

**SUMMARY MINUTES**  
**City-County Planning Commission of Warren County**  
**January 06, 2011 @ 7:00 p.m.**  
**City Commission Chambers**  
**Bowling Green City Hall - 1001 College Street**

**Present:**

**Tim Huston**  
**Bill Hotaling**  
**Cliff Nahm**  
**Larkin Ritter**

**Mary Belle Ballance**  
**Velma Runner**  
**Chuck Coppinger**

**John Atkerson**  
**Kenneth Sparks**  
**Albert Rich**

**Absent:        Bennie Jones        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 ten (10) 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 draft Summary Minutes of the meeting held on December 2, 2010. The Motion was made by Commissioner Hotaling, seconded by Commissioner Huston, and agreed upon by all of the Commissioners present (2 abstained) to approve the Summary Minutes of the December 2, 2010 meeting.

Hon. Hamp Moore, of Cole and Moore Law Office, Attorneys 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 (January 06, 2011) be introduced as exhibits for each of tonight's hearings. He further requested the Chairman order that the Staff Reports, with all attachments together, along with the Commission's entire file for each application be likewise introduced as exhibits. Mr. Moore asked that the Oath be administered to Steve Hunter, Executive Director; Marshall Robinson, Planner; Jonathan Britt, Senior Planner; and Mac Yowell, Staff Engineer, as witnesses before the Planning Commission and that their oath and qualifications be reflected in the record for each of tonight's hearings. Chairman Runner so ordered and swore in the four (4) witnesses.

**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 23, 2010 to December 31, 2010 Subdivision plats stand as recorded.

**D.        LETTERS OF CREDIT AND PERFORMANCE BONDS**

Chairman Runner indicated the next item on the agenda is the Letters of Credit and Performance Bonds. She said there were two additions (#6 and #7) to the list presented to the Commission. Chairman Runner asked if there were any questions or comments in regard to the report given to Commissioners. Being no questions, Chairman Runner asked for a Motion:

**ACTION: A Motion was made by Commissioner Hotaling, seconded by Commissioner Atkerson, which passed unanimously ten (10) yeas to approve the following:**

1. Reduce the letter of credit from J. Allen Builders, Inc. for Northridge Subdivision Section 5 from \$30,700.00 down to \$26,000.00.
2. Reduce the letter of credit from D. B. Allen for Corvette View Subdivision from \$15,500.00 down to \$12,360.00.
3. Renew the letter of credit from Richard Rogers for Pine Terrace Subdivision in the amount of \$10,000.00.
4. Renew the letter of credit from September Lakes, LLC for September Lakes Subdivision (Construction) in the amount of \$11,100.00.
5. Renew the letter of credit from September Lakes, LLC for September Lakes Subdivision (Sidewalks) in the amount of \$114,996.00.
6. Release the cash surety for landscaping 1609 Campbell Lane in the amount of \$600 from Service One Credit Union.
7. Release the cash surety for landscaping 11770 Nashville Road in the amount of \$2,700 from Susan Cox Development.

**III. PUBLIC HEARINGS:**

Chairman Runner announced that the first item under our Public Hearing section is a request for a zone change request described as: *2011-01-Z-CO Lennis Oliver has filed an application in order to re-zone a tract of land containing 2.942 acres located at 3099 Claypool-Boyce Road. This property is located at the northeast corner of the intersection of Claypool-Boyce Road and The Trace Drive from AG (Agriculture) to RE (Residential Estate) with a general development plan.*

Jonathan Britt, Senior Planner, presented the staff report and stated the applicant is proposing to re-zone 2.942 acres of property from **AG** (Agriculture) to **R-E** (Residential Estate) in order to create three (3) single family residential lots. The applicant has also agreed to certain site restrictions as outlined in the Binding Elements. The applicant proposes to subdivide and re-zone 2.942 acres of land in order to create three (3) **R-E** (Residential Estate) lots. As can be seen on the proposed subdivision plat, 0.162 acres (already zoned **R-E**) from adjoining property labeled Tract 10, is proposed to be added to proposed Lot 11 and proposed Lot 13 of the development. The three lots are shown with acreages of 1.018 acres, 1.029 acres, and 1.058 acres. There is an existing barn located on the property that will be removed.

The applicants and staff held a Pre-Application Conference on December 2, 2010. The property has frontage on KY Highway 961, a State maintained rural road way with fifty (50) feet of right-of-way and eighteen (18) feet of pavement width. The existing land use is Agriculture and agriculture was the original zoning. The property also has frontage on The Trace Drive, a County maintained rural roadway with fifty (50) feet of right-of-way and twenty-four (24) feet of pavement.

Mr. Britt noted that the property is located in Focal Point 115 Boyce - Alvaton – with Characteristics of agriculture/open space; mostly agriculture with some scattered low density family residential; experiencing market pressure for residential.

Staff noted items of concern with this zone change request which are as follows:

- *Access to the property;*
- *Compatibility with surrounding properties; and*
- *Total number and size of lots.*

In order to address concerns of staff, the applicant has submitted the following Binding Elements:

***BINDING ELEMENTS***

- 1) *The applicant agrees to meet the fire control standards of Warren County, Kentucky, including installation of any necessary fire hydrants.*
- 2) *The property shall be developed for single-family residences only; no manufactured houses will be permitted.*
- 3) *The minimum square footage for all principal structures shall be 1,200 square feet. Each lot developed shall provide at a minimum, one (1) car garage.*
- 4) *The subject property shall be limited to a maximum of three (3) lots with a minimum lot size of 1.0 acre for each lot.*
- 5) *Access for Lot 11 shall be limited to one (1) access point on Claypool-Boyce Road and two (2) access points on The Trace Drive for Lots 12 and 13. Location of these access points shall be coordinated with the Warren County Road Department and the Kentucky Transportation Cabinet.*
- 6) *Binding Elements numbers (2) and (3) shall be Binding Elements only until such time as the plat is recorded that they then become plat restrictions.*

The Staff reviewed eight (8) Comprehensive Plan policies affecting this zone change request. Mr. Britt stated that the first policy was **LU-1A-2** (*In preparing a general development plan, surrounding property owners must be consulted prior to submitting a zone change.*) The Staff recommends to all applicants that they contact adjacent neighbors prior to the public hearing or have a neighborhood meeting, if possible. No information was forwarded to the Planning Commission staff. The applicant can address this when he comes forward.

Then utility Policies of **LU-4C-2** (*Rural Density Residential development must be provided with public water supply with greater than 250 GPM and 20 PSI residual pressure*) and **LU-4C-3** (*On-site waste disposal must be approved by the Barren River District Health Department prior to issuance of a building permit*) - A four (4) inch water line providing more than 250 GPM with more than 20 PSI is available along KY Highway 961 and a three (3) inch water line across the road with more than 250 GPM and more than 20 PSI. This meets the Warren County fire protection standards for domestic uses. The applicant agrees to meet the fire control standards of Warren County, Kentucky, including installation of any necessary fire

hydrants. There are no public sanitary sewers available within 1,500 feet of this property; on-site septic systems will be utilized. The applicant should contact the Barren River Area District Health Department for the approval of a site evaluation prior to the issuance of a building permit.

In addition density Policies of: **LU-4C-1** (*Rural density single family detached residential development may occur throughout Warren County on appropriately zoned AG, RR, and RE lots. Minimum lot sizes in these districts should be exclusive of drainage easements and flood plain areas*); **LU-4A-9** (*Residential development should not exceed density of surrounding developments by more than fifty percent [50%]*); **LU-4C-4** (*Lot sizes, lot widths and building setbacks in new rural density residential development should reflect the overall pattern of development in the surrounding area*); **LU-4C-5** (*All rural density residential development should maintain existing natural physical features such as woods, streams, green areas, etc. as open space*) - The applicant proposes to subdivide and re-zone 2.942 acres of land in order to create three (3) **R-E** (Residential Estate) lots. As can be seen on the proposed subdivision plat, 0.162 acres (already zoned **R-E**) from adjoining property labeled Tract 10, is proposed to be added to the proposed Lot 11 and proposed Lot 13 of the development. The three lots are proposed with acreages of 1.018 acres; 1.029 acres; and 1.058 acres. These lot sizes meet the minimum acreage required for **R-E** (Residential Estate) zoning. A drainage easement is shown on the subdivision plat for the proposed Lot 13. This does not meet the intent of Policy **LU-4C-1**; however, it does meet the Warren County Zoning Ordinance requirement of at least 20,000 square feet of the lot above the 100-year flood level. As can be seen on the Zoning Map, there are lots of similar size in the general vicinity. It was noted that the size of tracts in the vicinity of the subject property range from 0.4 acres to 80 acres. There is an existing barn on the property that will be removed. There are no additional changes to the overall pattern of development. The property shall be developed for single-family residences only; no manufactured houses will be permitted. The minimum square footage for all principle structures shall be 1,200 square feet. Each lot developed shall provide at a minimum of a one (1) car garage. There are no additional changes proposed to the area at this time and the property is not located in the 100 year flood plain area

Mr. Britt said the next review by staff was the final policy which was a Traffic Policy of: **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*) – Access for Lot 11 shall be limited to one (1) access point on Claypool-Boyce Road and two access points on The Trace Drive for Lots 12 and 13. Location of these access points shall be coordinated with the Warren County Road Department and Kentucky Transportation Cabinet.

Mr. Britt completed his presentation of the Staff Report by stating the Staff finds that the proposed zoning request is generally in agreement with the adopted Comprehensive Plan. The staff evaluated eight (8) policies for compliance and generally six (6) policies are in compliance. Chairman Runner asked if there were any questions from the Commissioners for Mr. Britt.

One Commissioner asked about the water line along The Trace Drive and if there was pressure in that line. Mr. Britt said that there is three inch line and a four inch line across the road, but he was not sure what the line is that runs along The Trace Drive.

Chairman Runner asked if the applicant had anything to add to the report given by staff. He indicated no, but if there were questions he could come forward and answer them. Chairman Runner then asked if anyone in the audience had any questions.

Therein, Marvin Benoit of 3245 Claypool Boyce Road, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Benoit said that he lives at 3245 and also owns the property at 3323 Claypool Boyce Road. He said he had concerns about driveways off The Trace Drive and wanted to know which accesses go with which lots as the survey perhaps shows a new access road. He also wanted to know that will happen to the four (4) acres on the back side of the property where the barn is located. It was explained that there were five (5) acres and part of one (1) acre is being cut off to be added to another lot. Mr. Benoit was concerned that there would not be a road going back to the odd lot and no one would have access to the back lot. What would happen to the lot with no access. Mr. Benoit also said he wanted to know what size houses are going to be built as if the houses were smaller than what is already there, then it would change the whole look of the neighborhood.

To answer questions, Ralph Anderson, Jr., of 248 Loving Road, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before this Commission. Mr. Anderson said he is the engineer for the applicants and he would try to clarify what is being asked. He said that the Mr. Oliver's sons own Lot #10 and that Mr. Oliver is cutting off a portion of the lot in order to make three (3) one (1) acre lots. There are no plans to further subdivide Lot #10 at this time, nor is anything in the future planned right now. Lot #10 will remain to be maintained as five (5) acres as it currently exists. There is a 100 foot strip along the roadway in order to build a lot. Mr. Anderson said that the minimum lot frontage is 100 from the right-of-way and the lots will be narrow for building lots. Lot #11 is 100 foot wide and Lot #12 is 115 feet wide. At the present time, the remaining 5 acres will remain the home place and nothing is planned.

One of the Commissioners asked about the status of the water line along The Trace Drive and he asked which lot will use which water line. Mr. Anderson said that The Trace Drive probably has a six (6) inch water line and it will service Lot #13. When asked about a neighborhood meeting, Mr. Anderson said he was fairly sure there was not a neighborhood meeting held as Mr. Oliver has been a member of the neighborhood for many years and he went around and visited with his neighbors to let them know what was being planned.

Another Commissioner asked about the drainage easement on Lot #15 and what the plan is according the Comprehensive Plan. Mr. Anderson said that under the circumstances, the drainage was previously platted as shown as Lot #1 has 2.942 acres and it shows a drainage easement in the existing sink hole. There has been some additional topography work done back there for the drainage and it looks as though part of it is on the Oliver property and part of it is on The Trace property. Lot #13 has part of the sink hole and it is proposed that Mr. Oliver will not have any trouble getting septic tank permits. The Health Department will look at the property site and technically the property will have to be in compliance. When Oliver's Landing was done, the sites were part of that development, but the Health Department will still have to come again and take a look before the Building Permits can be issued.

Therein, Attorney Moore asked if the Binding Elements could be corrected as presented and asked for the applicant to come forward to agree. The applicant, Lennis Oliver, of 3960 Claypool Alvaton Road, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. The following Binding Elements were corrected:

- 1) *The applicant agrees to meet the fire control standards of Warren County, Kentucky, including installation of any necessary fire hydrants.*
- 2) *The property shall be developed for single-family residences only; no manufactured houses will be permitted.*
- 5) *Access for Lot 11 shall be limited to one (1) access point on Claypool-Boyce Road and two (2) access points on The Trace Drive for Lots 12 and 13. Location of these access points shall be coordinated with the Warren County Road Department and the Kentucky Transportation Cabinet.*

Mr. Oliver agreed to the three changes in the Binding Elements and agreed he would go by the City-County Planning Commission offices to sign the original Binding Elements.

Being no other questions from the Commissioners for staff or for the applicant Chairman Runner asked if there were any more questions from the audience. Being no other questions or comments, Chairman Runner asked for a Motion.

**ACTION: The Motion was made by Commissioner Atkerson, seconded by Commissioner Nahm to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket #2011-01-Z-CO. 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-4A-9; LU-4C-2, 3, 4 & 5; and TR-2. 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 ten (10) yeas, so approved. A recommendation for approval will be sent to the Warren County Fiscal Court.**

Chairman Runner announced that the second item under our Public Hearing section is another request for a zone change described as: 2011-02-Z-CO Danny and Darrell Oliver have filed an application in order to re-zone a tract of land containing 4.55 acres located on Claypool-Boyce Road which is approximately 507 feet east from the intersection of Claypool-Boyce Road and W.G. Tally Road from AG (Agriculture) to RE (Residential Estate) with a general development plan.

Marshall Robinson, Planner, presented the staff report and stated the applicants are proposing to re-zone 4.55 acres of property from **AG** (Agriculture) to **R-E** (Residential Estate) in order to create four (4) single family residential lots. The applicants have also agreed to certain site restrictions as outlined in the Binding Elements. The applicants propose to subdivide and re-zone 4.55 acres of land in order to create four (4) **R-E** (Residential Estate) lots. As can be seen on the proposed subdivision plat, the four (4) lots are proposed with acreages of 1.24 acres, 1.24 acres, 1.05 acres and 1.02 acres. These lot sizes meet the minimum acreage required for **R-E** (Residential Estate) zoning. The applicants should contact the Warren County Road Department for any newly proposed access points to the property

The applicants and staff held a Pre-Application Conference on March 30, 2010. The property has frontage on Claypool Boyce Road, a County maintained rural road way with fifty (50) feet of right-of-way and sixteen (16) feet of pavement width. The existing land use is vacant and agriculture was the original zoning. Mr. Robinson noted that the property is also located in Focal Point 115 Boyce - Alvaton – with Characteristics of agriculture/open space; mostly agriculture with some scattered low density family residential; experiencing market pressure for residential.

Staff noted items of concern with this zone change request which are as follows:

- *Total number of lots;*
- *Compatibility with surrounding properties; and*
- *Access to the property.*

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

#### ***BINDING ELEMENTS***

- 1) *The subject property shall be developed into individual lots for single family residences with a maximum of four (4) lots; with a minimum lot size for each lot of one (1) acre exclusive of any drainage easements.*
- 2) *All driveways shall be constructed of bituminous or concrete surface. Placement of driveways should be in coordination with Warren County Road Department.*
- 3) *The applicants shall meet the minimum requirements for Fire Control Standards of Warren County, Kentucky; including the installation of all required fire hydrants.*
- 4) *All new residences shall contain a minimum of 1,200 square feet of living space, excluding porches, patios and garages.*
- 5) *No manufactured houses or mobile homes shall be permitted on the property.*
- 6) *All development shall comply with the Storm Water Management regulations of Warren County, Kentucky.*
- 7) *All accessory structures shall be constructed of the same material and style as the principle structure.*
- 8) *Binding Elements numbers (2), (4), (5) and (7) shall remain as Binding Elements only until such time as a plat for the property is recorded. At such time, these shall become plat restrictions and no longer part of these Binding Elements.*

The Staff reviewed eight (8) Comprehensive Plan policies affecting this zone change request. Mr. Robinson stated that the first policy was **LU-1A-2** (*In preparing a general development plan, surrounding property owners must be consulted prior to submitting a zone change.*) The Staff recommends to all applicants that they contact adjacent neighbors prior to the public hearing or have a neighborhood meeting, if possible. No information was forwarded to the Planning Commission staff. The applicants can address this when they come forward.

Then utility Policies of **LU-4C-2** (*Rural Density Residential development must be provided with public water supply with greater than 250 GPM and 20 PSI residual pressure*) and **LU-4C-3** (*On-site waste disposal must be approved by the Barren River District Health Department prior to issuance of a building permit*) – An eight (8) inch water line providing more than 250 GPM with more than 20 PSI is available along Claypool-Boyce Road. This meets the Warren County fire protection standards for domestic uses. The applicants agree to meet the fire control standards of Warren County, Kentucky, including installation of any necessary fire hydrants. There are no public sanitary sewers available within 1,500 feet of this property; on-site septic systems will be utilized. The applicants should contact the Barren River Area District Health Department for the approval of a site evaluation prior to the issuance of a building permit.

In addition density Policies of: **LU-4C-1** (*Rural density single family detached residential development may occur throughout Warren County on appropriately zoned AG, RR, and RE lots. Minimum lot sizes in these districts should be exclusive of drainage easements and flood plain areas*); **LU-4A-9** (*Residential development should not exceed density of surrounding developments by more than fifty percent [50%]*); **LU-4C-4** (*Lot sizes, lot widths and building set backs in new rural density residential development should reflect the overall pattern of development in the surrounding area*); **LU-4C-5** (*All rural density residential development should maintain existing natural physical features such as woods, streams, green areas, etc. as open space*) - The subject property shall be developed into individual lots for single family residences with a maximum of four (4) lots; with a minimum lot size for each lot of one (1.00) acre exclusive of any drainage easements. As can be seen on the Zoning Map, there are lots of similar size in the general vicinity. The sizes of tracts in the vicinity of the subject property are in a range from 0.3 acres to 95 acres. All new residences shall contain a minimum of 1,200 square feet of living space, excluding porches, patios and garages. No manufactured or mobile homes shall be permitted on the property. All development shall comply with the storm water management regulations of Warren County, Kentucky. All accessory structures shall be constructed of the same material and style as the principle structures. There are no additional changes to the overall pattern of development and the property is not located in the 100 year flood area

Mr. Robinson said the next review by staff was the final policy which was a Traffic Policy of: **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*) – All driveways shall be constructed of bituminous or concrete surface and placement should be coordinated with the Warren County Road Department.

Mr. Robinson completed his presentation of the Staff Report by stating the Staff finds that the proposed zoning request is generally in agreement with the adopted Comprehensive Plan. The staff evaluated eight (8) policies for compliance and generally seven (7) policies are in compliance. Chairman Runner asked if there were any questions from the Commissioners for Mr. Robinson.

One Commissioner asked about the width of the pavement on the roadway. Mr. Robinson said that there is 16 feet of pavement with on Claypool Boyce Road. Another Commissioner asked about four accesses onto Claypool Boyce Road and if any of the driveways could be combined. Mr. Robinson explained that the driveway permits would have to be applied for and obtained before developing the lots. There is no restrictions on pavement widths of the County and State Road, however, if a new subdivision was built, there would be subdivision roadway standards for the roads built in a new subdivision.

Chairman Runner asked if the applicants had anything to add to the report given by staff. They indicated no, but if there were questions he could come forward and answer them. Chairman Runner then asked if anyone in the audience had any questions.

Therein, Attorney Moore asked if the Binding Elements could be agreed to as presented and asked for one of the applicants to come forward to agree to the Binding Elements. On behalf of the applicants, Darrell Oliver, of 3990 Claypool Boyce Road, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. The Binding Elements were agreed to by Mr. Oliver as presented. He said he could speak on behalf of his brother who is the other applicant for this case.

One of the Planning Commissioners asked if there was a neighborhood meeting. Mr. Oliver said there was not a meeting and he did not contact neighbors, however, he did talk with one of his neighbors and that she was the one the property was purchased from.

Being no other questions from the Commissioners for staff or for the applicants Chairman Runner asked if there were any questions from the audience. Being no questions or comments, Chairman Runner asked for a Motion.

**ACTION: The Motion was made by Commissioner Atkerson, seconded by Commissioner Sparks to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket #2011-02-Z-CO. 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-4A-9; LU-4C-1, 2, 3, 4 & 5; and TR-2. 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 four (4) yeas and six (6) nays.**

Attorney Moore advised that no action had been decided and that another motion could be made in order to achieve a decision for a recommendation.

**ACTION: The Motion was made by Commissioner Coppinger, seconded by Commissioner Hotaling to deny the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket #2011-02-Z-CO. 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 not in agreement with the adopted Comprehensive Plan as demonstrated by its non-compliance with the Comprehensive Plan's following Policies: LU-1A-2. 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 seven (7) yeas and three (3) nays, so denied. A recommendation for denial will be sent to the Warren County Fiscal Court.**

Chairman Runner then announced the final zone change request for the evening, being described as: *2011-03-Z-CO Lee H. Hatcher II and Courtney Hatcher have filed an application in order to re-zone a tract of land containing 2.02 acres located on Old Greenhill Road, approximately 2,048 feet northwest from the intersection of Old Greenhill Road and Claypool-Alvaton Road from AG (Agriculture) to RE (Residential Estate) with a general development plan*

Steve Hunter, Executive Director, presented the staff report and stated the applicants are proposing to re-zone 2.02 acres of property from **AG** (Agriculture) to **R-E** (Residential Estate) in order to create two (2) single family residential lots. The applicants have also agreed to certain site restrictions as outlined in the Binding Elements. The applicants propose to subdivide and re-zone 2.02 acres of land in order to create two (2) **R-E** lots. The proposed subdivision plat shows the acreages for each lot as 1.00 acre and 1.02 acres respectively. These lot sizes meet the minimum acreage required for **R-E** zoning. The remaining acreages of Tracts #5 and #6 are to be consolidated and become tract #5 of 8.20 acres and will remain **AG** (Agriculture).

The applicants and staff held a Pre-Application Conference on September 14, 2010. The property has frontage on Old Greenhill Road, a County maintained rural roadway with fifty (50) feet of right-of-way and eighteen (18) feet of pavement. Mr. Hunter noted that the property is located in Focal Point 115 Boyce - Alvaton – with Characteristics of agriculture/open space; mostly agriculture with some scattered low density family residential; experiencing market pressure for residential.

Staff noted items of concern with this zone change request which are as follows:

- *Access to the property;*
- *Size of lots, and*
- *Compatibility with surrounding properties*

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

#### ***BINDING ELEMENTS***

- 1) *The applicant agrees to meet the fire control standards of Warren County, Kentucky, including installation of any necessary fire hydrants.*
- 2) *The property shall be developed for single-family residences only; no manufactured houses will be permitted.*
- 3) *The minimum square footage for all principal structures shall be 1,200 square feet. Each lot developed shall provide at a minimum, one (1) car garage.*
- 4) *The subject property shall be limited to a maximum of two (2) lots with a minimum lot size of 1.0 acre for each lot.*
- 5) *Access for each lot shall require an encroachment permit from the Warren County Road Department.*
- 6) *Binding Elements numbers 2 and 3 shall be included as Binding Elements only until such time as the plat is filed and then shall be made plat restrictions.*

The Staff reviewed eight (8) Comprehensive Plan policies affecting this zone change request. Mr. Hunter stated that the first policy was **LU-1A-2** (*In preparing a general development plan, surrounding property owners must be consulted prior to submitting a zone change.*) The Staff recommends to all applicants that they contact adjacent neighbors prior to the public hearing or have a neighborhood meeting, if possible. No information was forwarded to the Planning Commission staff. The applicants can address this when they comes forward.

Then utility Policies of **LU-4C-2** (*Rural Density Residential development must be provided with public water supply with greater than 250 GPM and 20 PSI residual pressure*) and **LU-4C-3** (*On-site waste disposal must be approved by the Barren River District Health Department prior to issuance of a building permit*) - A six (6) inch water line providing more than 250 GPM with more than 20 PSI is available along Old Greenhill Road. This meets the Warren County fire protection standards for domestic uses. The applicants agree to meet the fire control standards of Warren County, Kentucky, including installation of any necessary fire hydrants. There are no public sanitary sewers available within 1,500 feet of this property; on-site septic systems will be utilized. The applicants should contact the Barren River Area District Health Department for the approval of a site evaluation prior to the issuance of a building permit.

In addition density Policies of: **LU-4C-1** (*Rural density single family detached residential development may occur throughout Warren County on appropriately zoned AG, RR, and RE lots. Minimum lot sizes in these districts should be exclusive of drainage easements and flood plain areas*); **LU-4A-9** (*Residential development should not exceed density of surrounding developments by more than fifty percent [50%]*); **LU-4C-4** (*Lot sizes, lot widths and building set backs in new rural density residential development should reflect the overall pattern of development in the surrounding area*); **LU-4C-5** (*All rural density residential development should maintain existing natural physical features such as woods, streams, green areas, etc. as open space*) – The proposed lot sizes for this single family residential development are 1.00 acres and 1.02 acres, and meet the minimum lot size requirement for **R-E** (Residential Estate) zoning. The subject property shall be limited to a maximum of three (3) lots with a minimum lot size of 1.0 acre for each lot. The applicants also agree to develop the property with single family residences only; no manufactured houses will be permitted. As can be seen on the Zoning Map, there are lots of similar size in the general vicinity. (See Attached Zoning Map) The size of tracts in the vicinity of the subject property range from one (1) acre to eighty (80) acres. There are no additional changes to the overall pattern of development and no additional changes are proposed at this time. The property is not located in the 100 year flood plain area.

Mr. Hunter said the next review by staff was the final policy which was a Traffic Policy of: **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*) – The applicants should contact the Warren County Road Department for any newly proposed access points to the property. Access for each lot shall require an encroachment permit from the Warren County Road Department.

Mr. Hunter completed his presentation of the Staff Report by stating the Staff finds that the proposed zoning request is generally in agreement with the adopted Comprehensive Plan. The staff evaluated eight (8) policies for compliance and generally seven (7) policies are in compliance. Chairman Runner asked if there were any questions from the Commissioners for Mr. Hunter.

One Commissioner asked about contact with the adjoining neighbors. Mr. Hunter said that letters from staff went out to adjoining neighbors, but staff did not know if the applicants actually went out to visit or interact with neighbors. Another Commissioner asked if Lot #6 is just going away and it was noted that #6 is being added to #5 and re-platted.

Chairman Runner asked if the applicants had anything to add to the report given by staff. Attorney Moore asked if the Binding Elements could be corrected as presented and asked for one of the applicants to come forward to agree. On behalf of the applicants, Lee H. Hatcher, of 1010 Hill Road, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. The following Binding Elements were corrected:

4. *The subject property shall be limited to a maximum of two (2) lots with a minimum lot size of 1.0 acre for each lot.*
5. *Access for each lot shall require an encroachment permit from the Warren County Road Department.*

Mr. Hatcher agreed to the two changes in the Binding Elements and agreed he and his wife would go by the City-County Planning Commission offices to sign the original Binding Elements.

Chairman Runner then asked if any of the Commissioners or anyone in the audience had any questions for Mr. Hatcher or were here in opposition of the proposed zoned change request.

Therein, Marvin Benoit of 3245 Claypool Boyce Road, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Benoit said that he lives at 3245 and also owns the property at 3323 Claypool Boyce Road. He said he had concerns about Binding Element #3 in regard to the square footage of the proposed principle structures. He said that the house across the street is considerably larger and a brick home. He asked the new structures be larger like what is in the area and they be built with comparable materials.

Attorney Moore explained that the Binding Elements are agreements that the Hatchers made voluntarily and anything they agreed to or change would be up to them. He asked Mr. Benoit if there was a proposed size that he would be agreeable to. Mr. Benoit said he would like to see 1,600 square foot or even 1,800 square foot and that the exterior could be siding as there are siding houses in the vicinity. Mr. Beniot then said he is building a 2,800 square foot house for his daughter in the area. He also said he was not invited to a neighborhood meeting.

Mr. Hatcher was asked if he had a neighborhood meeting and he responded that he did not as several developments and dividing of properties have taken place and he was not visited by anyone letting him know of the proposed re-zonings. Mr. Hatcher said he did not really want to go over 1,200 square feet and it would be up to the buyer to build the size he or she wants on the one acre lot. He agreed to the minimum of 1,200 square feet, but really did not want to agree to any other minimum building lot size, especially a larger minimum size.

Being no other questions from the Commissioners for staff or for the applicants Chairman Runner asked if there were any more questions from the audience. Being no other questions or comments, Chairman Runner asked for a Motion.

**ACTION: The Motion was made by Commissioner Nahm, seconded by Commissioner Hotaling to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket #2011-03-Z-CO. 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-4A-9; LU-4C-1, 2, 3, 4 & 5; and TR-2. 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 ten (10) yeas, so approved. A recommendation for approval will be sent to the Warren County Fiscal Court.**

**ADDITIONAL BUSINESS:**

Chairman Runner said there is additional business to come before the Commission. Mr. Hunter then said there will be a meeting on January 20, 2011 and a draft agenda was given to each Commission. He stated that there will probably not be Planning Commission meeting on February 3<sup>rd</sup> as currently nothing has been filed at this time.

Mr. Hunter then asked the Chairman for a closed session as the Commission needed to go into a closed session for the purpose of discussing personnel matters. Chairman Runner then asked for a Motion.

**ACTION: Commissioner Atkerson made the Motion, seconded by Commissioner Nahm, to go into closed session for the purpose of discussing personnel matters. All Commissioners agreed and approved the closed session with a vote of ten (10) yeas.**

***THE COMMISSION WENT INTO CLOSED SESSION AND ALL OTHER PEOPLE LEFT THE COMMISSION CHAMBERS.***

Chairman Runner reconvened the meeting after the closed session. Attorney Moore asked that the record reflect that no action was taken during the closed session, and during closed session the Commission only considered the matters contained in the Motion to go into closed session. During the session, the record reflects that Commissioner Hotaling moved that the Commission come back into open session and Commissioner Huston seconded the Motion. All Commissioners approved the Motion unanimously to reconvene.

After coming back into open session, Chairman Runner asked for a Motion to be considered from the closed session discussion.

**ACTION: Commissioner Atkerson made the Motion, seconded by Commissioner Coppinger, to approve the personnel changes as outlined in the report of the Executive Director made January 6, 2011. All Commissioners agreed with a vote of ten (10) yeas.**

The Commissioners welcomed Rachel Hetzler to the City-County Planning Commission staff and congratulated Sandy Clark on her new position of Zoning Administrator and thanked Jonathan Britt and Marshall Robinson for taking on extra duties during this transition.

Chairman Runner stated there was no additional business to come before the Commission; the meeting was adjourned at 8:45 p.m.

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CHAIRMAN, VELMA RUNNER

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Administrative Executive Secretary  
Sandy M. Clark