

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

Present:

Faye Phelps	Cliff Nahm	Bill Hotaling	
Velma Runner	Kenneth Sparks	Chuck Coppinger	John Atkerson
Mary Belle Ballance	Tim Huston	Albert Rich	

Absent: **Bennie Jones** **Larkin Ritter**

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 June 16, 2011. The Motion was made by Commissioner Atkerson, seconded by Commissioner Coppinger and agreed upon by all of the Commissioners present (one abstained) to approve the Summary Minutes of the June 16, 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 (July 07, 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; Jonathan Britt, Senior Planner; Marshall Robinson, Planner; and Rachel Hetzler, Planner, 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 June 10, 2011 to June 30, 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 four additions to the five items on 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 Huston, which passed unanimously, ten (10) yeas, to approve the following:

1. Release the performance bond for landscaping Massey Springs Senior Living at 2945 Smallhouse Road in the amount of \$32,950 from Scott, Murphy and Daniel.
2. Release or Reduce the cash surety for landscaping at 102 Old Morgantown Road in the amount of \$7,550.00 from Brent Miller.
3. Renew the Letter of Credit for Bonita Meadows Subdivision in the amount of \$138,000 from Bobby G. and Sharon Wilson.
4. Reduce and renew the Letter of Credit for Springfield Subdivision, Section VII, Phase I to the amount of \$30,500 from Lanny Loague, Horizon Development.
5. Renew the Letter of Credit for Countryside Manor Subdivision, Section 11-1 in the amount of \$23,500 from Chris Blevins.
6. Release the performance bond for landscaping the Warren County Cooperative Extension office parking lot at 3132 Nashville Road, in the amount of \$2,650 from Scotty's Contracting and Stone, LLC.
7. Release the cash surety for Massey Springs Senior Living at 2945 Smallhouse Road in the amount of \$15,000 from Goodworks Limited, LLC.
8. Release the cash surety for Fieldstone Farms Section 4 Phase 1 in the amount of \$12,396 from Fieldstone Farms LLC.
9. Release the cash surety for Fieldstone Farms Section 4 Phase 2 in the amount of \$5,000 from Fieldstone Farms LLC.

II. PUBLIC HEARINGS:

Chairman Runner announced that the first couple of items under our Public Hearings section is a request for a Zone Change and a Variance described as: **2011-Z- 16-CO - Rob Gouvas and Cindy Young** have filed an application to re-zone a tract of land containing 1.607 acres located at 1300 Morehead Road, approximately 580 feet from Cleveland Drive, from R-E (Residential Estate) to NB (Neighborhood Business) with a general development plan and **2011-V-13 - Rob Gouvas and Cindy Young** have filed an application for a Variance on property located at 1300 Morehead Road, approximately 580 feet from Cleveland Drive. The applicants

have requested a Variance of three (3) feet from the required ten (10) foot side set back. This property is currently zoned R-E (Residential Estate) with a pending zone change to NB (Neighborhood Business) with Binding Elements

Steve Hunter presented the staff report and stated that the applicants, after a pre-application meeting held on March 24, 2011, propose to re-zone a tract of land from **R-E** (Residential Estate) to **NB** (Neighborhood Business) in order to establish a business for pet cremation on 1.607 acres. The applicants have agreed to certain site restrictions as outlined in the Binding Elements. The applicants have also requested a Variance of three (3) foot from the ten (10) foot side yard set back required for a commercial district (**OP-R, NB, P and CB**) adjacent to a residential district.

Mr. Hunter said that the applicants intend to use the property for a pet cremation business. According to the Binding Elements submitted, the use of the property shall be limited to the pet cremation. The proposed location for the cremation unit is in an existing garage with the stack to extend two (2) feet above the existing roof. No signage shall be used on the property. The property shall be served by the existing access points on to Morehead Road which shall be a driveway of at least twelve (12) feet in width. All parking and travel ways shall be paved within one year of the recording of these Binding Elements. The subject property will limit the hours of operation for the business from 7:30 a.m. to 7:30 p.m. Monday thru Saturday and shall not be open to the public. Lighting on the property shall be limited to security lighting only. The property shall maintain the existing tree-line as a natural landscape buffer along the northern side of the property and shall install a minimum of a ten (10) foot landscape buffer along the southern property line. The subject property shall be served by an on-site septic system if required by the Barren River District Health Department. Any air quality or waste products generated by the site shall be in compliance with all State and Federal guidelines. The subject property shall meet the minimum commercial fire control standards of Warren County, Kentucky, including the installation of any necessary fire hydrants prior to occupancy, if applicable.

Mr. Hunter then said that this property is located at 1300 Morehead Road and contains 1.607 acres. Also, the property is located in Focal Point: 111-3 Murphy Road - with Characteristics of: Agriculture/Open Space undergoing gradual transition from agriculture to low density residential. The property has frontage on Morehead Road, a County maintained roadway with fifty (50) feet of right-of-way and eighteen (18) feet of pavement width.

The staff had three (3) items of concern, which were as follows:

- *Compatibility with surrounding properties;*
- *Adequate Lighting and Sign Controls; and*
- *Adequate Fire Protection.*

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

BINDING ELEMENTS

1. *The subject property shall be served by an on-site septic system, if required by the Barren River District Health Department. An air quality or waste products generated by the site shall be in compliance with all State and Federal guidelines, if applicable.*

2. *The property shall be served by the existing access points onto Morehead Road which shall be a driveway of at least twelve (12) feet in width. All parking and travel ways shall be paved within one year of the recording of these Binding Elements.*
3. *No signage shall be used on the property.*
4. *The subject property will limit the hours of operation for the business from 7:30 a.m. to 7:30 p.m. Monday-Saturday and shall not be open to the public.*
5. *The use of the subject property shall be limited to pet cremation using the Matthews Power-Pak Jr., model 1EB-16 or equal.*
6. *The subject property shall meet a minimum commercial building code prior to occupancy, if applicable.*
7. *The property shall maintain the existing tree line as a natural landscape buffer along the northern side of the property and shall install a minimum of a ten (10) foot landscape buffer along the southern property line.*
8. *Lighting on the property shall be limited to security lighting only*
9. *The subject property shall meet the minimum commercial fire control standards of Warren County, Kentucky, including the installation of any necessary fire hydrants prior to occupancy, if applicable.*
10. *In the event of cessation of use of the subject property for a period of twenty-four (24) consecutive months as a pet crematorium or upon the event of the sale of the property, the property owners shall apply to the City-County Planning Commission of Warren County, Kentucky, ninety (90) days prior to any sale, to revert the zoning classification to R-E (Residential Estate).*

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 have informed staff that attempts were made to contact all adjacent property owners face to face, one on one, by going home to home.

In addition, utility Policies of: **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*); **LU-5A-11** (*water*); and **LU-5A-10** (*sewer*) - An area with severe soil limitation with respect to septic tank and absorption field systems is one of the criteria that classify an area as a Rural Conservancy District; however, the property has obtained a letter from the Barren River District Health Department does allow the use to forego any connection to an on-site septic system. Since there is no connection or use of public water – the Health Department has determined that there is not a need for a septic system. The Zoning Ordinance of Warren County

was recently amended to allow for commercial and industrial uses on smaller lot sizes. If the total of all structures on the site is less than 4,000 square feet, then the site must be at least one (1) acre in size. The applicants have committed that the subject property shall be served by an on-site septic system if required by the Barren River District Health Department. Any air quality or waste products generated by the site shall be in compliance with all State and Federal guidelines, if applicable. A letter from the local health department indicates that no on-site septic system will be required for the proposed use. There is an eight (8) inch water line available along Morehead Road providing less than six hundred (600) GPM with more than twenty (20) PSI. This site does not meet the fire control standards for Warren County; however, the applicants have committed that the subject property shall meet the minimum commercial fire control standards of Warren County, Kentucky, including the installation of any necessary fire hydrants prior to occupancy, if applicable. The applicants have also contact the Woodburn Fire Chief and have a letter that there is a commitment from the Fire Department that this property can be served. The staff has deemed this policy to be in compliance because of the letter received.

The next policies of **LU-5A-2** (*Commercial uses include all non-residential, non-industrial uses considered under this Plan*); **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-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, whichever is larger*); **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-15** (*signs*); and **LU-5A-16** (*lighting*) - As can be seen on the Zoning Map, the properties that surround the zone change request are zoned R-E (Residential Estate) or AG (Agriculture). The property shall maintain the existing tree-line as a natural landscape buffer along the northern side of the property and shall install a minimum of a ten (10) foot landscape buffer along the southern property line. The applicants have submitted several Binding Elements to address concerns about the development of the property for commercial use. These Binding Elements stipulate:

- No signage shall be used on the property;
- The subject property will limit the hours of operation for the business from 7:30 a.m. to 7:30 p.m. Monday thru Saturday and shall not be open to the public.
- The subject property shall meet a minimum commercial building code prior to occupancy, if applicable.
- Lighting on the property shall be limited to security lighting only

Then the Policies of **LU-5D-1** (*Commercial uses are permitted where the transition is clearly toward commercial use and where maintenance of the historic, non-commercial use and character of the neighborhood is clearly not feasible*); **LU-5D-3** (*The mixing of commercial and non-commercial uses may be allowed where incompatibilities between uses can be minimized*); and **LU-5F-1** (*New commercial development is not permitted*) - The applicants have committed that the subject property shall be limited to pet cremation. The applicants have further committed that in the event of cessation of use of the subject property for a period of twenty-four (24) consecutive months as a pet crematorium or upon the event of the sale of the property, the property owner shall apply to the City-County Planning Commission of Warren County,

Kentucky, ninety (90) days prior to any sale, to revert the zoning classification to R-E (Residential Estate). The unique nature of the proposed use does require a commercial zoning classification; however, according to the local health department, area plumbing inspector and County Building Inspector – no septic tank, sprinkler system or water will be required for the site.

Finally, the 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*); and **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 property shall be served by the existing access points on to Morehead Road which shall be a driveway of at least twelve (12) feet in width. All parking and travel ways shall be paved within one year of the recording of these Binding Elements. As mentioned above, the applicants have committed that the subject property will limit the hours of operation for the business from 7:30 a.m. to 7:30 p.m. Monday thru Saturday and shall not be open to the public

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 sixteen (16) Policies and finding approximately twelve (12) policies in compliance and four (4) policies generally not in compliance, which is subjective to the Commissioners.

Mr. Hunter then explained the request for a Variance which is described as the applicants are requesting a three (3) foot Variance from the ten (10) foot side yard set back required for a commercial district (OP-R, NB, P and CB) adjacent to a residential district. It was noted that in Section 4.6.8.C.2 *Commercial District Adjacent to Residential District (OP-R, NB, P and CB). A rear yard abutting a residential district shall have a minimum 25-foot rear yard set back, and a side yard abutting a residential district shall have a minimum 10-foot side yard set back.*

Chairman Runner asked if there were any questions or comments for Mr. Hunter. One Commissioner asked about the 12 foot width of the driveway and where would it begin and where does it stop. Mr. Hunter explained that commercial drives have to be paved and if this zone change does take place, then the property goes from residential to commercial and applicants have placed a commitment in the Binding Elements for the drive to be paved within a certain amount of time. Currently, there is gravel on the drive and pavement will be required in the future if this zone change request goes through.

Chairman Runner asked if there were any other questions for the applicants. Being none, she asked for the Applicants, Cindy Young and Rob Gouvas, of 1534 Morehead Road, Bowling Green, KY, who stepped to the podium and were sworn in by Chairman Runner to testify before the Commission. Dr. Young stated that the re-zoning request is for property located at 1300 Morehead Road. The idea is to retrieve pets from veterinarian offices and clinics, cremate them at our facility and then return the remains back to the offices or clinics. There will not be public access or pet owners on the site with the equipment.

Chairman Runner asked if there were any questions from the Commissioners. One Commissioner asked about the operator certification. Dr. Young referred this question to the representative from the company that sells the equipment. Therein, Brian Gamage of Matthews Cremation Division, 2045 Sprint Blvd., Apopka, FL, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Gamage said that the company encourages a Certification for each operator, however, Kentucky does not require it. The company will train and certify each operator before use of the machinery. There is an on-line update/refresher course if the operator needs it without having to travel down to Florida.

Chairman Runner then asked if there were any additional questions from the Commissioners. Being none, she asked if there were any questions or comments from the audience. The first person from the audience to come forward was Tom Hamlin of 449 Sylvan Circle, Bowling Green, Kentucky, who stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Hamlin asked if there would be a limit on the number of animals or if there would be a limit on the size of an animal. He said he is concerned that this facility would be a rendering plant and that it would have smells and odors. Mr. Hamlin said that Hills Pet Food has smells/odors that come out into the neighborhood and this would add to the problem they already have in the neighborhood. He said there is a hill on Morehead Road and the access point with a lot more traffic would cause additional problems and trouble to the neighborhood.

Dr. Cindy Young returned to the podium to address the questions and concerns. She stated that there would not be any additional traffic since this area will not be open to the public and most of the time they will be coming from their own residence next door and come across the back yard. In regard to odor, she asked that Mr. Gamage address that question. Mr. Brian Gamage came back to the podium and assured the neighbors that this is not a rendering plant. The cremation process is odorless as the machinery contains the separate combustible chambers and combustion is taking place within the machine chambers and there is no smoke or odor that comes from the machine. This machine meets all environmental requirements for the State of Kentucky and it is really not the same as a rendering facility.

Mr. Gamage explained that the machine has a capacity of 300 pounds, so nothing larger than 300 can go into the machine. It is his understanding that Dr. Young plans to focus on small animals, but there could be dogs as large as 100, 150 or even 200 pounds. The unit processes 100 pounds per hour. The number of animals would depend upon the success of the business.

Dr. Young said she has been thinking and hopes to have one to two animals per day and they are not looking at more than 7 to 10 in a week's time.

Tom Hamlin returned to the podium and asked the Commission if there could be restrictions placed that no one could turn in to the drive off Morehead Road. He said he also would like to see restrictions placed that would not allow 1,000 dogs a day; buy several units and do additional pounds per hour.

Chairman Runner then asked for a show of hands in opposition in the audience. She asked if there was a spokesperson for the group. Chairman Runner said the Commission would like to hear what neighbors would like to say, but reminded the group that they should build on what has been said and not repeat the same thing over and over.

The next persons from the audience to come forward were Belinda Coulter and Ricky Coulter of 141 Sylvan Circle, Bowling Green, Kentucky, who both stepped to the podium and were sworn in by Chairman Runner to testify before the Commission. Chairman Runner told them they would need speak separately and not try to talk at the same time or tag team. Ms. Coulter presented a Petition (entered into the record as Opposition Exhibit "1").

Attorney Hamp Moore explained that a Petition has names that the other side does not have the opportunity to cross-examine or ask questions regarding the cause of the Petition. It is contrary to the concept of questioning or cross-examining the witnesses as the Petition would be subject to the limitations.

Ms. Coulter asked if neighbors were supposed to be notified by law, or if only adjacent property owners. They saw a sign placed on the property, but were not notified. Ms. Coulter asked Mr. Moore who he was and why he was answering. Attorney Hamp Moore explained that he is the attorney for the Planning Commission and here on the Planning Commission's behalf.

Steve Hunter, Executor Director of the City-County Planning Commission said he would address her question. He said that the Policy of LU-1A-2 which is in the Comprehensive Plan and states this is a policy and not a law – which reads: *In preparing a general development plan, surrounding property owners must be consulted prior to submitting a zone change request to the Planning Commission* – which is not defined as adjacent or a particular mileage, it just says surrounding property owners. Staff and the Commissioners have seen everything from formal neighborhood meetings; to handling out pamphlets; sending letters; contact people one-on-one and staff tells applicants this is the policy and you need to make an attempt to meet with neighbors and, hopefully, Binding Elements are built as talks with neighbors occur. There is a second notification that is sent out by our Zoning Administrator, which is directed by State law to adjacent property owners.

Ms. Coulter then said that is how she found out, as her neighbor got a letter and told her about the letter and then saw a sign. She said later that Dr. Young approached her after the Petition had been started. Ms. Coulter said she has concerns about access onto Morehead Road.

Dr. Cindy Young said that the entrance at 1300 Morehead Road could be used, but typically the garage would be accessed from the back way, being from their other property (residence) by way of a golf cart so that no one has to get on the main roadway.

Ms. Coulter came back to the podium and asked if the property is restricted from public access, then why would they driveway have to be paved.

Mr. Hunter said that the applicants would just as soon not pave the driveway and leave it gravel and natural. But staff had concern that other commercial businesses around town would not want to pave as provided in the Zoning Ordinance. A commercial property has to be paved and the twelve (12) foot travel way could be used a turn around and a parking space. The turn around could be so that the applicants could turn around and come out onto Morehead Road without backing out onto the roadway.

Ricky Coulter then stepped up to the podium and began to speak. Chairman Runner then told him she would now swear him in and he could now begin to speak, however, the two (he and his wife) should not tag team, but speak one at a time. Mr. Coulter asked about the hours of operation being 7:30 a.m. to 7:30 p.m. and why such a long time if only doing a couple of animals a day.

Dr. Young came back to the podium and explained that times allow for convenience and flexibility to be able to turn on the machine when needed and process. The limit is 100 pounds per hour for processing and it would be her preference to do one or two animals a day depending on the need. She then said the machine is very quiet and no one will probably actually know when it is on and being used. The machine would only be used as needed and will not be running twelve (12) hours per day.

Mr. Coulter then asked about fire and electrical requirements. Brian Gamage returned to the podium to address this concern/question. Mr. Gamage said that the requirements for the machine are 220 volts with a three phase combustible air motor for the process, so there would be minimal electrical usage.

While Mr. Gamage was still at the podium, one of the Commissioners asked about a particular model that the applicants plan to purchase. Mr. Gamage said that Dr. Young is looking to purchase a 1AB-16 which is small size unit. The unit will perform 100 pounds of processing per hour. Therein, with a 200 pound animal it would take two (2) hours to process, so it would allow six (6) animals of that size per day.

Mr. Coulter then came back to the podium to ask about exit signs and emergency lighting and if the applicants would have to follow building codes. Steve Hunter said that this was covered in the Binding Elements submitted by the applicants wherein they stated in BE #6 - *The subject property shall meet a minimum commercial building code prior to occupancy, if applicable*. Therefore, the Building Inspector has been out on site and will be coming out again to the site before the business begins. There is a letter from the Building Inspector that was included in the packets to the Commissioners.

Mr. Coulter then asked about chemicals to be used in the processing. Brian Gamage came back to the podium and explained that electrical usage will be required, but no chemicals are used in the processing. After the processing has taken place, only pathological waste, such as in a fast-food restaurants (a hamburger), only this burns at a much higher temperature, so it is much cleaner and better for the environment. There is a ten (10) foot stack which is low profile and which induces a draft at the base of the stack that draws the gases and heats through. The remains after processing are heavy particles which are ground into powder and given to clients in an urn. If a spill occurs, the clean up would be a sweep of the particles or vacuum up the particles or residue which is like sand.

Mr. Coulter said he is concerned about and does not really understand about the request of a three (3) foot easement from the ten (10) foot set back. Steve Hunter responded and explained what a Variance is and why it is needed when the property is converted from residential to commercial. There are different set backs for residential than there are for commercial properties. This garage/building is considered an accessory structure which currently sets seven (7) foot from the property line, which would need a three (3) foot Variance from the

ten (10) property line. If the structure was being built brand new, then it would be built ten (10) feet from the property line, or a request for a Variance could be made to place the building.

Mr. Coulter asked about 24 hour service that is mentioned in the technical papers provided by the company. Dr. Young came back to the podium and explained that this is technical support offered 24 hours a day by the company for the machine operation if the owners had any questions or problems they would be able to call 24 hours per day.

Chairman Runner asked if anyone else in the audience had any questions or comments or would like to make a statement in regard to this zone change request that have not already been asked. Belinda Coulter then came back to the podium and asked what the temperature of the machine would be for the unit. How hot would the machine have to be in order to process.

Brian Gamage came back to the podium and explained that there are two chambers that operate, one being a primary combustion chamber that reaches between 1,400 and 1,600 degrees Fahrenheit. Then the secondary combustion chamber is where the gases (smoke) would go and be processed.

Ms. Coulter then asked why the machine had to run all the time in order to maintain that temperature. Mr. Gamage explained that unit would be turned on only when needed (similar to your oven at home) and the unit would not be running twelve hours a day, only turn on about thirty (30) minutes before use and then the unit would be ready.

Mr. Coulter then said he read somewhere about outside storage and commercial trucks coming in and loading docks – why would this be necessary. Steve Hunter explained that this was again a Policy on page 4 of the staff report that is a general Policy for a commercial use, which encompasses WalMart or any kind of commercial use which states: *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.* Mr. Hunter said that the applicants will not be having any loading docks; the vehicle use area would be the one parking space; no public use areas and the applicants have agreed to screen the structure, by way of the Binding Elements, on the southern property line. This is a catch-all policy that if there is a loading dock area that it would need to be screened from residential areas.

Chairman Runner asked if anyone else in the audience wished to speak. Therein the next person from the audience to come forward was Chester McNulty of 918 Morehead Road, Bowling Green, Kentucky, who stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. McNulty said he lives down the hill and he wanted to know if this is a catch all policy – then this would allow them to operate and allow them to do all the things listed in the policy for commercial business. He wanted to know if they wanted to do all these things, they would be allowed to do. Mr. Hunter explained that the applicants would be limited in what they wanted to do as they have committed to Binding Elements which limit use and what they intend to do at this property location. The Policy provides that if the applicants were going to have the things, then they would have to meet with Policy, and applicants have already committed to screening even in the absence of having a loading dock or vehicle use area. A pet crematorium really would not need a loading dock, but we could ask the applicants if they would commit to never having a loading dock.

Mr. McNulty then said he is wanting to sell his house and the first thing people need to hear is that there is pet crematory in the neighborhood. He said he wants to keep the air clean and wants to make sure there are no smells as right now he can smell Hills from his house and he does not want any other smells to prevent his house from being sold.

The next person from the audience to come forward was Pat Hamlin of 449 Sylvan Circle, Bowling Green, Kentucky, who stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Ms. Hamlin asked how animals will be coming in, and said she was concerned that there would not be any water run to the site to wash hands. She said that the facility needs to be kept clean. Ms. Hamlin said she has lived in this community for 27 years and there are kids that live in the community and it needs to be kept clean.

The next person from the audience to come forward was Elizabeth Fogle of 448 Sylvan Circle, Bowling Green, Kentucky, who stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Ms. Fogle asked how animals will be accumulated and how will they be kept until processed.

Dr. Young returned to the podium and stated that animals are frozen and placed in freezers. Typically, animal hospitals and clinics place the animals in a bag and then freeze the animals, which freezing stifles the smells.

Tom Hamlin returned to the podium and stated that this is developing neighborhood and there would be a knock down of prices of homes in the neighborhood and people will quit coming and building homes in the neighborhood if there are smells.

Dr. Young came back to the podium and stated that she and her husband both live in the neighborhood too and they do not want property values to decrease as well.

Pat Hamlin then returned to the podium to ask how Dr. Young gets away from having washing her hands and not having a place in the structure to wash hands if there is not water supply. Dr. Young said that she would be using her water supply at her home to wash her hands and then place on gloves when transporting. She then said, after the processing, the clean up would be sweeping and/or vacuuming any particles that remain.

Ricky Coulter returned to the podium to ask an additional question, being - how would a 300 pound animal be handled. Dr. Young said that she has been in practice 18 years and has never had to handle or deal with a 300 pound dog and they said that she probably would never come across this in the future.

One of the Commissioners then asked Dr. Young if she would consider committing to adding to the Binding Elements that she would have only one unit/model and one only. Dr. Young said she would make the commitment in the Binding Elements that she would have only one unit (\$50,000 expense) and stay with the same size that is looking to purchase. She said she could not ever imagine purchasing another unit at such a steep cost.

Attorney Hamp Moore asked Dr. Young if she would agree to a change in Binding Element #5 as follows: *5. The use of the subject property shall be limited to pet cremation using the Matthews Power-Pak Jr., model IEB-16 or equal.* Dr. Young agreed to the change in Binding Element #5.

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

ACTION: Commissioner Hotaling made the Motion, seconded by Commissioner Huston, to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket #2011-116-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-5A-2, 5, 6, 10, 11, 12, 13, 15 & 16; LU-5D-3; 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 Warren County Fiscal Court.

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 Coppinger, seconded by Commissioner Huston to approve the request for a three (3) foot variance from the ten (10) foot side yard set back required for a commercial district adjacent to a residential district (OP-R, NB, P and CB) for the property located at 1300 Morehead Road, Docket #2011-V-13. 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.

Vice-Chairman Huston asked to speak to the case as he said he felt people would be upset with the outcome of this case and this case is a really tough situation with people having apprehension about this new type of business. He said that he appreciated that applicants coming forward and going through the proper process to create a facility such as this. This business could have been begun in the isolated area where it will be located and no one would have even known about it. He suggested that after the facility is in use, then neighbors who want to know about the machine and what it does and had concerns about the machine – might make a field trip over to the neighbor and see how this all works.

Commissioner Huston said that Commissioners are charged with certain things that they can do and not do and sure would not want to tell anyone or even Dr. Young that they cannot do things on their property that will affect their lives.

Chairman Runner asked for a short break at 8:21 p.m. Chairman Runner convened the meeting at 8:35 p.m.

Chairman Runner called the next item on the agenda, being described as a zone change request: **2011-Z-17-CO – William & Sandra Smith and Jack White (Contract Vendee)** have filed an application to re-zone a tract of land containing 25.034 acres located at 2085 Barren River Road, near the intersection of Barren River Road and Veterans Memorial Blvd., from AG (Agriculture) to LI (Light Industrial) with a general development plan.

Jonathan Britt stepped to the podium and presented the staff report and stated the applicants propose to re-zone a 25.034 acre tract of property from AG (Agriculture) to LI (Light Industrial) in order to create a chipping business, office and an area for equipment storage. The applicants have also agreed to certain site restrictions as outlined in the Binding Elements.

Mr. Britt stated that the staff and applicants conducted a Pre-application meeting May 2, 2011. The applicants intend to use the property for a chipping business, office and equipment storage. A residential structure is situated at the front of the property and is a potential location for the chipping business office. No building shall be taller than forty-five (45) feet in height. According to the Binding Elements, the following uses shall not be permitted on the property: drive-thru eating establishment; off-premise advertising sign; commercial parking; sportsman's farm; firearms/shooting range; vehicle sales; solid waste; storage or transfer; adult entertainment; or heavy and manufactured home sales. The Binding Elements also state storage tanks will only be allowed on the property in a building or permanent enclosure and all structures on the property utilized for non-residential use shall meet minimum commercial building codes prior to such use. Signage shall be limited to a single monument style sign for each developed parcel, no taller than seven (7) feet and no larger than fifty (50) square feet for each sign face. Signs shall not be illuminated. The property will be limited to a total of two access points to Barren River Road. One access point will be located directly across Barren River Road from the current access point for TS Trucking and will be the only access point constructed to allow heavy truck traffic. The access points will be located as generally shown on Exhibit "B". The proposed re-zoning consists of approximately 25.034 acres with an existing home, shed and barn. Any lighting on the property shall be down-lighting, high-intensity discharge shoebox luminary type or wall-pack lighting on the property specifically designed to direct lighting on the property to minimize light trespass to adjacent property.

The property will be developed to meet the minimum requirements of the landscape provisions of the zoning ordinance of Warren County. In addition, new improvements, outdoor storage and parking areas will be screened from view on the northern property line and along Barren River Road by maintaining the existing tree line on the northern property line and/or by installing and maintaining a double staggered row of mixed hardwood and evergreen trees. According to the Warren County Water District, a six (6) inch sanitary sewer force main does run along Barren River Road, across the roadway from the proposed site. The applicants have made a commitment that the property will be connected to public sanitary sewer if required by the Barren River District Health Department or the Warren County Water District or if the applicants were to construct any more than 10,000 square feet of new building. The property will be developed with sufficient water service to meet the fire control standards of Warren County, Kentucky

Mr. Britt noted that the staff had items of concerns with this request which were described as:

- *Access to the site;*
- *Adequate Landscaping and buffering;*
- *Proposed uses; and*
- *Compatibility with surrounding properties.*

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

BINDING ELEMENTS

- I. *The property will be developed with sufficient water service to meet the fire control standards of Warren County, Kentucky.*
- II. *The property will be limited to a total of two access points to Barren River Road. One access point will be located directly across Barren River Road from the current access point for TS Trucking and will be the only access point constructed to allow heavy truck traffic. The access points will be located as generally shown on Exhibit "B".*
- III. *Signage shall be limited to a single monument style sign for each developed parcel, no taller than seven (7) feet and no larger than fifty (50) square feet for each sign face. Signs shall not be illuminated.*
- IV. *The following uses shall not be permitted on the property: Drive-thru eating establishment; off-premise advertising sign; commercial parking; sportsman's farm; firearms/shooting range; vehicle sales; solid waste storage or transfer; adult entertainment; or heavy and manufactured home sales.*
- V. *The property will be developed to meet the minimum requirements of the landscape provisions of the Zoning Ordinance of Warren County. In addition, new improvements, outdoor storage and parking areas will be screened from view on the northern property line and along Barren River Road by maintaining the existing tree line on the northern property line and/or by installing and maintaining a double staggered row of mixed hardwood and evergreen trees.*
- VI. *Storage Tanks will only be allowed on the Property in a building or permanent enclosure.*
- VII. *Any lighting on the property shall be down-lighting, high-intensity discharge shoebox luminary type or wall-pack lighting on the property specifically designed to direct lighting on the property to minimize light trespass to adjacent property.*
- VIII. *No building shall be taller than forty-five (45) feet in height.*

- IX. For any sanitary facilities added to the property as a part of a new building, those sanitary facilities will be connected to public sanitary sewer if required by the Warren County Water District and/or the Barren River District Health Department. In any event, no more than 10,000 square feet of new building improvements may be added to the property without providing a connection to public sanitary sewer.*
- X. All structures on the property utilized for non-residential use shall meet minimum commercial building codes prior to such use.*

The Staff reviewed eleven (11) Comprehensive Plan policies affecting this zone change request. Mr. Britt stated that the first policy was **LU-1A-2** (*In preparing a general development plan, surrounding property owners must be consulted prior to submitting a zone change.*) The Staff recommends to all applicants that they contact adjacent neighbors prior to the public hearing or have a neighborhood meeting, if possible. The applicants did inform staff that a neighborhood meeting was held on Monday, June 27th, 2011. The applicants can address this when they come forward.

Then, the utility, water and sewer Policies of: **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*); **LU-6A-3** (*All new industrial development must be planned in a manner that will prevent adverse impacts on the environment or other activities in the community and must demonstrate this by an approved general development plan*); **LU-6A-6** (*New industrial uses shall be served by public sanitary sewer when sewer is available*); **LU-6A-7** (*All industrial uses must be served with public water providing a minimum fire flow of 600 GPM at 20 PSI or meet the standards of the applicable jurisdiction, and have fire protection service in accordance with the ISO standards for the use and location*) – The property is located in the 112-4 Bill Dedmon Road Focal Point, which is classified as a Rural Conservancy District and the area is characterized as Agriculture/Open Space experiencing some low density residential conversion. The applicants are re-zoning the property to provide an office for a chipping business, truck and equipment parking and maintenance facilities. The applicants have also stated that the following uses shall not be permitted on the property: Drive-thru eating establishment; off-premise advertising sign; commercial parking; sportsman's farm; firearms/shooting range; vehicle sales; solid waste, storage or transfer; adult entertainment; or heavy and manufactured home sales. According to the Warren County Water District, a six (6) sanitary sewer force main does run along Barren River Road, across the roadway from the proposed site. The applicants have committed in the Binding Elements that any sanitary facilities added to the property as a part of a new building, those sanitary facilities will be connected to public sanitary sewer if required by the Warren County Water District and/or the Barren River District Health Department. In any event, no more than 10,000 square feet of new building improvements may be added to the property without providing a connection to public sanitary sewer. There is a six (6) water line available along Barren River Road providing greater than 600 GPM with more than 20 PSI. This is adequate for industrial uses and meets the minimum fire control standards of Warren County

The next Policies discussed were the following: **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*) and **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*) - The applicants have committed in the Binding Elements that storage tanks will only be allowed on the property in a building or permanent enclosure. The applicants have also stipulated that all structures on the property utilized for non-residential use shall meet minimum commercial building codes prior to such use.

Mr. Britt explained the Policies of **LU-6A-12** (*Loading docks, vehicle use areas, public use areas, and outside storage areas should be screened from adjacent residential developments or from streets classed as a major collector or higher, and in compliance with any adopted landscaping Ordinance*); **LU-6A-13** (*Parking areas are discouraged within the building setback areas to allow for street landscaping*); and **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*) – The property will be developed to meet the minimum requirements of the landscape provisions of the zoning ordinance of Warren County. In addition, new improvements on the property will be screened from view from the north or east by maintaining the existing tree line on the northern property line and/or by installing and maintaining a double staggered row of mixed hardwood and evergreen trees. Signage shall be limited to a single monument style sign for each developed parcel, no taller than seven (7) feet and no larger than fifty (50) square feet for each sign face. Signs shall not be illuminated

Also, Policies **LU-6E-1** (*New industrial uses are not permitted*); **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*); and **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*). An area with severe soil limitation with respect to septic tank and absorption field systems is condition that classifies an area as a Rural Conservancy District. The property is comprised of three soil types: UaC – Udorthents, 0 to 20 percent slopes, Pq – Pits, Quarry, and FeC – Fredonia-Vertrees Complex, 6 to 12 percent slopes, very rocky. Of the the three soil types located within the property, the FeC soil type is unsuited 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. This soil type has limitations related to depth to bedrock, slope, areas of rock outcrop, slow permeability, and shrink-swell potential. The property has frontage on Barren River Road, a rural minor collector road, with right-of-way and pavement width that varies. The property will be limited to a total of two access points to Barren River Road. One access point will be located directly across Barren River Road from the current access point for TS Trucking and will be the only access point constructed to allow heavy truck traffic.

Mr. Britt completed his explanation of the staff report by stating the Staff finds that the the proposed zoning is generally in agreement with the adopted Comprehensive Plan after staff spent time reviewing thirteen (13) Policies and finding approximately eleven (11) 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 from the Commissioners for Mr. Britt. Being none, she asked the applicants if they wanted to add any additional information.

Therein, Kevin Brooks, Attorney for the applicants stepped to the podium. He called his witness, Jack White, of 2968 Barren River Road, Bowling Green, Kentucky, to the podium and who was sworn in by Chairman Runner to testify before the Commission. Mr. Brooks asked Mr. White about the neighborhood meeting that was held. Mr. White explained that a neighborhood meeting was held on June 27th after 27 invitations to property owners were mailed out. There were five or six people who came to the meeting. He said he also contacted adjoining neighbors personally be going by and talking with them. Mr. White explained that the basic use of the building will for storage and equipment repair. Most of the time the grinding processing equipment is not on site, but is out on location.

Being no addition questions or comments from the Commissioners for staff, Chairman Runner asked if there were any other questions for the applicants from the Commissioners or the audience. One Commissioner asked what the chipping business consisted of. Mr. White explained that chipping is where they go out to rural areas, farms, etc., and harvest hardwood trees by making paper chips of them and then the chips are hauled off to a company in Hawesville, Kentucky.

Being no other questions or comments from the Commissioners or the audience, Chairman Runner asked for a Motion.

ACTION: The Motion was made by Commissioner Atkerson, seconded by Commissioner Coppinger to approve the proposed Zoning Map Amendment, docket #2011-17-Z-CO. The motion was based on the findings of fact as presented in the staff report and the testimony presented in this public hearing that the zoning map amendment is in agreement with the adopted Comprehensive Plan as demonstrated by its compliance with the Comprehensive Plan's following Policies: LU-1A-2; LU-6A-3, 5, 6, 7, 9, 11, 12, 13 & 14 ; 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 Warren County Fiscal Court.

Chairman Runner announced the final item under the zone change requests on the agenda as being a zone change request described as: *2011-Z-18-BG – Clinic Building, BG, LLC., have filed an application to re-zone multiple tracts of land containing approximately 5.57 acres located on Chestnut Street and 2nd Ave, from OP-C; HB and RM-4 (Multi-family Residential) to OP-C (Office and Professional - Commercial) with a general development plan.*

Marshall Robinson stepped to the podium to present the staff report. He stated that the applicants are proposing to re-zone multiple tracts of property totaling approximately 5.58 acres from OP-C, HB and RM-4 (Office and Professional – Commercial, Highway Business and Multi-family Residential) to OP-C (Office and Professional – Commercial) in order to operate professional offices and construct appropriate parking for such use. The applicants have also agreed to certain site restrictions as outlined in the Binding Elements. Mr. Robinson noted that the location of proposed zone changes are: 126, 134, 144, 148 & 150 Chestnut Street, 610, 622 & 624 2nd Ave East, and 201 Park Street and contains the acreage of 5.57 acres.

The applicants are not proposing any new structures; however the applicants are in the process of expanding the existing structure located at 201 Park Street (Graves & Gilbert Clinic). The proposed re-zoning would allow for the applicants to provide for additional parking and to bring current uses on the properties into compliance with the Zoning Ordinance of Warren County, Kentucky. The properties of interest will be used for medical offices and parking expansion. Any future signage on the premises will be monument style, and will be lit and sized in a manner consistent with zoning codes (Zoning Ordinance of Warren County, Kentucky) that exist at the time the signs are installed. Most of the existing parking areas and driveways have already been constructed. The applicants are proposing to re-zone the properties to an appropriate commercial zoning classification. The premises will be landscaped in a manner consistent with the City's zoning code (Zoning Ordinance of Warren County, Kentucky). Any exterior lighting for parking lots would be down-lighting that would not direct light toward any adjoining residential properties. There is an eight (8) inch sewer line available to all properties. There is a four (4) inch water line available along Chestnut Street providing more than six hundred (600) GPM with more than twenty (20) PSI to all properties of concern. This meets the City fire control standards of Bowling Green, KY.

Mr. Robinson said the property is located in Focal Point: 102-1 Fairview - with Characteristics of: Residential; in transition from low-moderate priced homes to semi-public, institutional and office uses surrounding the medical complex. The properties to be re-zoned have frontage on Chestnut Street, a City maintained local roadway with fifty (50) feet of right-of-way and thirty-one (31) feet of pavement width. The properties also have frontage on 2nd Avenue, a City maintained local roadway with fifty (50) feet of right-of-way and pavement width that varies. The properties of concern also have frontage on Park Street, a City maintained local roadway with fifty (50) feet of right-of-way and twenty-five (25) feet of pavement width.

In order to address concerns of staff, the applicant submitted Binding Elements which addressed the concerns as are as follows:

BINDING ELEMENTS

1. *Any exterior lighting for parking lots would be down-lighting that would not direct light toward any adjoining residential properties.*
2. *Any future signage on the premises will be monument style and will be lit and sized in a manner consistent with zoning codes that exist at the time the signs are installed.*
3. *The premises will be landscaped in a manner consistent with the City's zoning code.*

Mr. Robinson explained that staff reviewed Comprehensive Plan policies totaling seventeen (17) 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 regarding a neighborhood meeting was forwarded to the Planning Commission staff. Applicants can address this when their representative comes forward.

In addition, utility Policies of: **LU-5A-11** (*water*); and **LU-5A-9** (*sewer*) - There is a four (4) inch water line available along Chestnut Street providing more than six hundred (600) GPM with more than twenty (20) PSI to all properties of concern. This meets the City fire control standards of Bowling Green, KY. There is an eight (8) inch sewer line available to all properties.

The next 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-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*); **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 as discouraged within the building set back areas to allow for street landscaping*) and **LU-5A-15** (*Freestanding signs should be in proper scale, style and bulk with the surrounding area. . .*); 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*) – As can be seen from the Zoning Map, the properties that surround the zone change request are zoned OP-C (Office and Professional - Commercial), RM-4 (Multi-Family Residential) or HB (Highway Business). There are also properties in the general vicinity zoned GB (General Business), P (Public), LI (Light Industrial) and PUD (Planned Unit Development). The property will be developed to meet the minimum requirements of the landscape provisions of the Zoning Ordinance of Warren County, Kentucky. Any future signage on the premises will be monument style, and will be lit and sized in a manner consistent with zoning codes (Zoning Ordinance of Warren County, Kentucky) that exist at the time the signs are installed. Any exterior lighting for parking lots would be down-lighting that would not direct light toward any adjoining residential properties.

Finally, the 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*); and **LU-5B-1** (*Infill sites with access to at 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 20% of the site shall be landscaped with 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*); **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 properties of interest have frontage on Chestnut Street, a City maintained local roadway with fifty (50) feet of right-of-way and thirty-one (31) feet of pavement width. The properties also have frontage on 2nd Avenue, a City maintained local roadway with fifty (50) feet of right-of-way and pavement width that varies. The properties of concern also have frontage on Park Street, a City maintained local roadway with fifty (50) feet of right-of-way and twenty-five (25) feet of pavement width

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 seventeen (17) Policies and finding approximately sixteen (16) policies in compliance and one (1) policy generally not in compliance, which is subjective to the Commissioners. Chairman Runner asked if there were any questions or comments for Mr. Robinson.

Chairman Runner if there were any questions or comments. Being no questions or comments from the Commissioners, she asked if the representative for the applicants wanted to come forward to add any additional information. Representatives indicated they were present for any questions.

Chairman Runner then asked if there were any additional questions for staff or applicants or from anyone in the audience. She then asked for any opposition. 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 #2011-18-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-5A-4, 5, 6, 9, 11, 12, 13, 14, 15 and 16; LU-5B-1, 2 & 3; and TR-2, 2H and 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.

John Atkerson recused himself from the next case and left the Commission Chambers.

Chairman Runner announced that the final item on the agenda is a request for Amendment to Binding Elements described as: *2011-10-DP – Joseph Allen has filed an application to amend the general development plan (Binding Elements) on a tract of land containing 7.18 acres located at 2040, 1990 and 1960 Louisville Road which is located approximately 1,555 feet west of Old Louisville Road. This property is currently zoned LI (Light Industrial) with Binding Elements.*

Rachel Hetzler presented the staff report and stated that the applicants have filed an application to amend the general development plan on 7.18 acres, located on Louisville Road. This property is zoned LI (Light Industrial) with Binding Elements. The applicants are proposing to amend the Binding Elements that were approved in 2006. The proposed

amendments are to delete the previous set of Binding Elements with regard to the property in their entirety; however, only two (2) Binding Elements are being changed.

6. Signage shall be no greater than 15 feet in height and shall not exceed 100 square feet (see Binding Element 9 for exceptions to this Binding Element) (Binding Element 6).

9. Lots created for the sole purpose of erecting a billboard shall be exempt from Binding Element number 6 contained herein. Any such lot shall comply with the billboard restrictions of Bowling Green and Warren County, Kentucky (Binding Element 9).

In reference to the original set of Binding Elements, Binding Element 6 was the only one that changed. It was changed to reflect the exception for billboards that is now found in newly created Binding Element 9.

The property is located at 1960, 1990 & 2040 Louisville Road; approximately 1,555 feet west of Old Louisville Road, adjacent to the Bowling Green Humane Society and contains 7.18 acres. The property is located in Focal Point: 113-2 Louisville Road – with Characteristics of: Dominant use area; pre-interstate highway commercial changing to general business; includes light industrial park. Ms. Hetzler stated that the property has access to US 31-W via a frontage road, which has forty (40) foot of right-of-way and twenty-four (24) feet of pavement width.

The applicants submitted the following Binding Elements:

AMENDED STATEMENT OF BINDING ELEMENTS

This Amended Statement of Binding Elements is filed pursuant to Sections 3.10 and 3.11 of the Warren County Zoning Ordinance.

PROPERTY OWNERS: Joseph Allen; JJEM Properties and T&C Industrial Park

PVA TAX PARCEL #s: 051A-01-056F; 051A-01-056E; 051A-01A-000 & 051A-01-056C

TRACT: See Exhibit "A" attached hereto and incorporated herein by reference.

BINDING ELEMENTS

- 1. All previous Binding Elements recorded in Book D-931, page 715 are deleted in their entirety pursuant to approval of the City-County Planning Commission of Warren County.*
- 2. Improvements to be located on the property will be served by sanitary sewer.*
- 3. No lot will have direct access to Louisville Road (U. S. Highway 31-W)*
- 4. Water service will be adequate to meet the existing fire flow standards of the City of Bowling Green, Kentucky, together with any necessary installation of fire hydrants.*

5. *The property will be served with an interior street/frontage road system connecting to Louisville Road at the eastern and western most boundaries of the property. The applicants shall install right turn taper lanes at the western and future eastern frontage road intersections as specified by the Kentucky Transportation Cabinet.*
6. *Signage shall be no greater than 15 feet in height and shall not exceed 100 square feet (see binding element 9 for exceptions to this binding element).*
7. *Land uses shall be limited to small scale industrial or commercial services, manufacturing or warehousing. A traffic impact study may be required by the City of Bowling Green or the City-County Planning Commission before a retail use is allowed.*
8. *All building facades along Louisville Road will contain at least fifty percent (50%) brick, stone, or masonry.*
9. *Lots created for the sole purpose of erecting a billboard shall be exempt from binding element number 6 contained herein. Any such lot shall comply with the billboard restrictions of Bowling Green and Warren County, Kentucky.*

* * * * *

Ms. Hetzler then stated that staff reviewed seven (7) Comprehensive Plan policies which included: **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, if possible. No information concerning a neighborhood meeting has been given to Planning Commission staff.

The next policies are utility policies reviewed of: **LU-6A-6** (*sewer*); and **LU-6A-7** (*water*) - An eight (8) inch sewer line is available along Louisville Road and the current development is connected to this line, however, the proposed billboard lot does not require the connection of public sanitary sewer pursuant to Section 4.6.8.F.12 of the Zoning Ordinance. An eight (8) inch water line providing 600 GPM at over 20 PSI is available along Louisville Road. This is sufficient for industrial uses, and to meet the fire control standards of Bowling Green. Billboard lots created under Section 4.6.8.F.12 of the Zoning Ordinance do not require adequate water capacity in order for the lot to be subdivided.

Then the Policy of **LU-6A-14** (*signs*) - Signage limitations still exist for the property; however, an exception is proposed for any billboard lot created. Signage shall be no greater than 15 feet in height and shall not exceed 100 square feet (see Binding Element #9 for exceptions to this Binding Element).

Also, Policies of: **EN-4** (*All new private and public development shall follow sound design principles for buildings, parking, landscaping, signage and setbacks to be aesthetically pleasing and consistent with the image of the community*); and **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*) - The applicants are proposing to construct a billboard (off-premise sign) on the property. The Zoning Ordinance of Warren County deals with signage in two (2) very specific categories – on-premise and off-premise signs. Signs that are on a specific lot in association with a specific use are defined as an on-premise sign. These signs are regulated with respect to number, location, size and height under Section 4.6.8.F.3 of the Ordinance. Off-

premise signs are further broken down into two (2) categories – Consolidated Shopping Center Signs and outdoor or billboard advertising signs. The outdoor or billboard advertising signs (Interstate and Urban) are regulated under Section 4.6.8.F.12 of the Ordinance. Urban Billboards must be located on a separate lot, consisting of a minimum of 5,000 square feet and may not be located closer than 500 feet from any other billboard as measured along each side of the roadway. The Zoning Ordinance also limits the total area of an Urban Billboard to 600 square feet (300 square feet per side). The maximum height is limited to forty (40) feet above the average ground level at the base of the sign and a maximum width of fifty (50) feet.

Then the final traffic Policy of **TR-2F** (*Increased building set backs and more stringent sign controls on arterial and collector streets should be required.*) – The proposed billboard des sit along an established frontage road with visibility to US 31-W (Louisville Road). This corridor established in Section 4.6.8.F.12a(2) and Appendix Exhibit B-2 does permit the placement of Urban Billboards.

Ms. Hetzler completed her explanation of the staff report by stating that the Staff finds that the proposed General Development Plan Amendment is generally in agreement with the adopted Comprehensive Plan and if the applicants talked with the neighbors, then six (6) of seven (7) policies were in compliance, otherwise five (5) of seven (7) Policies reviewed are in compliance. Ms. Hetzler then stated that staff found that there have been major changes of an economic, physical or social nature within the area of the property in question.

Chairman Runner asked if there were any questions from the Commissioners. Being none, she asked any additional information from the applicants. The applicants indicated they were available if any questions. Attorney Hamp Moore asked a representative to come forward. Therein, Jody Allen of 1990 Louisville Road, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Attorney Moore asked Mr. Allen if there had been any changes of an economic, physical or social nature within the area of the property in question. Mr. Allen stated that yes there had been changes in the vicinity with Light Industrial offices, etc.

Chairman Runner then asked for any other questions, comments or opposition from anyone in the audience. Being none, she asked for a Motion.

ACTION: **Commissioner Huston made the motion, seconded by Commissioner Nahm, to approve the proposed General Development Plan Amendment, docket #2011-10-DP. 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 General Development Plan Amendment is in agreement with the adopted Comprehensive Plan as demonstrated by its compliance with the Comprehensive Plan's following Policies: LU-6A-6, 7, & 14; EN-4; and TR-2F. Further, it was found that there have been major changes of an economic, physical or social nature within the area of the property in question and a request 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 nine (9) yeas to approve the Amendment to Binding Elements.**

III. ADDITIONAL NEW BUSINESS

Chairman Runner said that next item on the agenda is a report of the Nominating Committee, consisting of Faye Phelps; Bennie Jones; Kenneth Sparks and John Atkerson. Commissioner Sparks from the Nominations Committee presented a slate of officers for Fiscal Year 2011-2012 as follows: Chairman, Velma Runner and Vice-Chairman, Tim Huston. He said that both members have agreed to serve. Being no questions, Chairman Runner asked for a Motion.

ACTION: The Motion was made by Commissioner Sparks, seconded by Commissioner Phelps, to approve the slate of officers as recommended from the Nominations Committee. The vote was unanimous (9 yeas) so the motion carried without opposition. Velma Runner will be the Chairman and Tim Huston will be Vice-Chairman for the Fiscal Year 2011-2012.

Chairman Runner said that she will be working on Committees to present at the next meeting. She asked that if any of the Commissioners wished to serve on a Committee to please let her know. The Committees are: Budget; Personnel and Nominations.

Steve Hunter said that the next meeting is scheduled for on July 21, 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 9:18 p.m.

CHAIRMAN, VELMA RUNNER

Sandy M. Clark, Zoning Administrator