

**SUMMARY MINUTES**  
**City-County Planning Commission of Warren County**  
**March 3, 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**  
**Bennie Jones**  
**Albert Rich**

**Absent:        Kenneth Sparks                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 17, 2011. The Motion was made by Commissioner Rich, seconded by Commissioner Atkerson and agreed upon by all of the Commissioners present (1 abstained) to approve the Summary Minutes of the February 17, 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 (March 3, 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 as a witness before the Planning Commission and that his oath and qualifications be reflected in the record for tonight's hearing. Chairman Runner so ordered and swore in the witness.

**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 February 10, 2011 to February 23, 2011 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 no additions 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 Atkerson, seconded by Commissioner Coppinger, which passed unanimously ten (10) yeas to approve the following:**

1. Release the performance bond for landscaping Country Oven Bakery at 2840 Pioneer Drive in the amount of \$15,600.00 from Denham Blythe Company.

#### **III. PUBLIC HEARINGS:**

Chairman Runner announced that the first item under our Public Hearings section is a request for a zone change described as: *2011-06-Z-BG - Tim and Jamie Whitaker Enterprises Limited Partnership have filed an application to re-zone a tract of land containing 0.684 acre located at 1602 Westen Street, which is at the intersection Westen Street and Patrick Way, from RM-4 (Multi-Family Residential) to OP-C (Office Professional-Commercial) with a general development plan.*

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 property from **RM-4** (Multi-family Residential) to **OP-C** (Office and Professional – Commercial) in order to construct an addition to an already existing dentist office. The applicants have also agreed to certain site restrictions as outlined in the Binding Elements. The proposed addition will be approximately 1,650 square feet. The applicants have committed that the total square footage will not exceed 5,400 square feet and will not exceed 42 feet in height. The applicants intend to match the proposed addition to the existing office. The applicants have committed that the exterior façade will be at least 80% brick or stone and the roof system will either be composite (shingle) or metal. The property will be developed with a buffer consisting of at least three (3) deciduous shade trees and six (6) evergreen trees per each 100 linear feet of buffer, or two deciduous shade trees, three (3) evergreen trees and twelve (12) shrubs per 100 linear feet. Ornamental trees may be used as a substitute for the deciduous trees at a rate of two to one.

Mr. Hunter stated that this property is located at 1602 Westen Street – at the corner of Westen Street and Patrick Way and contains 0.684 acres. Also, the property is located in Focal Point: 106-4A – Highland Gardens with Characteristics of: Residential; mixed density residential and professional offices with a substantial amount of land that remains undeveloped. 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 on Westen Street, a City maintained minor collector roadway with eighty (80) feet of right-of-way and varying pavement width. The property also has frontage on Patrick Way, a City maintained local residential roadway with fifty (50) feet of right-of-way and twenty four (24) feet of pavement width.

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

- *Total Square footage of building;*
- *Adequate Landscaping; and*
- *Compatibility with surrounding properties.*

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

**BINDING ELEMENTS**

- I. *Prior to the issuance of any building permit, the two existing platted lots, Lot 110 and Lot 111, will be revised by plat to the configuration as generally shown on Exhibit "B".*
- II. *The above ground gross floor area for all buildings on the property shall not exceed 5,400 square feet. Total height of all buildings shall not exceed 42 feet.*
- III. *The exterior facade shall consist of at least 80% brick or stone. No vinyl siding shall be permitted except for cornices or soffits. The roof system will be pitched and of either a composite or metal material.*
- IV. *The property will be developed with a buffer consisting of at least three (3) deciduous shade trees and six evergreen trees per each 100 linear feet of buffer, or two deciduous shade trees, three evergreen trees and twelve shrubs per 100 linear feet. Ornamental trees may be used as a substitute for the deciduous trees at a rate of two to one.*
- V. *The following uses shall be prohibited: College and Institutions of Higher Learning; Medical or Surgical Care to Patients with Overnight Care; Telecommunication Facilities; or Commercial Parking.*
- VI. *Storm water management will be accordance with a previous agreement with the Bowling Green Board of Education dated September 10, 1986 and recorded in Deed Book 572, Page 174.*
- VII. *The property shall continue to utilize the existing access point along Patrick Way as conceptually shown on Exhibit "B".*
- VIII. *Signage for the Property shall be limited to a single monument style sign, not greater than ten (10) feet in height and 100 square feet per sign face and wall signage as allowed by the Zoning Ordinance.*
- IX. *All outside lighting will be focused inward and downward to minimize light trespass onto adjacent residential property.*

*Binding Element III will remain a binding element only until a plat of the property is recorded, after which it shall become a plat restriction and/or restriction and/or restrictive covenant.*

Mr. Hunter explained that staff reviewed Comprehensive Plan policies totaling sixteen (16) different Policies which 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 have made an attempt to contact the adjacent property owners either by phone or in person.

In addition, utilities Policies: **LU-5A-11** (*water*) and **LU-5A-9** (*sewer*) – There is an eight inch (8”) waterline available along Westen Street providing more than six hundred (600) GPM with more than twenty (20) PSI. This meets the City fire control standards of Bowling Green. There is also an eight inch (8”) waterline available along Patrick Way providing more than six hundred (600) GPM with more than twenty (20) PSI. This also meets the city fire control standards of Bowling Green. There is an eight inch (8”) sewer line available along Patrick Way.

Mr. Hunter next explained access 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*); **LU-5A-14** (*Parking areas are discouraged within the building set back areas to allow for street landscaping*); and **LU-5A-6** (*Sites for commercial uses located where an adjoining property on two or more boundaries is residential, must maintain at least 50% 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, which ever is larger*) - Prior to 2001, the Zoning Ordinance of Warren County did allow for office uses as Conditional Uses within the R-4 (now RM-4) zoning districts. The property did request a Conditional Use (Special Exception) Permit in 1977 and was granted a (Special Exception) Permit by the Board of Adjustments. The current RM-4 zoning district does not allow for office uses as a Conditional Use. Since the office is proposing to expand, a zone change was required. The Zoning Map shows the properties that surround the zone change request are zoned RS-1A (Single Family Residential) or RM-4 (Multi-Family Residential); however, in the general vicinity there are existing offices – a church and a Masonic Temple. The property will be developed with a buffer consisting of at least three (3) deciduous shade trees and six (6) evergreen trees per each 100 linear feet of buffer, or two (2) deciduous shade trees, three (3) evergreen trees and twelve (12) shrubs per 100 linear feet. Ornamental trees may be used as a substitute for the deciduous trees at a rate of two to one. The exterior facade shall consist of at least 80% brick or stone. No vinyl siding shall be permitted except for cornices or soffits. The roof system will be pitched and of either a composite or metal material. The addition will require some additional parking spaces to be added to the site, and only two of those spaces are proposed within the building set back. Prior to the issuance of any building permit, the two existing platted lots, Lot 110 and Lot 111, will be revised by plat to the configuration as generally shown on Exhibit “B”. The proposed subdivision (platting) will leave the property with a 54.3% lot coverage (impervious surface) and a green space of 45.7%

Additional Policies of **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*) - The proposed addition will not require any additional signage for the property and no new signage is proposed; however, the applicants have committed that if there is a need for new signage, that the signage for the Property shall be limited to a single monument style sign, not greater than ten (10) feet in height and 100 square feet per sign face and wall signage as allowed by the Zoning Ordinance. All outside lighting will be focused inward and downward to minimize light trespass onto adjacent residential property.

Then 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*); **LU-5B-1** (*Infill sites with access to at least a minor collector street may be developed as commercial uses which are low volume traffic generators. The proposed development shall maintain the residential scale, size, and style of the neighborhood. At least 25 percent of the site shall be landscaped open space*); **LU-5B-2** (*Peripheral commercial development must be located on at least a minor collector street*); **LU-5B-3** (*Primary ingress or egress to the commercial site shall not adversely impact any residential neighborhood*); **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*); and **TR-2H** (*Development within the City limits of Bowling Green shall comply with the City's adopted Traffic Access Management Manual*) - The property has frontage on Westen Street, a City maintained minor collector roadway with eighty (80) feet of right-of-way and varying pavement width. The property also has frontage on Patrick Way, a City maintained local residential roadway with fifty (50) feet of right-of-way and twenty four (24) feet of pavement width. The proposed addition would be considered a low traffic generator and no additional access points are planned for the site. The property shall continue to utilize the existing access point along Patrick Way as conceptually shown on Exhibit "B".

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 sixteen (16) Policies.

Chairman Runner asked if there were any questions or comments for Mr. Hunter. One Commissioner asked about two policies in the acceptance and the denial motion. Mr. Hunter explained that it would be a judgment call for the Commissioners on the percentage of green space at it calls for 50% and the exhibit shows about 46% and it was noted that a couple of parking spaces look to be placed in the set backs in order to get all the required parking spaces.

Being no other questions for Mr. Hunter, Chairman Runner asked for the applicants and if they had anything to add. Being no questions or comments from the Commissioners, 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, docket #2011-06-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, 6, 9, 11, 12, 13, 14, 15 & 16; LU-5B-1, 2 & 3; and TR-2, & 2H. Further, it was requested that the findings of fact and recommendation include a summary of the evidence and testimony presented by the proponents and/or opponents of the proposed amendment. The vote was ten (10) yeas, so a recommendation for approval will be sent to the Bowling Green City Commission.**

### **III. ADDITIONAL NEW BUSINESS**

Steve Hunter stepped back to the podium and said there will be a meeting on March 17, 2011 and a draft agenda was given to each Commissioner. Mr. Hunter also said it is about that time when the Budget Committee (Runner, Nahm, Rich, and Ballance) needs to meet and asked that they get together either at lunch or the 17<sup>th</sup> at 5:00 p.m. Staff will be in contact with the committee.

Jonathan Britt then gave a brief update on the Comprehensive Plan draft that is in the works to be presented to the public. He said that the staff is working on a media project to present to the public and a script is being prepared. Staff is receiving assistance from the WKU Broadcasting Department and this assistance is much appreciated. The media project is to make the public aware of the who, what, when, where and how of the Comprehensive Plan. There have been concerns and issues brought from the Liaison Board and Builders Association which the staff and task force have met and discussed on various occasions. A future date of May 5<sup>th</sup> is the goal for the document presentation and public meeting to take place.

Chairman Runner stated there was no additional business to come before the Commission; the meeting was adjourned at 7:22 p.m.

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CHAIRMAN, VELMA RUNNER

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Sandy M. Clark, Zoning Administrator