

SUMMARY MINUTES
City-County Planning Commission of Warren County
April 21, 2011 @ 7:00 p.m.
City Commission Chambers
3rd Floor - 1001 College Street

Present:

Tim Huston
Velma Runner
John Atkerson

Mary Belle Ballance
Albert Rich
Larkin Ritter

Cliff Nahm
Chuck Coppinger

Bill Hotaling
Bennie Jones

Absent: **Faye Phelps** **Kenneth Sparks**

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 April 7, 2011. The Motion was made by Commissioner Rich, seconded by Commissioner Huston and agreed upon by all of the Commissioners present (three abstained) to approve the Summary Minutes of the April 7, 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 (April 21, 2011) be introduced as exhibits for tonight's hearing. He further requested the Chairman order that the Staff Report, with all attachments together, along with the Commission's entire file for the 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. 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 April 1, 2011 to April 14, 2011 Subdivision plats stand as recorded. Chairman Runner 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.

E. LETTERS OF CREDIT AND PERFORMANCE BONDS

Chairman Runner indicated the next item on the agenda is the Letters of Credit and Performance Bonds. (This is the reason for the revised Agenda.) 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 cash surety for landscaping the Riverwood Center at 430 U.S. 31-W By-pass in the amount of \$11,550 from Horizon Construction.
2. Release the performance bond for landscaping Stockdales at 3040 Ken Bale Blvd. in the amount of \$15,850 from Scott, Murphy and Daniel.

II. PUBLIC HEARINGS:

Chairman Runner announced that the first item under our Public Hearings section is a request for a zone change described as: *2011-11-Z-CO – Tammy and Dennis White have filed an application to re-zone a tract of land containing 5.058 acres located at 165 Bill Lindsey Road, which is located at the intersection of Mt. Zion Road and Bill Lindsey Road, from AG (Agriculture) to R-E (Residential Estate) with a general development plan.*

Steve Hunter, Executive Director, stepped to the podium to present the staff report. He stated that the applicants are proposing to re-zone 5.058 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 are proposing to re-zone a tract of property from **AG** (Agriculture) to **R-E** (Residential Estate) in order to subdivide the property for an additional single family residential lot. The subject property shall be subdivided into two (2) single family residential lots within ninety (90) days of final, non-appealable re-zoning action. The applicants will contact the Warren County Road Department for approval of any new access points.

Mr. Hunter stated that this property is located at 165 Bill Lindsey Road and contains 5.058 acres. Also, the property is located in Focal Point: 118 – Northwest Warren with Characteristics of: Agriculture/open space; mostly agriculture but with scattered low density single family residential. The property has frontage on Bill Lindsey Road, a County maintained rural roadway with fifty (50) feet of right-of-way and sixteen (16) feet of pavement width. The property also has frontage on Mt. Zion Road, a County maintained rural roadway. This particular portion of Mt. Zion Road has fifty (50) feet of right-of-way and fifteen and one-half (15½) feet of pavement width.

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

- *Compatibility with surrounding properties;*
- *Adequate Fire Protection; and*
- *Soil Limitations.*

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

BINDING ELEMENTS

1. *No mobile or manufactured homes will be permitted.*
2. *All new residences shall be a minimum of 1,400 square feet and have a minimum of a one car garage, not to be included in minimum square footage.*
3. *All new driveways shall be approved by the Kentucky Department of Transportation.*
4. *The property will be subdivided into no more than two (2) residential lots within ninety (90) days of final, non-appealable re-zoning action.*
5. *Prior to the subdivision of the property, the applicants shall get a preliminary on-site sewage evaluation from the Barren River District Health Department.*
6. *Binding Elements 1 and 2 shall be Binding Elements until such time as they become Plat Restrictions.*

Mr. Hunter explained that staff reviewed Comprehensive Plan policies totaling nine (9) 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. No information of a neighborhood meeting was forwarded to the Planning Commission.

In addition, Policies: **LU-2** (*For purposes of evaluating land development proposals and considering zoning map amendments, all land in Warren County is divided into Three Broad Development Districts: Urban Density Development, Rural Density Development, and Rural Conservancy Areas*); **LU-2C-3** (*Rural Conservancy Districts are designed to prevent the premature development of land at densities and patterns to which basic services or facilities cannot be provided, as well as, preserve rural farm land, valuable woodlands and open spaces*); and **LU-4G-2** (*Such single family lots or tracts may be built upon only where a properly located and designed on-site waste disposal system can be provided. Such systems must be approved by the Health Department prior to issuance of a building permit*) – Areas outside the corporate limits of Bowling Green, Oakland, Plum Springs, Smiths Grove or Woodburn and served with less than 250 GPM public water flow at 20 PSI residual pressure meet one of the criteria that classifies an area as a Rural Conservancy District. A four (4) inch water line providing less than 250 GPM with less than 20 PSI is available along Bill Lindsey Road, however, this does not meet the Warren County Fire Protection Standards for domestic uses. An area with severe soil limitation with respect to septic tank and absorption field systems is another condition that classifies an area as a Rural Conservancy District. The property is comprised of three soil types: FrD – Frondorf Silt Loam, 12% to 20% slopes, ZaB – Zanesville silt loam, 2% to 6% slopes and ZaC2 – Zanesville Silt Loam, 6% to 12% slopes, eroded. The majority of the property is comprised of the ZaC2 soil type. This soil type is poorly suited for septic tank absorption fields. The National Resources Conservation Service rates this soil type as very limited, meaning that

the soil has one or more features that are unfavorable for use of septic tank absorption fields. The ZaC2 type soil is characterized by restricted permeability, as well as limitations in regards to depth to the saturated zone, depth to bedrock and slope. In addition to very limiting soil features, a portion of the property fronting Mt. Zion road has a pavement width of less than sixteen (16) feet. This is another criterion that classifies this property as a Rural Conservancy Area. There are no sanitary sewers within 1,500 feet of the property; on-site septic systems will be utilized. The applicants have committed that prior to the subdivision of property; a preliminary onsite sewage evaluation will be obtained from the Barren River District Health Department

Other Policies reviewed were **LU-4G-1** (*One single family residential development is allowed on existing lots of record*) - The property has one existing residential structure on 5.058 acres. The applicants are proposing to subdivide the property into two lots. Then Policy **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 have committed to contacting the Warren County Road Department for any newly proposed access points to the property.

The final Policies of: **LU-4A-3** (*Residential neighborhoods are viewed as personal, economic and lifestyle necessities. Measures must be instituted for the protection of both existing and newly created residential neighborhoods*); **LU-4A-4** (*Future growth and development must not jeopardize existing neighborhoods. Therefore, future growth and development shall be compatible with adjacent properties and neighborhoods with respect to (but not limited to) scale, identity, bulk and site planning*); and **LU-4A-9** (*Residential development should not exceed density of surrounding developments by more than 50%*) – The applicants have proposed that all new residences shall be a minimum of 1,400 square feet and have a minimum of a one car garage. The applicants have also proposed that no manufactured or mobile homes shall be permitted on the property. The proposed site consists of 5.058 acres and will conceptually be divided into two (2) residential lots. The portion of the property on the corner of Mt. Zion Road and Bill Lindsey Road will consist of 1.562 acres. The remainder of the property will be 3.496 acres. As can be seen from the attached zoning map, there are several tracts adjacent to the properties that are similar in size, with some larger tracts in the surrounding area. Lot sizes in the general vicinity range from 0.94 acres up to 161.09 acres.

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 nine (9) Policies and finding approximately eight (8) policies in compliance and two (2) policies generally not in compliance, which is subjective to the Commissioners. Chairman Runner asked if there were any questions or comments for Mr. Hunter. One Commissioner asked about the need for another residence and asked what other uses the property could be used for or what other options that the applicants might have to use the property or build a place for a family member to reside.

Mr. Hunter explained that applicants have another option of placing an accessory structure with a mother-in-law apartment, but because of the size of principle structure being so small, it would really be hard to do a 25% structure because it would be so small. For example, if 1,000 square feet, would only be about 250 square feet allowed for an accessory structure. So the applicants had the option of re-zoning the property in order to build another structure for the family member on a separate lot.

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

ACTION: Commissioner Coppinger made the Motion, seconded by Commissioner Huston, to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket #2011-11-Z-CO. 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-4A-3, 4, and 9; LU-2 & 2C-3; LU-4G-1 and 2; 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 a recommendation for approval will be sent to the WC Fiscal Court.

III. ADDITIONAL NEW BUSINESS

Steve Hunter said that the next meeting is scheduled for on May 5, 2011. A draft agenda was given out to all of the Commissioners. He noted that currently there are three cases on the agenda, as well as a small text amendment.

Chairman Runner stated there was no additional business to come before the Commission; the meeting was adjourned at 7:22 p.m. in order for the Commission to have a working continuing education session.

CHAIRMAN, VELMA RUNNER

Sandy M. Clark, Zoning Administrator