

SUMMARY MINUTES
City-County Planning Commission of Warren County
February 17, 2011 @ 7:00 p.m.
City Commission Chambers
3rd Floor - 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, Zoning Administrator, 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 February 3, 2011. The Motion was made by Commissioner Hotaling, seconded by Commissioner Huston and agreed upon by all of the Commissioners present (1 abstained) to approve the Summary Minutes of the February 3, 2011 meeting as written.

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 (February 17, 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, County Engineer/Public Works Supervisor, 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 witnesses.

C. FINANCIAL REPORT

Chairman Runner asked if there were any questions or comments in regard to the Financial Report that was in the packet. Being none, she moved to the next item on the agenda.

D. REPORT ON SUBDIVISION APPROVALS

Chairman Runner asked if there were any questions or comments on the Subdivision approvals. Being no questions or comments, the January 26, 2011 to February 9, 2011 Subdivision plats stand as recorded.

III. PUBLIC HEARINGS:

Chairman Runner announced that the first item under our Public Hearings section is a request for approval of a Detailed Development Plan described as: 2011-01-DP - B G Area Chamber of Commerce, Inter-Modal Transportation Authority, Inc. and Bowling Green Area Economic Development Authority, Inc. have applied for approval of a Detailed Development Plan on a tract of land containing approximately 17 acres located at 275 Technology Way which is approximately 1,150 feet from Commonwealth Blvd. The Plan proposes the construction of an approximately 126,000 square foot speculative industrial building, with a possible 108,000 square foot expansion for a total of approximately 234,000 square feet. Also proposed are all required drainage, parking and landscaping. This property is zoned HI (Heavy Industry) and LI (Light Industry) with Binding Elements.

Mac Yowell presented the staff report and stated that BG Chamber; Inter-Modal Transportation Authority, Inc.; and BG Area Economic Development Authority, Inc. have all applied for approval of a Detailed Development Plan on a tract of land containing approximately seventeen (17) acres located at 275 Technology Way, which is approximately 1,150 feet from Commonwealth Blvd. The Plan proposes the construction of an approximately 126,000 square foot spec industrial building, with a possible 108,000 square foot expansion, for a total of approximately 234,000 square feet. Also proposed are all required drainage, parking and landscaping. Mr. Yowell noted that staff's review of the plan was based on the **HI and LI** zones, as this property has split zoning within it, and has Binding Elements recorded for it, as follows:

	<u>Allowed / Required</u>	<u>Provided</u>
Lot Coverage:	80% (per Binding Elements)	55.2% (Phase 1) 46.1% (Phase 2) 51.2% (Total)
Set backs:	Front: 75 feet (northeast) 75 feet (east) Side: 50 feet (north) Rear: 150 feet (west)	174.2 feet 79.9 feet 105.2 feet 284.2 feet
Parking:	1 space per employee	215 spaces
Building Height:	50 feet	45 feet - single story
Landscaping:	Landscaping plan meets the requirements of the Ordinance and the Binding Elements.	
Signage:	The Binding Elements allow one monument style sign, maximum of 7 feet tall, with a maximum of 100 square feet sign face area.	

Drainage: The drainage plan has been submitted and is now approved.

Traffic: A Traffic Impact Study was submitted with the zone change.

Access: One access point from Technology Way and two access points from a street to be created.

Mr. Yowell stated that staff recommends approval of the Detailed Development Plan with two conditions of approval: 1) A plat must be recorded to create the lot (which is currently in review at the CCPC; and 2) Final approval of the grading and drainage plan (drainage plan has now been reviewed and approved).

Chairman Runner asked if there were any questions from the Commissioners. Being none, she asked for questions, comments or opposition from anyone in the audience. Being none, she asked for a Motion.

ACTION: Commissioner Atkerson made the motion, seconded by Commissioner Coppinger, to approve Detailed Development Plan Docket #2011-01-DP, BG Area Chamber of Commerce, Inter-Modal Transportation Authority, Inc. and Bowling Green Area Economic Development Authority, Inc., subject to the following two conditions: 1) A plat must be recorded to create the lot; and 2) Final approval of the grading and drainage plan. The motion is based upon the Detailed Development Plan's compliance with Section 3.11.6 of the Warren County Zoning Ordinance. The vote was ten (10) yeas to approved the Detailed Development Plan.

Chairman Runner announced that the second item under our Public Hearing section is a request for a zone change and request for Variances described as: *2011-04-Z-BG - Leon Tarter, Reeves Family, LLC., and Kanubhai Patel have filed an application to re-zone a tract of land containing 9.02 acres located at the intersection of Nashville Road and Memphis Junction Road from HI (Heavy Industrial) to PUD (Planned Unit Development) with a general development plan; and 2011-V-03 - Leon Tarter, Reeves Family, LLC., and Kanubhai Patel have filed an application for two Variances on property located at the intersection of Nashville Road and Memphis Junction Road: a 165 foot Variance from the required 250 foot set back from a residential use or residential zone for a drive-thru and a 100 foot Variance from the required 500 foot set back for a fueling station for medium and heavy trucks. This property is zoned HI (Heavy Industry) with a pending zone change to PUD (Planned Unit Development)*

Steve Hunter, Executive Director with the City-County Planning Commission stepped to the podium to present the staff report. He stated that the applicants are proposing to re-zone a tract of land from **HI** (Heavy Industrial) to **PUD** (Planned Unit Development) for a mix of commercial and light industrial activities to serve the area. The applicants are also requesting a 165 foot Variance from the required 250 foot set back from a residential district in order to have a drive-thru/pick-up window; as well as a 100 foot Variance from the required 500 foot set back from a residential district in order to locate a fueling station for medium and heavy trucks on the property. The applicants have agreed to certain restrictions as outlined in the Binding Elements.

In addition, the applicants have proposed to allow mixed and multiple uses of the property including the uses currently contemplated by the developer. During the first phase of

the development, the front portion of the property adjacent to Nashville Road will be developed; the developer proposes to construct a convenience-type store with gas pumps and a fast food-type restaurant located within the same structure as the convenience store. Provisions will be made for fueling for all vehicle types. Phase I may also include additional uses, particularly retail uses, including a bank. Eventually, the entire property may include additional uses such as office, professional, and overnight accommodation. The property will also remain available for development for warehousing or light manufacturing. Buildings constructed on the property within 250 feet of Nashville Road shall be constructed with each façade being at least eighty percent (80%) glass or modern masonry material, including brick, stone, or split-faced block, EFIS, or glass. Buildings constructed farther than 250 feet from Nashville Road shall be constructed with at least 50% of the total façade area of each building being at least 50% modern masonry material, including brick, stone, or split-faced block, EFIS, or glass. No plain-faced block or vinyl siding shall be used. No commercial structure shall be taller than fifty feet; provided, however, no commercial structure which is located within 250 feet of U.S. 31W shall be taller than 35 feet. The total developed improvements shall not exceed 80,000 square feet and the total lot coverage for commercial development will not exceed eighty percent (80%). Access to the property will be limited to two access points from U.S. 31W (Nashville Road) and two access points from Memphis Junction Road. At least one access point from Nashville Road shall provide for a dedicated left and right turn out of the site as generally shown on Exhibit "B".

Mr. Hunter stated that this property is located at the intersection of Nashville Road and Memphis Junction Road and contains 9.0239 acres. Also, the property is located in Focal Point: 108-3B – Industrial Park with Characteristics of: Dominant use area, heavy industry, warehousing and distribution. The property has frontage on Nashville Road (U.S. Hwy 31-W), a state maintained major collector roadway with varying right-of-way and varying pavement width. The property also has frontage along Memphis Junction Road, a City Maintained roadway with varying right-of-way and twenty-two (22) feet of pavement width.

Mr. Hunter then noted several items of concern from staff that included:

- *Limitation of signage;*
- *Limited access to U.S. 31-W;*
- *Proposed building materials;*
- *Parking of large vehicles;*
- *Proposed uses; and*
- *Landscaping between incompatible uses*

In order to address concerns of staff, the applicants submitted Binding Elements which included:

BINDING ELEMENTS

- I. *Buildings constructed on the property within 250 feet of Nashville Road shall be constructed with each façade being at least eighty percent (80%) glass or modern masonry material, including brick, stone, or split-faced block, EFIS, or glass. Buildings constructed farther than 250 feet from Nashville Road shall be constructed with each façade area of each building being at least 50% modern masonry material, including brick, stone, or split-faced block, EFIS, or glass. No plain-faced block or vinyl siding shall be used.*

- II. *Lot coverage for commercial development will not exceed eighty percent (80%). Total developed improvements shall not exceed 80,000 square feet. No commercial structure shall be taller than fifty feet; provided, however, no commercial structure which is located within 250 feet of U.S. 31-W shall be taller than 35 feet.*
- III. *The following uses shall be prohibited on the property: Heavy vehicle and manufactured home sales; a bar, lounge or other facility serving alcoholic beverages by the drink, except in connection with a restaurant; bingo parlor; pawn shop; any sale, rental or display of pornography, adult books, adult entertainment; detention facility; off premise advertising sign, commercial parking; waste-related uses; or mining.*
- IV. *Access to the property will be limited to two access points from U.S. 31-W (Nashville Road) and two access points from Memphis Junction Road. Trees and shrubs along Memphis Junction Road will be removed to the extent necessary to insure adequate sight distance. At least one access point from Nashville Road shall provide for a dedicated left and right turn out of the site as generally shown on Exhibit "B".*
- V. *The property will be developed with a right hand turn lane taper on U.S. 31-W Southbound beginning at the northern property line of the property and continuing to the entrance from Nashville Road to the property.*
- VI. *Prior to the issuance of a Certificate of Occupancy for more than 40,000 square feet of improvements on the property, Memphis Junction Road will be improved to twenty-four (24) feet in width for the entire length of the property. Also prior to the issuance of a Certificate of Occupancy for more than 40,000 square feet of improvements on the property, a traffic light warrant study shall be conducted and any traffic signal required by such warrant study shall be installed.*
- VII. *The property will be developed to meet the landscape provisions of the Warren County/Bowling Green Zoning Ordinance as generally shown on Exhibit "B".*
- VIII. *Lighting for parking areas and travel ways on the property shall be shoebox-style lighting focused downward to minimize light trespass onto adjacent residential areas.*
- IX. *Outside trash collection areas shall be screened on all sides with a visual barrier.*
- X. *All utilities service lines shall be located underground.*
- XI. *Signage on the property will be limited to one free standing monument type sign on the property and on each parcel which may be created by subdivision of the property, which sign or signs shall not exceed a height of 25 feet with a maximum total sign face area of 150 square feet per side.*
- XII. *All roadway improvements, traffic signals and access points to the property shall be coordinated with the Kentucky Transportation Cabinet and the City of Bowling Green Public Works Department.*

XIII. *The property will be developed in compliance with all local ordinances and regulations relating to sanitary sewer, water supply and the installation of any necessary fire hydrants.*

* * * * *

Binding Element I shall cease to be a Binding Element upon recordation of a Plat of the property, after which the restriction contained in Binding Element I shall be a plat restriction and/or recorded restrictive covenant.

Mr. Hunter explained that staff reviewed Comprehensive Plan policies totaling twenty-nine (29) different Policies for residential and commercial involved in a PUD (Planned Unit Development). The policies were described as follows: **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. The applicants indicated that they held a neighborhood meeting on January 11, 2011 and applicants can advise of the outcome of their attempts to contact neighbors.

In addition, utilities Policies: **LU-5A-9** and **LU-6A-6** (*sewer*); **LU-5A-11** and **LU-6A-7** (*water*) – A 12 inch sewer line is available along the rear of the property. An additional 8 inch sewer line is available along Nashville Road (U.S. 31-W) across the roadway from the property. The property will be developed in compliance with all local ordinances and regulations relating to sanitary sewer, water supply and the installation of any necessary fire hydrants. A 12 inch water line providing 600 GPM at over 20 PSI is available along 31-W (Nashville Road). An additional 6 inch water line providing 600 GPM at over 20 PSI is available along Memphis Junction Road. The property will be developed in compliance with all local ordinances and regulations relating to sanitary sewer, water supply and the installation of any necessary fire hydrants.

Mr. Hunter next explained access Policies of: **LU-5A-4** (*Commercial uses are appropriate only with direct accessibility to at least a minor collector street. Vehicular access to commercial development should be oriented away from residential neighborhoods*); **LU-5A-7** (*Commercial uses which are high traffic generators are appropriate only with direct accessibility to at least a collector street*); **LU-5C-2** (*Where the focal point is adjacent to residential developments or residential districts, new commercial development must not have its primary ingress or egress into the residential development or district*); and **LU-6A-9** (*All industrial uses shall be located with access to at least a collector street. There shall be no ingress or egress into any residential neighborhood*) - Access to the property will be limited to two access points from U.S. 31-W (Nashville Road) and two access points from Memphis Junction Road. Trees and shrubs along Memphis Junction Road will be removed to the extent necessary to insure adequate site distance. At least one access point from Nashville Road shall provide for a dedicated left and right turn out of the site as generally shown on the Exhibit "B" submitted by the applicants.

Then traffic Policies 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*); **TR-2A** (*Adjacent developments shall provide for internal circulation between them in accordance with the subdivision regulations*); **TR-2E** (*Use*

*of properly designed and located frontage roads and reverse frontage roads on newly constructed arterials and collectors shall be required); **TR-2F** (Increased building set backs and more stringent sign controls on arterial and collector streets should be required); **TR-2H** (Development within the City limits of Bowling Green shall comply with the City's adopted Traffic Access Management Manual); **TR-3C** (New development and redevelopment which is expected to have a significant impact, either by meeting an established trip generation or by Planning Commission determination should conduct a traffic impact study (TIS) to identify design criteria for the site, as well as, off site improvements to existing roadway facilities to mitigate any adverse impacts); and **TR-3D** (When private development prompts the need for public roadway improvement, developers should participate in the funding of the cost of the needed improvement. Coordination with appropriate governments on need for capital improvement projects is encouraged) - The applicants did provide a Traffic Impact Study (TIS) for the proposed zone change. A copy of the TIS was distributed to the City of Bowling Green's Public Works Department and the Kentucky Transportation Cabinet for review. The TIS did make three (3) specific recommendations that can be found on pages 11 and 12 of the TIS. The applicants have agreed to several Binding Elements to address those recommendations and other concerns expressed by the City of Bowling Green's Public Works Department, Kentucky Transportation Cabinet and the Planning Commission's Engineer. They are as follows:*

- Trees and shrubs along Memphis Junction Road will be removed to the extent necessary to insure adequate site distance.
- The property will be developed with a right hand turn lane taper on U.S. 31W Southbound beginning at the northern property line of the Property and continuing to the entrance from Nashville Road to the property.
- Prior to the issuance of a Certificate of Occupancy for more than 40,000 square feet of improvements on the property, Memphis Junction Road will be improved to twenty-four (24) feet in width for the entire length of the property. Also prior to the issuance of a Certificate of Occupancy for more than 40,000 square feet of improvements on the Property, a traffic light warrant study shall be conducted and any traffic signal required by such warrant study shall be installed.

All roadway improvements, traffic signals and access points to the property shall be coordinated with the Kentucky Transportation Cabinet and the City of Bowling Green Public Works Department.

Mr. Hunter next explained the Policies of: **LU-5A-5** (Commercial uses may be located adjacent to land zoned for residential uses if buffered from the residential uses by landscaping, lighting, and noise controls); **LU-6A-5** (Industrial sites should be properly served, accessible, and protected from encroachment by incompatible uses. New industries should be strongly directed toward the industrial parks); **LU-6A-11** (Provisions must be made for proper control of industrial uses which have or make products which could be hazardous to human life and property); **LU-5A-12** (New commercial development should follow sound design principles for buildings, parking, landscaping, signage, and set backs); **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); **LU-6A-13** (Parking areas are discouraged within the building setback areas to allow for street landscaping); **LU-5A-15** (Free standing signs should be in proper scale, style and bulk with the

surrounding area. In general, signs should not be taller than the tallest structure on the site); **LU-6A-14** *(Free standing signs should be in proper scale, style and bulk with the surrounding area. In general, all signs should not be taller than the tallest structure on the site) and* **LU-5A-16** *(All lighting should be directed downward and away from adjacent residential uses and should be shielded to prevent light trespass or reflection onto adjoining properties) - Buildings constructed on the property within 250 feet of Nashville Road shall be constructed with each façade being at least eighty percent (80%) glass or modern masonry material, including brick, stone, or split-faced block, EFIS, or glass. Buildings constructed farther than 250 feet from Nashville Road shall be constructed with at least 50% of the total façade area of each building being at least 50% modern masonry material, including brick, stone, or split-faced block, EFIS, or glass. No plain-faced block or vinyl siding shall be used). The property will be developed to meet the landscape provisions of the Warren County/Bowling Green Zoning Ordinance as generally shown on Exhibit "B". Signage on the property will be limited to one free standing monument type sign on the Property and on each parcel which may be created by subdivision of the Property, which sign or signs shall not exceed a height of 25 feet with a maximum total sign face area of 150 square feet per side. Outside trash collection areas shall be screened on all sides with a visual barrier. All utilities service lines shall be located underground. Lighting for parking areas and travel ways on the Property shall be shoebox-style lighting focused downward to minimize light trespass onto adjacent residential areas. The applicants have also committed that the property will be developed with 25 foot building set backs from Memphis Junction Road and Nashville Road. Otherwise, the property will be developed with rear and side setbacks (including "interior" setbacks in the event that the Property is subdivided) as required under the **HB** zoning classification.*

Then Mr. Hunter explained the final three policies of: **LU-5C-1** *(Commercial development or redevelopment is permitted where the existing dominant use of the focal point is commercial and must not adversely impact the existing scale and architecture within the focal point);* **LU-5E-1** *(Commercial development in high growth corridors should take place in larger planned shopping areas rather than in smaller individual commercial sites);* and **LU-5E-2** *(Where strip commercial development is allowed, such development shall conform to an approved general development plan. Ingress and egress points should be minimized and efficiently spaced to provide for traffic circulation) - Lot coverage for commercial development will not exceed eighty percent (80%). Total developed improvements shall not exceed 80,000 square feet. No commercial structure shall be taller than fifty feet; provided, however, no commercial structure which is located within 250 feet of U.S. 31-W shall be taller than 35 feet. The following uses shall be prohibited on the property: Heavy vehicle and manufactured home sales; a bar, lounge or other facility serving alcoholic beverages by the drink, except in connection with a restaurant; bingo parlor; pawn shop; any sale, rental or display of pornography, adult books, adult entertainment; detention facility; off premise advertising sign, commercial parking; waste-related uses; or mining.*

Mr. Hunter completed the explanation of the staff report by stating that the staff finds that the proposed zoning is generally in agreement with the adopted Comprehensive Plan after staff spent time reviewing some twenty-nine (29) Policies.

Mr. Hunter then went on to explain the Variances requested which were for a 165 foot Variance from the required 250 foot set back from a residential district in order to have a drive-thru/pick-up window. They also requested a 100 foot Variance from the required 500 foot set back from a residential district in order to locate a fueling station for medium and heavy trucks

on the property. He stated that the specific use standards included: **5.2.4.A.5.b.** – *Drive-thru Window – Must be located at least 250 feet from any residential district*; **5.2.4.F.5.b.** – *Retail Drive-thru or Pick-Up Window – Any establishment with a drive-through or pick-up window must be located at least 250 feet from any residential district*; and **5.2.5.A.5.a.** – *Fuel Stations for Medium and Heavy Trucks - Located a minimum 500 feet from any residential use or district.*

Chairman Runner asked if there were any questions or comments for Mr. Hunter. One Commissioner asked about a traffic light situation with placement of traffic lights. It was explained that there may be a need for a light which warrants an investigation and then proceed with suggestions and a possible requirement for placement of a traffic light. There would be a process for spacing and turn lanes to be built in order to have access to and from this site.

Being no other questions for Mr. Hunter, Chairman Runner asked for the applicants. Therein, Attorney Kevin Brooks stepped to the podium and gave opening statements. He stated that there was a formal neighborhood meeting on January 11, 2011 and only two neighbors came out to the meeting. There was a preference to have a traffic light placed at the intersection, but the Transportation Cabinet said that a light is not warranted at this time. When speaking with WKU, they too said they preferred to have a light at this location. He called the Engineer on the project, Thad Lucas with Landmark Engineering of 359 Golfview Way, Bowling Green, Kentucky, who stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Lucas said that he prepared the Traffic Impact Study after studying the site and performing the calculations, traffic patterns, accident reports, etc. The State Transportation Cabinet said that Memphis Junction Road is not a high traffic generator and did not feel a light is warranted at this time. Now the roadway is going to be widened and new traffic problems will be placed on the roadway and when new true traffic patterns begin, then a warrant study can be done. Right now the traffic study does not warrant a traffic light, but later when traffic patterns change, it would be likely to warrant a traffic light, perhaps in Phase II of the development.

Another Commissioner asked if a Detailed Development Plan would be coming back to this group, and staff advised that probably Phase II of the development could very much trigger a Detailed Development Plan on the corner building when it comes to being built with retail. A convenience store/fueling station is in Phase I and will probably not trigger a Detailed Development Plan until the future Phasing begins.

Commissioner Sparks noted that he travels this roadway each day and there is definitely a traffic problem at this time when large commercial trucks traveling south are lining up in the queuing lanes and drivers try to pass around the large trucks and this is certainly a traffic disaster waiting to happen. Currently there are five lanes (two are turning lanes) and trucks and traffic are backing up with others trying to pass. Even emergency vehicles could have problems getting through all the traffic.

Attorney Brooks indicated that when the warranted study is done, there could be other options that come up further down the roadways on Nashville Road – using perhaps other accessibility to other businesses up and down the roadway.

Being no other questions or comments, Attorney Moore asked Mr. Brooks if he was able to agree to any changes in the Binding Elements. Therein, Binding Elements #1 and #4 were presented with changes as follows:

- I. *Buildings constructed on the property within 250 feet of Nashville Road shall be constructed with each façade being at least eighty percent (80%) glass or modern masonry material, including brick, stone, or split-faced block, EFIS, or glass. Buildings constructed farther than 250 feet from Nashville Road shall be constructed with each façade area of each building being at least 50% modern masonry material, including brick, stone, or split-faced block, EFIS, or glass. No plain-faced block or vinyl siding shall be used.*
- IV. *Access to the property will be limited to two access points from U.S. 31-W (Nashville Road) and two access points from Memphis Junction Road. Trees and shrubs along Memphis Junction Road will be removed to the extent necessary to insure adequate sight distance. At least one access point from Nashville Road shall provide for a dedicated left and right turn out of the site as generally shown on Exhibit "B".*

Attorney Kevin Brooks agreed to changes in both Binding Elements. He will get the revised Binding Elements signed and over to the City-County Planning Commission offices.

Chairman Runner asked if there were any additional questions from the Commissioners. Being no other comments, she asked for questions, comments or opposition from anyone in the audience. Being none, she asked for a Motion.

ACTION: Commissioner Atkerson made the Motion, seconded by Commissioner Coppinger, to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan and Concept Plan, docket #2011-04-Z-BG. The motion is based on the findings of fact as presented in the staff report and the testimony presented in this public hearing, that the 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-5A-4, 5, 7, 9, 11, 12, 13, 14, 15 & 16; LU-6A-5, 6, 7, 9, 11, 13 & 14; LU-5C-1 & 2; LU-5E-1 & 2; and TR-2, 2A, 2E, 2F, 2H, 3C and 3D. 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 a recommendation for approval will be sent to the Bowling Green City Commission.

Chairman Runner then asked for a Motion on the Variances requested by the applicants. Attorney Moore advised that the vote would need at least seven (7) concurring votes.

ACTION: Upon Motion of Commissioner Coppinger, seconded by Commissioner Hotaling to approve the request for Variances at the intersection of Nashville Road and Memphis Junction Road, docket #2011-V-03, as follows: a 165 foot Variance from the required 250 foot set back from a residential district in order to have a drive-thru/pick-up window and a 100 foot Variance from the required 500 foot set back from a residential district in order to locate a fueling station for medium and heavy trucks on the property. The testimony presented in this public hearing has

shown that the granting of these Variances will not adversely affect the public health, safety or welfare; will not alter the essential character of the general vicinity; will not cause a hazard or a nuisance to the public; and will not allow an unreasonable circumvention of the requirements of the zoning regulations. The vote was ten (10) yeas, so approved.

Chairman Runner then announced the final item under our Public Hearing section is a also a request for a zone change and request for a Variance described as: 2011-05-Z-BG - Shelton Investments, LLC., c/o Tony Rhoades, Managing Partner, have filed an application to re-zone a tract of land containing 2.046 acres located in Woodland Station Subdivision which is at the corner Dishman Lane Extension and Raintree Drive from OP-R (Office Professional – Residential) to GB (General Business) with a general development plan; and 2011-V-04 - Shelton Investments, LLC., c/o Tony Rhoades, Managing Partner have filed an application for a Variance on property located on Dishman Lane Extension at the corner of Dishman Lane Extension and Raintree Drive. The applicants have requested a change of 5% from the required 75% lot coverage for a proposed total of 80% lot coverage. This property is zoned OP-R (Office Professional – Residential) with a pending zone change to GB (General Business) with Binding Elements.

Marshall Robinson, Planner with the City-County Planning Commission stepped to the podium to present the staff report. He stated that the applicants propose to re-zone a tract of land from **OP-R** (Office Professional-Residential) to **GB** (General Business) in order to establish a professional office development on 2.046 acres. The applicant has applied for a Variance and has agreed to certain site restrictions as outlined in the Binding Elements

In addition, the applicants intend to use the property as a professional office development or strip center. According to the Binding Elements submitted, the development proposes uses of retail sales and service, planned shopping center, restaurant, healthcare facility, community services, safety services and offices. The applicants have also prohibited certain uses that will not be permitted on the property as outlined in the Binding Elements. Buildings constructed on the property shall be constructed with at least ninety percent (90%) modern masonry material on all sides, including brick, stone, EFIS or glass. No split-faced or plain-faced block shall be used. The proposed maximum height of any building on the property shall not exceed forty-two (42) feet in height. The applicants also propose a maximum of 30,000 square feet of Gross Leasable Area for the development. The applicants propose limiting the access to one access point per road frontage. The subject property has road frontage on Raintree Drive and will have one access point to the site. The property also has road frontage on the Dishman Lane Extension and will have one access point to the site. There will be no access from the site to any adjoining residential zoning district. The proposed uses are low traffic generators and did not warrant the need for a Traffic Impact Study (TIS). Lighting for parking areas and travel ways will be shoe-box style lighting focused downward to minimize light trespass onto adjoining properties. The property will be developed with a ten (10) foot wide natural vegetative buffer to maintain the existing tree line along the Southern property line.

Mr. Robinson stated that this property is located at the Dishman Lane Extension, being Lots 12, 13 & 14 of Woodland Station Subdivision which is located at the intersection of Dishman Lane Extension and Raintree Drive contains 2.046 acres. Also, the property is located in Focal Point: 108-2A – South Meade with Characteristics of: Residential; one and two family residential. The property has frontage on Dishman Lane Extension, a City maintained major collector roadway with seventy-two (72) feet of right-of-way and fifty-two (52) feet of pavement

width. The property also has frontage on Raintree Drive, a City maintained local roadway with fifty (50) feet of right-of-way and twenty-four (24) feet of pavement width.

Mr. Robinson then noted several items of concern from staff that included:

- *Compatibility with surrounding properties;*
- *Size of signage;*
- *Total number of signs;*
- *Total square footage of building;*
- *Proposed uses; and*
- *Adequate landscaping.*

In order to address concerns of staff, the applicants submitted Binding Elements which included:

BINDING ELEMENTS

- I. *Lighting for parking areas and travel ways on the Property shall be shoebox-style lighting focused downward to minimize light trespass onto adjacent residential areas.*
- II. *A ten (10) foot wide natural vegetative buffer shall be created to maintain the existing tree line along the Southern property line as shown on Exhibit "B".*
- III. *Signs shall be monument style and not exceed twenty five (25) feet in height and one hundred and fifty (150) square feet per sign face area.*
- IV. *There shall be no access from this tract to any adjoining residential district. Only one access to Dishman Lane Extension and one access to Raintree Drive shall be allowed. These access points shall comply with the City of Bowling Green's Traffic Access Management Manual.*
- V. *The building height shall not exceed forty two (42) feet tall.*
- VI. *Buildings constructed on the property shall be constructed with at least ninety percent (90%) modern masonry material on all sides, including brick, stone, EFIS or glass. No split-faced or plain-faced block shall be used.*
- VII. *This property shall be developed with a maximum 30,000 square feet of Gross Leasable Area.*
- VIII. *Uses on the property shall be limited to the following uses: community services; safety services; healthcare facility; office; retail sales and service and planned shopping centers.*

- IX. The following uses shall be prohibited on the property: bar; lounge or other facility serving alcoholic beverages by the drink; bingo parlor; pawn shop; any retail sale or display of pornography; adult books or entertainment; detention facility; off premise advertising signage; commercial parking and vehicle repair or services.*
- X. Outside trash collection areas on the Property shall be screened on all sides with a visual barrier consisting of modern masonry materials.*
- XI. All utilities service lines for the property shall be located underground.*

Mr. Robinson explained that staff reviewed Comprehensive Plan policies totaling fourteen (14) different Policies for commercial activity involved in GB (General Business), as follows: **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. The applicants indicated that they held a neighborhood meeting on January 25, 2011 and applicants can advise of the outcome of their attempts to contact neighbors.

In addition, utilities Policies: **LU-5A-9** (*sewer*); and **LU-5A-11** (*water*) – Development of land located within 1,500 feet of a public sanitary sewer, measured by way of public rights-of-way or public utility easements shall be served by public sanitary sewer. There is an eight (8) inch sewer line available along Dishman Lane. There is also an eight (8) inch sewer line available along Raintree Drive. Any land development within the City limits of Bowling Green must meet the fire protection standard of six hundred (600) gallons per minute (GPM) and twenty (20) pounds/square inch (PSI). There is an eight (8) inch water line available along the Dishman Lane Extension providing more than six hundred (600) GPM with more than twenty (20) PSI. There is also an eight (8) inch water line available along Raintree Drive providing more than six hundred (600) GPM with more than twenty (20) PSI. These water lines meet the City fire control standards of Bowling Green.

Mr. Robinson next explained Policies of: **LU-5A-5** (*Commercial uses may be located adjacent to land zoned for residential uses if buffered from the residential uses by landscaping, lighting and noise controls*); **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-12** (*New commercial development should follow sound design principles for buildings, parking, landscaping, signage, and set backs*); and **LU-5A-14** (*Parking areas are discouraged within the building setback areas to allow for street landscaping*) - The subject property is located adjacent to **RM-3** (Multi-Family Residential) zoned land to the south and has **RS-1A** (Single Family Residential) zoned land to the north on the other side of the Dishman Lane Extension. There is a **PUD** (Planned Unit Development) to the east on the other side of Raintree Drive, which is Woodland Station Subdivision, that has residential uses. The applicants propose a ten (10) foot wide natural vegetative buffer to be created to maintain the existing tree line along the southern property line as shown on the exhibit submitted. The applicants have also committed to outside trash collection areas on the property shall be screened on all sides with a visual barrier consisting of modern masonry materials. The property must comply with the landscaping provisions set forth by the WC/BG Zoning Ordinance for adjacent incompatible land uses such as residential and commercial; including all parking and travel ways.

The next Policy explained was: **LU-5A-6** (*Sites for commercial uses located where an adjoining property on two or more boundaries is residential, must maintain at least 50 percent of the site in green space not devoted to parking. Sites larger than one acre should reserve green space of at least 20% of the site or one-half acre, whichever is larger*) - The applicants have requested a change of 5% from the required 75% lot coverage for a proposed total of 80% lot coverage. The subject property is larger than one acre and shares a property line to the south with land zoned **RM-3** (Multi-Family Residential). There is also land zoned **RS-1A** (Single Family Residential) across Dishman Lane Extension directly to the north of the subject property. This property is larger than one (1) acre, and if the lot coverage for the property is approved at eighty percent (80%), the remaining twenty percent (20%) or 17,824.75 square feet of the property would need to be green space in order to be in compliance of this policy set forth by the Warren County Comprehensive Plan

Then Polices **LU-5A-15** (*Free-standing signs should be in proper scale, style and bulk with the surrounding area. In general, signs should not be taller than the tallest structure on the site*); and **LU-5A-16** (*All lighting should be directed downward and away from adjacent residential uses and should be shielded to prevent light trespass or reflection onto adjoining properties*) - Signs to be located on **GB** (General Business) zoned land must be in compliance with the sign standards set forth by the Warren County / Bowling Green Zoning Ordinance. The applicant has proposed that the Signage for the subject property shall be monument style and not exceed twenty-five (25) feet in height and one hundred and fifty (150) square feet per sign face area. (Binding Element III) It should be noted that the **GB** (General Business) zone classification allows for one sign per lot of record. The applicant has also committed to reducing light intrusion for adjacent properties. Lighting for parking areas and travel ways on the property shall be shoebox-style lighting focused downward to minimize light trespass onto adjacent residential areas.

Then the final Policies are traffic Policies of: **LU-5A-4** (*Commercial uses are appropriate only with direct accessibility to at least a minor collector street. Vehicular access to commercial development should be oriented away from residential neighborhoods*); **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*); and **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*) - The proposed uses are considered to be low traffic generating uses that did not warrant the need of a Traffic Impact Study (TIS). The applicants have made commitments to minimizing traffic congestion by offering a statement of Binding Elements that propose a maximum of two access points to the site. There shall be no access from this tract to any adjoining residential district. Only one access to the Dishman Lane Extension and one access to Raintree Drive shall be allowed from the site. These access points shall comply with the City of Bowling Green's Traffic Access Management manual. As can be seen on Exhibit "B", the subject property has two road frontages. The proposed access point to the site from Raintree Drive should be aligned with Denzil Avenue to the east as shown

Mr. Robinson completed the explanation of the staff report by stating that the staff finds that the proposed zoning is generally in agreement with the adopted Comprehensive Plan after staff spent time reviewing fourteen (14) Policies.

Mr. Robinson then went on to explain the Variance requested for a change of 5% from the required 75% lot coverage for a proposed total of 80% lot coverage. The applicant is proposing a commercial development located at the intersection of Raintree Drive and Dishman Lane Extension. He stated that the specific use standards included: **4.6.8.B Lot coverage for GB (General Business) zoning districts has a seventy-five (75%) maximum lot coverage standard.**

Chairman Runner asked if there were any questions or comments for Mr. Robinson. Being no questions for Mr. Robinson, Chairman Runner asked for one of the applicants. Therein, Larry Smith of 841 Covington Grove, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Smith stated he was appearing on behalf of Shelton Investments, LLC., and has authority to speak on its behalf. Being no questions or comments, Attorney Moore asked Mr. Smith if he was able to agree to the Binding Elements as presented. Mr. Smith said he agreed to the Binding Elements and he will get the Binding Elements signed and over to the City-County Planning Commission offices.

Chairman Runner asked if there were any additional questions from the Commissioners. Being no other comments, she asked for questions, comments or opposition from anyone in the audience. Being none, she asked for a Motion.

ACTION: Commissioner Coppinger made the Motion, seconded by Commissioner Atkerson, to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan and Concept Plan, docket #2011-05-Z-BG. The motion is based on the findings of fact as presented in the staff report and the testimony presented in this public hearing, that the 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-5A-4, 5, 9, 11, 12, 13, 14, 15 & 16; and TR-2, 2H & 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 ten (10) yeas, so a recommendation for approval will be sent to the BG City Commission.

Chairman Runner then asked for a Motion on the Variance requested by the applicants. Attorney Moore advised that the vote would need at least seven (7) concurring votes.

ACTION: Upon Motion of Commissioner Atkerson, seconded by Commissioner Hotaling, to approve the request for Variance at the intersection of Dishman Lane Extension and Raintree Drive, docket #2011-V-04, as follows: a Variance to change the lot coverage 5% from the required 75% lot coverage for a proposed total of 80% lot coverage for property zoned GB (General Business). The testimony presented in this public hearing has shown that the granting of this Variance will not adversely affect the public health, safety or welfare; will not alter the essential character of the general vicinity; will not cause a hazard or a nuisance to the public; and will not allow an unreasonable circumvention of the requirements of the zoning regulations. The vote was ten (10) yeas, so approved.

C. TEXT AMENDMENT

Chairman Runner next announced that the City-County Planning Commission is conducting this public hearing to consider a text amendment to the Zoning Ordinance of Warren County in order to revise Articles 1, 2, 3, 4 and Appendix A (Exhibit E). Mr. Britt stepped to the podium to explain the reasons for the clean up of the Zoning Ordinance, clarifications and the extension of the University District boundaries and the University District Review Committee membership. Mr. Britt showed the maps with additions to the boundaries and some properties that were coming out of the UD boundaries. Several fraternity and sorority organizations are looking for properties to move into that do not have monies to build a new house.

Another clean up in the Zoning Ordinance is that in the zone change process that a map not be required to be placed in the newspaper when advising for a public hearing. An "ad" map can still be sent to adjacent property owners, but CCPC would not have the cost of placing a map for each case in the public hearing ad in the local newspaper.

Another clean up is a clarification that the public hearing for a local historic district and/or local historic site would be at the Planning Commission level and this would be the proper venue to conduct a public hearing.

Chairman Runner asked if there were any questions or comments from the Commissioners for Mr. Britt. One Commissioner asked about sprinkling in new properties in the University District and if that could be added in. It was explained by staff that Building Code standards are state wide and we really cannot require sprinkling in a new build unless it actually goes through State wide approval and change in the Building Code standards set by the State.

ACTION: Upon Motion of Commissioner Atkerson, seconded by Commissioner Huston to approve the proposed zoning text amendment as presented. The motion was based on the findings of fact as presented by staff, and the testimony presented in this public hearing, that the zoning text amendment is in agreement with Section 3.9 of the Warren County Zoning Ordinance and the Kentucky Revised Statute (KRS) Chapter 100.211. Further, it was requested that the findings of fact and recommendation be sent to all legislative bodies of Warren County, Kentucky and include a summary of the evidence and testimony presented by the proponents and/or opponents of the proposed text amendment. The vote was ten (10) yeas, so approved and a recommendation for approval will be sent to the legislative bodies of Warren County which include the BG City Commission; WC Fiscal Court; Woodburn City Commission; Smiths Grove City Commission; Plum Springs City Commission and Oakland City Commission.

III. ADDITIONAL NEW BUSINESS

Steve Hunter stepped back to the podium and said that the next business to conduct is that Attorney Hamp Moore, the Planning Commission attorney, has prepared the Engineer Contractual Services Agreement and would like to present it to the Commission this evening. He asked that the Commission review the negotiated Contract with Warren County Fiscal Court and allow Steve Hunter to sign the contract on behalf of the City-County Planning Commission.

ACTION: Upon Motion of Commissioner Atkerson, seconded by Commissioner Huston, to recommend that the Executive Director Steve Hunter enter into a contract for Engineering Services with Mac Yowell who is the new Warren County Public Works Coordinator and Warren County Fiscal Court. The vote was ten (10) yeas, so approved.

Mr. Hunter then said there will be a meeting on March 3, 2011 and a draft agenda was given to each Commissioner.

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

CHAIRMAN, VELMA RUNNER

Sandy M. Clark, Zoning Administrator