentucky University & Bowling Green SPE, Inc. have filed an application to close a portion of 14th Avenue. This portion of right-of-way is 60 feet in width and extends approximately 440 feet between Center Street and Kentucky Street. In addition, the applicants propose to close an unused alley of an undetermined width that extends northeast from 14th Avenue approximately 268.93 feet.*

Steve Hunter presented the staff report and stated that Bowling Green SPE, Inc. and Western Kentucky University have filed an application to close a portion of 14th Avenue. This portion of right-of-way is 60 feet in width and extends approximately 440 feet between Center Street and Kentucky Street. In addition, the applicants propose to close an unused alley of an undetermined width that extends northeast from 14th Avenue approximately 268.93 feet. The City-County Planning Commission staff review included the applicants, Bowling Green SPE, Inc. and Western Kentucky University, have requested this closing in connection with the proposed re-zoning of 'Block 12' of the TIF District.

Mr. Hunter said that letters have been submitted from the agencies listed below stating the closing of this right-of-way is in agreement with their agency and any conditions are noted.

1. City of Bowling Green, Public Works by Jeff Lashlee, City Engineer
Request reimbursement for the cost of the recent 14th Avenue construction.
2. Bowling Green Fire Department, by Edward Moody, Assistant Fire Chief
3. Bowling Green Police Department, by Doug Hawkins, Chief of Police
4. Emergency Medical Department, of The Medical Center by Jim Williams, Field Operations Manager
5. Sanitation Services by Scott Waste Services, LLC by Bill Ketchum, Operations Manager
6. BG Municipal Utilities – Water and Sewer Division, by Rebecca Brown, GIS Specialist - *Water: 10 foot easement must remain for the 8 inch water main and fire hydrant along 14th Avenue*
Sewer: 10 foot easement must remain for the 8" sewer line along 14th Avenue and alley between 14th Avenue and 13th Avenue.
7. BG Municipal Utilities - Electric Division, by Chad Spencer, Electric Engineering Supervisor
8. AT&T, by Travis Parsley, Operations Manager
9. Insight Communications by Tosh Mracek, Project Supervisor
10. Atmos Energy, by Byron Oost, Project Specialist

FINDINGS OF FACT PER KRS 82.405:

- (A) Identification of all property owners abutting the rights-of-way to be closed was made by applicant;
- (B) Written notice was given to the property owners abutting the streets;
- (C) All property owners abutting the rights-of-way to be closed have given their written and notarized consent to the closing.

Mr. Hunter said that the staff finds all criteria for the public hearing has been met and recommends this evidence and testimony be made part of the official record and forward this record to the Bowling Green City Commission. A revised plat must be recorded reflecting any revisions if the rights-of-way are closed by the City of Bowling Green.

Mr. Hunter said as a side note, the City has conveyed to the Planning Commission that in closing this right-of-way that when this request comes the City, there is some outstanding debt that the applicants may be requested to reimburse and work through for some work that was done on 14th Avenue reconstruction.

Chairman Runner asked if there were any questions or comments from the Commissioners. Being no questions, Chairman Runner asked for questions or comments from the audience. Being none, she then asked for a Motion.

ACTION: The Motion was made by Commissioner Nahm, seconded by Commissioner Jones to approve the right-of-way closing docket #2009-05-RWC – subject to utility conditions as presented by the staff in its staff report and included in tonight’s report with the conditions that, if approved, a new plat would be recorded with the revisions of the right-of-way closing indicated. The vote was unanimous (9 yeas) – so the motion carried without opposition. The request for the right-of-way closing will be forwarded to the Bowling Green City Commission for approval.

III. ADDITIONAL NEW BUSINESS:

Chairman Runner asked for additional business. Mr. Hunter stated that a draft agenda has been presented to the Commissioners for the December 17th, 2009 meeting. He indicated this would be a special called meeting called by Chairman Runner to finish some cases that were postponed or put off until now. Attorney Moore indicated that Chairman Runner has called a Special Called Meeting on December 17th, 2009 at 7:00 p.m. in the BG City Commission Chambers, 1001 College Street, Bowling Green, Kentucky.

Chairman Runner stated there was no additional business to come before the Commission; the meeting was adjourned at 10:35 p.m.

CHAIRMAN, VELMA RUNNER

Administrative Executive Secretary
Sandy M. Clark