

SUMMARY MINUTES
City-County Planning Commission of Warren County
June 2, 2011 @ 7:00 p.m.
City Commission Chambers
3rd Floor - 1001 College Street

Present:

Larkin Ritter	Cliff Nahm	Bill Hotaling	
Velma Runner	Kenneth Sparks	Chuck Coppinger	John Atkerson
Bennie Jones	Tim Huston	Albert Rich	

Absent: **Mary Belle Ballance** **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 May 19, 2011. The Motion was made by Commissioner Atkerson, seconded by Commissioner Huston and agreed upon by all of the Commissioners present (two abstained) to approve the Summary Minutes of the May 19, 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 (June 2, 2011) be introduced as exhibits for each of tonight's hearings. He further requested the Chairman order that the Staff Report, 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; Jonathan Britt, Senior Planner; Marshall Robinson, Planner and Mac Yowell, 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 all the 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 May 12, 2011 to May 25, 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.

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 Coppinger, seconded by Commissioner Huston, which passed unanimously, eight (8) yeas, (two abstained) to approve the following:

1. Renew or release the letter of credit for Charleston Place Section 2 in the amount of \$33,475.00 from American Bank & Trust.
2. Call or release the letter of credit for Sutherland Farm Section 2 Phase 2 in the amount of \$2,500.00 from Gemini Homes, Inc.
3. Renew or release the letter of credit for Belle Haven Subdivision in the amount of \$71,500.00 from Belle Haven, LLC.
4. Reduce; Renew or release the letter of credit for Belle Haven Subdivision – Sidewalks from \$89,800.00 down to \$82,830.00 from Belle Haven, LLC.
5. Reduce; Renew or release the letter of credit for Greystone Subdivision Section 8 Phase 3 from \$41,800.00 down to \$24,550.00 from Greystone Properties, Inc.

II. PUBLIC HEARINGS:

Chairman Runner announced that the first item under our Public Hearings section is a request for a Detailed Development Plan described as: **2011-07-DP - Gary and Diane Howerton and WYZ, LLC d/b/a ServiceMaster of Bowling Green** have applied for approval of a Detailed Development Plan on a tract of land containing 2.33 acres located at 340 Pascoe Boulevard, at the intersection of Pascoe Blvd. and Kenilwood Way. The Plan proposes the construction of a 28,680 square foot commercial building and all required parking, drainage and landscaping. This property is zoned HB (Highway Business).

Marshall Robinson stepped to the podium to present the staff report. He stated that Gary and Dianne Howerton and WYZ, LLC d/b/a ServiceMaster of Bowling Green have applied for approval of a Detailed Development Plan on a tract of land containing 2.33 acres located at 340 Pascoe Blvd., at the intersection of Pascoe Blvd. and Kenilwood Way. The Plan proposes the construction of a 28,680 square foot commercial building, and all required parking, drainage and landscaping. This property is zoned HB (Highway Business). The staff reviewed the plan based on the **HB** zoning which include the following findings:

	<u>Allowed / Required</u>	<u>Provided</u>
Lot Coverage:	90%	67.4%
Set backs:	Front: 36 feet (Pascoe Blvd.) 25 feet (Kenilwood Way) Side: 0 feet Rear: 0 feet	approximately 77 feet 28.9 feet approximately 100 feet 73.7 feet
Parking:	72 spaces	72 spaces
Building Height:	No maximum	maximum of 22 feet
Landscaping:	Landscaping plan meets the requirements of the Ordinance.	
Signage:	Proposed sign is 8 foot wide and 5 feet in height or smaller.	
Drainage:	At the time that the Staff Report was prepared, the drainage plan was under review by the Engineering staff, but now that plan has received final approval which was required before issuance of a building permit.	
Traffic:	No Traffic Impact Study was required with this submittal.	
Access:	One access point from Pascoe Blvd and one access point from Kenilwood Way.	

Mr. Robinson then stated that the staff recommends approval of the Detailed Development Plan with no conditions since the drainage plan has now been reviewed and approved. Chairman Runner asked if there were any questions from the Commissioners. Being no questions from the Commissioners, Chairman Runner asked for any 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 #2011-07-DP, Howertons and WYZ, LLC., d/b/a ServiceMaster of Bowling Green. 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 approve the Detailed Development Plan.

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 4, 5 and 8. Mr. Hunter stepped to the podium to explain the reasons that the staff is proposing a Text Amendment, which is to revise certain sign regulations found in Articles 4, 5, & 8 of the Zoning Ordinance.

Mr. Hunter explained that the City-County Planning Commission staff was asked by the Bowling Green City Commission to create a Sign Committee to discuss allowing off-premise messages for on-premise signs. The Planning Commission staff created a sign committee comprised of twenty-two (22) citizens, representing a broad cross-section of the community. The Committee met for the first time in January of 2011 to discuss their role and responsibility. After much discussion and a presentation of existing signage throughout Bowling Green and Warren County, the Committee felt that off-premise messages should remain limited to off-premise signage. The Committee also discussed the need for updating the language within the Zoning Ordinance to address LED Signs for on-premise signs and off-premise signs.

The Committee came to the conclusion that some areas of the Ordinance should be updated and must reflect the future of signage for the community. The Committee decided to set a minimum standard for LED Signs, provide for a minimum set of standards and provide a definition LED or Electronic Signs. Also, the Committee discussed off-premise signs and asked the Planning Commission staff to look at all the requirements for the creation and location of off-premise signage. These standards have also been updated. Finally, the staff looked at the signage requirements for Religious Institutions and Schools as outlined in Article 5 of the Zoning Ordinance. There have been questions about non-profit and public interest signage and this committee attempted to address these questions and come up with some solutions. There were also questions and comments about flashing signs; brightness; and colors used in signage (such as colors that are the same as safety or protection – fire, ambulance or police light colors). He explained that there was much discussion about animation, flashing, or even the speed that messages change on the EMD (Electronic message displays) which has the definition of: ***SIGN, ELECTRONIC MESSAGE DISPLAY: A sign characterized by action, motion, movement, changeable copy or flashing light changes, and whose alphabetic, pictographic or symbolic informational content can be changed or altered by an electronic or computerized process, on a fixed display screen composed of electrically illuminated components that are activated by electrical energy, electronic energy or other manufactured sources of energy supply.***

Mr. Hunter explained that the staff reviewed three (3) policies of compliance, which are: **EN-4** (*All new private and public development shall follow sound design principles for buildings, parking, landscaping, signage and set backs to be aesthetically pleasing and consistent with the image of the community*); **EN-11** (*Reduce the number, size, and height of on-premise signs throughout the community and control the number, size and locations of off-premise billboards*); and **TR-2F** (*Increased building set backs and more stringent sign controls on arterial and collector streets should be required*).

Mr. Hunter then explained that that 96 signs already in place will be grandfathered in and will exist as they are now. He said that billboard signs are off-premise signs (located on a 5,000 square foot lot) and the standards are set out in the new wording being presented. The Committee decided to prohibit LED signage on billboards in this Bowling Green and Warren County community. Also, there will be a change in spacing from the 500 foot spacing recommended in 2004 (which has currently 59 poles) to now having 2,500 feet between signs, which would limit the number of billboard signs (143 poles with 572 panels).

Chairman Runner asked if there were any questions or comments from the Commissioners for Mr. Hunter. One Commissioner asked if there were currently any LED billboard signs in Bowling Green. Mr. Hunter said that the only LED billboard sign currently in Bowling Green is the Shenanigans sign on Campbell Lane, which is on a separate lot than the establishment itself and has movement on the sign.

ACTION: Upon Motion of Commissioner Coppinger, seconded by Commissioner Atkerson to approve the proposed zoning text amendment as presented. The motion was based on the findings of fact as presented by staff in the staff report, and the testimony presented in this public hearing, that the zoning text amendment is in agreement with the adopted Comprehensive Plan as demonstrated by its compliance with the Comprehensive Plan's following policies: *EN-4 and 11 and TR-2F*. 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.

Chairman Runner announced the final item on the agenda as being a public meeting request described as: *Comp Plan – Focus 2030 - Pursuant to the Kentucky Revised Statutes, Chapter 100; the City-County Planning Commission of Warren County, Kentucky will hold a public hearing to consider the FOCUS 2030 Comprehensive Plan*

Mr. Hunter stated that the Focus 2030 Comprehensive Plan started in December of 2006 when the RFP was sent out. The Task Force of 35-40 people was established when the Judge Executive and Mayor of Bowling Green selected several individuals to serve on the committee. Tonight, we are here to present four years of work by giving out Draft #4.

Tonight we will begin with a video prepared by Steve White, a professor at WKU who worked on and which video is here tonight to show to the Commission. The video will be shown to the public and will be placed on the Planning Commission website.

After the presentation, Steve Hunter introduced John Fernsler with Wallace, Roberts and Todd (WRT) who was one of the consultants who headed this Comprehensive Plan process. After many hours of research and public input, the consultants attempted to determine factors of how Bowling Green and Warren County will grow and proceed over the next twenty years. He showed a PowerPoint presentation of the process; research and conclusions found when meeting and working with the staff, public officials and public. There were many elements to the Comprehensive Plan that make up the contents of the plan, including: Geographical studies; Transportation; Parks and Recreation; Utilities; water; sewer; development patterns; public schools; etc. It was noted that growth dynamics and development patterns and trends indicate a major growth corridor area.

Mr. Fernsler explained Policy Development, strategic directions and growth scenarios, and Land Use Goals created from managed growth that will promote sustainable, balanced and predictable patterns of land use that would be consistent with the ability to provide adequate public services and facilities. Another goal is encouraging compact, sustainable, high quality development which protects community character; provide balanced land uses and which is tailored to the variety of urban, suburban and rural sections of Warren County. Currently, the northern portion is forests; southern portion is agriculture with the center area being commercial.

The goal of the Future Land Use Map (FLUM) is to be a guide to decision making regarding land uses and development proposals. It was noted that once the plan is accepted and adopted, that requested re-zonings (zone changes) shall be reviewed for consistency with the Future Land Use Map and Land Use Policies and shall not be approved if the request is found to be contrary to the Comprehensive Plan unless the Comprehensive Plan is amended.

Mr. Fernsler stated that protocol for the use of the Future Land Use Map would be a checklist for amending the Future Land Use Map as well as a component for changing or amending a Tier Map which is part of the Future Land Use Map. There would be exceptions (re-zonings that would not require Comp Plan/FLUM amendments, which include: 1) emergencies; 2) corrections of errors; 3) small properties consistent with adjacent uses; and 4) properties with 10 acres or less lying in two or more land use designations. He said that the procedures for amending the FLUM would include: consideration of plan amendments quarterly by the Planning Commission and the criteria for approval would be: a) major changes not anticipated by the plan; and/or b) overriding public benefit.

The tier map concept was described as: Tier 1 – Bowling Green and contiguous areas where the infrastructure (sewer) is in place and where consolidation of the development pattern (infill development) is encouraged. Tier 2 – Areas where infrastructure exists, can be economically provided and is required except for exempt lots of record. Tier 3 – Agricultural/rural areas where infrastructure or other public investments which would support /encourage premature development is discouraged.

Mr. Fernsler then described goals which consisted of policies and actions, which included: 1) Improve design standards and establish incentives for urban and suburban residential development; 2) Modify zoning regulations to better promote compact mixed use development and traditional neighborhood development; 3) Upgrade design standards for commercial and industrial development; 4) Stabilize and protect Bowling Green's older neighborhoods; 5) Identify techniques to protect County's small municipalities and rural settlements from development that is out of character; and 6) Identify and designate rural character roads as scenic corridors and protected viewsheds with relaxed, context sensitive engineering standards.

Steve Hunter stepped back to the podium and presented the timeline of the process of the Comprehensive Plan, which included the first meeting with the consultants on October 23, 2007 and the process of task force meetings; public forums; public officials meetings; and staff meetings with consultants, along with drafts of the Vision Statement; Elements of the Plan; revisions of Elements (including FLUM and Tier Maps) and the Drafts 1, 2, 3 and now three and half years later, Draft 4 is presented tonight. During the process, the staff and members of the task force met with various special interest groups, such as builders, realtors, greenways commission; magistrates, city commissioners and small community commissions and boards and the Warren County Liaison Board.

Mr. Hunter said that meetings with the Liaison Board have led to changes in the Land Use Map changes, even as we are here tonight, there are three changes to the documentation sent to the Commissioners a week ago in their packets. He explained the changes made to Draft 4 and brought tonight. Initially the Liaison Board sent 94 suggested changes and the task force opted to change 52 items in the document and in the spirit of compromise brought a new Land Use Map tonight for the Planning Commission.

Mr. Hunter also stated that the Tier Map has also been amended and presented here tonight as the May, 2011 Tier Map. He said he had the GIS staff overlay the Tier Map on the Land Use Map in order to show the two maps together in order to show how each affects the other. Also, shown on the overlay map would be a possible conservation district that could be brought into the picture in the future. This overlay map is not being asked to be approved tonight, but is presented to show how everything affects each other in the future.

Steve Hunter stated that the new map shown tonight is modified to expand Richardsville and the Browning crossroads in order to have some mixed use. The Future Land Use Map indicates two (2) changes from FLUM sent in the Commissioners packets a week ago (new map is dated June 2, 2011) and changes in **Objective LU-1.2.1** on page FLU-15 in the Comprehensive Plan. He asked that the Commissioners approve the Draft 4 – Focus 2030 with the three (3) revisions presented tonight and make a recommendation to send this Focus 2030 Comprehensive Plan to the City, County and small cities in Warren County for approval.

Chairman Runner thanked the Task Force members (including Kevin Brooks and Dianne Howerton who were chair and co-chair of the Task Force), Planning Commissioners who served on the Task Force; staff and the consultants for all their hard work on coming up with the draft of the Focus 2030 Comprehensive Plan that is being presented tonight.

Chairman Runner asked for a short break at 8:47 p.m.

Chairman Runner reconvened the meeting at 9:00 p.m.

Chairman Runner reconvened the meeting and asked if there were any questions or comments from the Commissioners for Mr. Hunter or Mr. Fernsler (the consultant). Therein, one Commissioner asked Mr. Fernsler for his professional take on how the subsequent changes made on the last couple of drafts would affect long term general populace of the County. Mr. Fernsler said that the principles derived from the changes would keep certain areas in the county from being urban and suburban areas until such time as efforts necessitate conversion from rural to urban. So the consequences could be two-fold, as 1) too much development in Warren County in the agricultural community; and 2) traffic concerns about tractors and equipment for farm operations on the roadways with development and each of these scenarios would cause response time and quality to lessen.

Chairman Runner asked if there were any additional questions or comments. Being none, she asked for public comments or questions. She asked the audience if there was a spokesman or how many would like to speak. Only one person raised his hand. Therein, Jody Allen of 824 Old Scottsville Road, Bowling Green, Kentucky, stepped to the podium. Mr. Allen stated that he is Chairman of the Liaison Committee for Warren County which was set up by Warren County Fiscal Court with fourteen (14) members who are charged with reviewing any changes to the Zoning Ordinance; Subdivision Regulations and Comprehensive Plan. This is a review committee who makes recommendations and comments to the Warren County Fiscal Court. Mr. Allen said that the Liaison Committee has reviewed Draft #3 and Draft #4 of the Comprehensive Plan and have sent a letter to the Planning Commission and Warren County Fiscal Court regarding same. There were 92 items listed that the Realtors Association and Builders Association want changed in the Comprehensive Plan. After changes were made, he said that there are still 28 changes that they want to see done also, so that all of their recommendations were put into the draft #4.

Mr. Allen said that the Liaison Board, Builders Association and Realtor Association would like to see Conservation Districts established and put into play. He stated that they really did not want to use the Tier Maps in the Comprehensive Plan and they would like to see all the wording regarding Tier Maps to disappear and be deleted in their entirety. He said he thought the Tier Maps would hamper growth if sewer lines extended. Mr. Allen said that the Vision Statement will not be changed as proposed and that 22 to 25 other changes would take care of themselves if the Tier Maps and all the wording about Tier Maps would disappear and the other 10 or 12 changes were all grammatical errors to be corrected. He said that the Liaison Committee would adopt Draft #4 if all of their proposed changes were made.

One Commissioner stated that in the “spirit of compromise” the Task Force went through all the proposed amendments and did not agree to all the changes, but it looks as though the Liaison Committee, Realtors and Builders want all or nothing, which is not really a compromise. The Task Force went through each and every amendment and decided on over half of the ones requested, however, not all were accepted. This has been a long process with many individuals giving input and reviewing input by many officials, public people, Planning Commissioners, staff and the consultants, as well as public input from individuals at the public forum meetings.

When asked by a Commissioner if the Liaison Committee was established to represent Warren County’s interest, then why would they be here on behalf of Builders Association and Realtors Association, Mr. Allen said that the committee is comprised of seven different industries with fourteen (14) members, which include: Engineers, developers, surveyors, contractors, builders, realtors, etc., in order to get everyone that would be familiar with the Zoning Ordinance, Subdivision Regulations and Comprehensive Plan.

Another Commissioner thanked Jody Allen for his sweat equity into reviewing and giving their opinion as to the Comprehensive Plan drafts. He said that there has been a lot of compromises over the past year and stated that over the past year the initial plan has been diluted quite a bit from the initial intention of the plan and with the last changes requested, if anyone has looked at them with respect of how they support the Vision Statement that basically the community came up with as the purpose of the Plan. Does this diluted plan meet the intent that the community wanted of this Plan. Mr. Allen said that Builders, Realtors and Liaison Committee has reviewed growth in the past and reviewed how Warren County got where they are now, being the third largest city in Kentucky. There is diversity in housing but the review committee just does not think this Plan is ready as it is and believes there are sprawl issues.

Commissioner Ritter stated that the general public’s perception is what is stated in the vision statement, when the public gave strengths and weaknesses. He said there is another concern that one basic industry represented strongly in trying to change the plan, when other industries such as traffic safety; environmental industry; and so many other industries in the general public population of Warren County has not yet had the opportunity to review the Comprehensive Plan as it was developed, but has not been diluted by one general industry. After all the re-crafting of the original document by the one industry, the other general public has not yet had the opportunity to review the original document, but only a diluted version based on this group’s hold over the document in order, in their opinion, to get the document through the City, County, etc. The general public needs to be involved and it is a shame that the things the public said they wanted possibly has been taken away. There is concern about the transparency of the process has made this discolored a bit.

Mr. Allen responded that all the Liaison Committee meetings are open to the public, with dates and times posted and he said he disagreed. He then said he set in several Task Force meetings where various groups came in from all over the county. Mr. Allen said there are his groups are some of the most knowledgeable group in regard to how they relate to people in the county, so he believes without his groups that the document would not be passed by the City, County and other small cities.

Mr. Allen went on to say that the Liaison Committee wants to do what is in the best interest of Bowling Green and Warren County. He said they want to have a document and present a plan that he believes is manageable and will continue positive growth.

A Commissioner asked about the Vision Statement changes. Mr. Allen said they did want to change the Vision Statement, but they changed their minds because the Vision Statement does say that this is the direction that the County wants to go and no one can argue that everyone wants Warren County to grow. The Liaison Committee does not want to now change the Vision Statement.

Commissioner Huston came back and said that the City and County have invested a lot of time and money in the consultants; in the documents; in the public meetings all over the City and County wherein the public has given its input. The consultants are professionals who have new and quality ideas and information to help the Task Force and Planning Commission. There were many public forums with information gathered to develop the Vision Statement. From all the meetings, information was gathered and with the help of the public, the Task Force and consultants came up with a Vision Statement. Also, from this information gathered is how the consultants, staff and Task Force came up with the document which was presented.

Mr. Allen then said that the Builders, Realtors and Liaison Committee believe that dollars speak for successful development over the years and they want a continuation of style and development being done now and have done in the past, want to continue in a manageable way as they have done in the past. When asked why the Tier Map would not succeed, Mr. Allen said that up around Highway 101, could be a successful transpark and they would like to see residential development next to it. Down towards South Warren, there is water capacity in the area now and development should go to the south the near future. Why limit growth to a small area in the south, and why not change the boundaries to a much larger area.

Commissioner Huston explained that the process does not prevent growth, because there are provisions to exceed, extend and alter the guideline boundaries, as needed. As far as the planning process, if the plans are directed and have only these areas fill and then need to move outside of those boundaries unless there is a new corporate park or whatever it may be in another part of the county and then all of a sudden there is a need for development and there is demand for development in another part of the county, then that is what this Planning Commission does – it stretches out the boundaries at the public's request. But, this is not a dart board that we cover our eyes and start throwing darts – that is not good planning. This Comprehensive Plan is planning for the future growth of Bowling Green and Warren County.

Jody Allen spoke again that we have limited ourselves in not asking for the whole county, but are taking away property values and affordability and the plan would limit housing rather than being able to do development like in the past.

Commissioner Atkerson said the proposed map given by the groups that Mr. Allen speaks for tonight does not take into consideration the basic and fundamental planning issues that the new map presented shows areas that are not currently served by sewer, does not take into consideration where karst topography environment is located and does not take into consideration areas upstream from water. From a planning methodology and engineering standards it would be unlikely to get sewer in such a karst area and roadway infrastructure cannot be located in such an area.

Mr. Allen said the Plan is leaving out all the hurdles. It would take extreme measures to not have arterials in the area. There is adequate water in the area and the area will be suitable for one acre lots. The Plan should be market planned and market driven and hopefully the market will pick up in the future.

Commissioner Jones spoke up that he has concerns the word "sprawl" as it has different meanings for different people. Many people say they do not want subdivisions in their neighborhoods and in their back yards. Going back to the Tier Map that seems to be a concern to Mr. Allen and his groups, the maps show where sewer is located and where sewer is planned. There is concerns about industrial parks and where low density is located now and where it has been moved to, just seems there are a lot of houses that can be built out in those areas and it does not feel growth would be over-stepping boundaries. There is also concern about water pressures throughout the county and if the county could provide emergency services to residential areas if there is not enough water pressure. The public chooses to not come out, but watch at home, on zone changes, but have come out to public meetings and given input which is how this Plan has been developed and prepared. In a zone change, an applicant has to meet the engineering portion; site distance concerns; water pressure and compatibility with surrounding neighbors. This new Plan does not change this process.

Mr. Allen stepped back up and stated that the map they are proposing is based on the buying community in that this is where people are building and want to live and feel this is what the future of development needs. He said there is no guarantee that development will come, but this is a guide to be able to develop. Mr. Allen then said that the new Plan will be driven by the Land Use Map rather than the Tier Maps.

Commissioner Rich said he remembered when the process first began when public forums were held throughout Warren County, it was noted that open space and farmland was asked to be preserved and now it looks like this group is wanting to take more open land and farmland away from individuals with extending the land use areas out to the county lines.

Mr. Allen said that he disagrees with taking land away and that this map with the extended lines could be used the same as it is now, but if a family wants to sell its property to develop subdivisions out in the southern part of Warren County or in the northern part of Warren County - then the land use would be available when the families want to sell.

Mr. Hunter said that the new Comprehensive Plan is being developed in order to make a zone changes more simple to do. He said that the Tier Maps establish sewer lines and good infrastructure that is already in place. After all the research and studies, certain areas will show growth and already the Land Use Map has been pushed outside of the boundaries of the Tier Map in the spirit of compromise and now more than likely if the sewer is run outside of the boundary, then there could be septic right across the street in low density areas.

Mr. Hunter said currently we have over 200 Policies that are placed in front of an applicant, but with the map, the applicant would just have to meet the land use on the map. There would have to be compliance with the map, state law requirement and then the Planning Commission would have to recommend approval of the zone change request based on compliance. It would be easier in that this map is what would be used as a guide and this process would make a zone change easier to evaluate and approve or deny based on the guidelines.

The Task Force, staff and consultants have been forced to compromise with the Builders and Realtors, as well as the Liaison Committee who is working with both groups. Commissioner Ritter said that the Planning Commission for years has been known for years as the group that zones and does not plan. This Comprehensive Plan Focus 2030 is the planning that is being done now in order to turn around concept that the Planning Commission only zones. It has been said that zoning is market driven and without planning, the zoning would be market driven, but with this new Comprehensive Plan – the plans would be in place for growth and development. Statements have been made that currently things are working fine, well it is for the developers, engineers, surveyors, realtors, homebuilders, etc. In the Community, we have roadblocks in that the roadways that too narrow, too winding, too little of site distances. This Plan would help to plan infrastructure, roadways, etc., and allow school systems to plan for their facility based on the Plan being established. The people of Bowling Green and Warren County would ultimately be responsible for water, sewer, septic systems, road improvements, etc. If there is no planning, then there cannot be growth without the planning process. Sure development without planning works for a few, but not for the tax payers and citizens of Bowling Green and Warren County.

Commissioner Atkerson asked if a Conservation District would alleviate some of the changes. Mr. Allen said it is the intention of the Liaison Committee to take their plan to the Warren County Fiscal Court with all the requests for changes that they are making.

Commissioner Nahm said unfortunately he was not on the Task Force, but he is wondering why some that were on the Task Force and now coming forward and saying they do not now agree. Mr. Allen said that there were Task Force members who did not agree with everything in the Plan, but with motions made and majority of the members voting on a subject, then the subject passed.

The Consultant, John Fernsler, came back to the podium and said that development may or may not happen, but development will happen in areas designated for development with development capacity measured. There would be consequences for opening up too much land for development, it should be planned for future development and growth by following the Vision Statement. There are property rights to do as you want with your land and enjoy the present use of property, however, the right to use property and develop properties has to be planned and guided.

Dianne Howerton, of 2011 Nashville Road, Bowling Green, Kentucky, Vice-Chairman of the Task Force, stepped to the podium and asked the consultant to address the Tier System. Mr. Fernsler said that the Tier System is set up to open up so that capacity of land area can exceed that is currently on the ground. It helps with public services and make the costs more reasonable as these are being planned for and not forced on the public.

Another person from the audience to come forward, Tim Graham of 1150 Oak Hill Court, Bowling Green, Kentucky, said he wished to address the Tier Map system has only one purpose and one requirement which is sewer. The Tier Map only replaces the 1,500 foot rule. A Tier Map is static when a line is drawn and sewer has to be stopped right there. There is no allowance for growth, so the only purpose is to dictate sewer and dictate where sewer can go in the future.

Mr. Hunter explained that the Tier Map did work with the Land Use Map before it was changed and the two worked together. But after the Land Use Map was changed, they no longer overlaid each other. There are other uses for the Tier Map in that the 600 mpg of water and other utilities would use and follow the planned. There could be septic or sewer in the future, but if sewer is available, then the public would tie on and use water and sewer where available. Mr. Hunter said there was compromise in changing the Land Use Map, but the tier map now does not directly overlay with the way the map has changed extending the land use boundaries.

Commissioner Jones said it was his understanding that zone change requests can still happen as long as technical aspects are met, which include: roads; adequate water; site distance, etc.

Mr. Graham said he believes that currently a landowner can come before this body (Planning Commission) and meet Compatibility issues; road issues, etc., and ask for a zone change, but with the FLUM and Tier Map, then a landowner does not have an opportunity to even come to bat. A land owner would not even be able to ask for the zone change. Restricting Land Use and the Tier Map would not even allow someone to come and ask for use of his property.

Mr. Hunter and staff said this statement about the concept is incorrect. The landowner would come and ask for a change or amendment in the FLUM based on certain parameters, then an application is made for a zone change request as an exception under five (5) acres or other guidelines.

Mr. Fernsler explained that the FLUM would not affect farmers and acreage for open space, but if someone wanted to come in and sell a farm and subdivide property. Mr. Graham wanted to know if there was an opportunity to sell and subdivide the farm.

Mr. Fernsler said that in the future conservation districts could be established which would help with conserving open space and farm land, which would have clusters of property that could be developed. The underlying agriculture areas could be used as a conception, but currently we do have conservation areas being set.

Mr. Hunter explained that there could be a threshold of 40 acres, then 75% of the property could be placed in optional voluntary conservation district for 20 years, then a cluster development can be done. If on septic, there could be 75% density bonus over what could be done originally with 1 acre cut off. If there is sewer run in the area, then there would be a 400% density bonus by right in an AG district. There would be optional curb and gutter, street lights, sidewalks, etc. The conservation district would be set up on twenty (20) years which is what the Comp Plan encompasses for the future. Right now the Conservation District is only conceptual and has not yet been established at this point. The Conservation District is not being set up tonight and we should focus on the Comprehensive Plan that is being presented tonight.

Tim Graham came back to the podium and asked to see the map with the conservation districts that the Liaison Board is proposing.

Mr. Hunter explained that the Planning Commission cannot put boundaries in place as this is something that has to be done in the Zoning Ordinance as overlay districting and cannot be placed in the Comprehensive Plan. The Conservation Districts can only be done in the Zoning Ordinance and just because the groups that Mr. Allen represents wants them done, does not mean it can be put into the Comprehensive Plan, only in the Zoning Ordinance. This is still a preliminary discussion for the Zoning Ordinance and at no time can a Conservation District be placed in the Comprehensive Plan. This will be brought into a public meeting at a later time when the Zoning Ordinance is amended.

From the audience, James Cook of 177 South Lane Drive, Bowling Green, Kentucky, stepped to the podium and stated that this Plan is based on the FLUM that is conceptual. Mr. Hunter explained that the FLUM is based upon development trends which were a combination of existing zoning and what is projected for the future. The FLUM is currently set as broad land use categories and not zoning set in stone.

In order to have a zone change, the map would be reviewed and then parameters would have to be met with fire, infrastructure, etc. and prove the cause for the zone change. With the FLUM, property is reviewed by staff for an administrative amendment to the FLUM, but then a zone change would come before the Planning Commission. Standards are set for a zone change and amendment to the FLUM based on criteria set under Kentucky Revised Statutes law.

Steve Hunter, Executive Director of the City-County Planning Commission again asked the Planning Commission for a recommendation of approval of the Draft #4 Focus 2030 Comprehensive Plan with the map dated June 2, 2011 and three changes presented tonight.

Chairman Runner then asked if there were any additional questions for staff, the consultant, Task Force committee members or from anyone in the audience. Being none, she asked for a Motion.

ACTION: Upon Motion of Commissioner Huston, seconded by Commissioner Ritter to approve the proposed Comprehensive Plan for Warren County as presented and amended to be effective January 1, 2012. The motion was based on the findings of fact as presented and the testimony presented in this public hearing, that the Comprehensive Plan does meet the requirements of Kentucky Revised Statutes Chapter 100 and more specifically KRS 100.183-100.197. 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 this proposed Comprehensive Plan. 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 said that the next meeting is scheduled for on June 16, 2011 and a draft agenda was given to each Planning Commissioner.

Chairman Runner stated there was no additional business to come before the Commission; the meeting was adjourned at 10:50 p.m.

CHAIRMAN, VELMA RUNNER

Sandy M. Clark, Zoning Administrator