

SUMMARY MINUTES
City-County Planning Commission of Warren County
August 4, 2011 @ 7:00 p.m.
City Commission Chambers
3rd Floor - 1001 College Street

Present:

Bill Hotaling
John Atkerson
Bennie Jones
Chuck Coppinger

Velma Runner
Mary Belle Ballance
Larkin Ritter
Cliff Nahm

Kenneth Sparks
Tim Huston
Faye Phelps
Albert Rich

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 twelve (12) 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 July 21, 2011. The Motion was made by Commissioner Hotaling, seconded by Commissioner Atkerson and agreed upon by all of the Commissioners present (5 abstaining) to approve the Summary Minutes of the July 21, 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 (August 4, 2011) be introduced as exhibits for each of tonight's hearings. He further requested the Chairman order that each of 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, 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 the four 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 July 13, 2011 to July 27, 2011 Subdivision plats stand as recorded. Chairman Runner asked if there were any questions or comments in regard to the report given to Commissioners.

II. PUBLIC HEARINGS:

Chairman Runner announced that the first item under our Public Hearings section is a request approval of a Detailed Development Plan described as: **2011-11-DP - Wabuck Development and Baker & Hilliard, Inc.** have applied for approval of a Detailed Development Plan on a tract of land containing approximately 6.59 acres located between Blue Level Road and Worth Way, at 4974 Worth Way, which is approximately 521 feet from Blue Level Road. The Plan proposes the construction of six (6) two-story apartment buildings - containing eight (8) units each, for a total of (48) two-bedroom units. Also proposed is a one-story Community Building and all required parking, drainage and landscaping. This property is zoned RM-4 (Multi Family Residential) with a portion zoned GB (General Business), both with Binding Elements.

Jonathan Britt presented the staff report and stated that Wabuck Development and Baker & Hilliard, Inc. have applied for approval of a Detailed Development Plan on a tract of land containing approximately 6.59 acres located between Blue Level Road and Worth Way (at 4974 Worth Way) which is approximately 521 feet from Blue Level Road. The Plan proposes the construction of six (6) two-story apartment buildings (containing 8 units each) - for a total of forty-eight (48) two-bedroom units. Also proposed is a one-story Community Building and all required parking, drainage and landscaping. This property is zoned RM-4 (Multi Family Residential) with a portion zoned GB (General Business), both with Binding Elements.

Mr. Britt noted that staff's review of the plan was based on the **RM-4** and **GB** zones and Binding Elements as follows:

The site will be developed in two phases as follows: 4.33 acres, three (3) buildings and the Community Building in Phase 1; and then 2.26 acres and three (3) buildings in Phase 2.

	<u>Allowed / Required</u>	<u>Provided</u>
Lot Coverage:	75%	Phase 1 – 26.8% Phase 2 – 38.7% Total – 31.0%
Set backs:	Front: 30 feet (Worth Way) 35 feet (Blue Level Road) Side: 10 feet Rear: 10 feet	approximately 241 feet 45.01 feet 60.81 feet 15.55 feet
Parking:	120 spaces	121 spaces total
Density	26 units per acre	Phase 1 – 5.54 units per acre <u>Phase 2 – 10.62 units per acre</u> Total - 7.28 units per acre
Building Height:	4 stories above grade	2 story - maximum 29 feet
Landscaping:	Landscaping plan meets the requirements of the Ordinance.	

Signage: No proposed signage is shown. A monument style entrance sign is allowed with a maximum sign face of 60 square feet and with a maximum height of five (5) feet.

Drainage: The drainage plan is approved.

Traffic: No Traffic Impact Study was required with this submittal.

Access: One access point from Worth Way.

Mr. Britt stated that staff recommends approval of the Detailed Development Plan without any conditions of approval. Chairman Runner asked if there were any questions from the Commissioners. Being none, she asked for questions, comments or opposition from anyone in the audience. Being none, she asked for a Motion.

ACTION: Commissioner Coppinger made the motion, seconded by Commissioner Sparks, to approve Detailed Development Plan Docket #2011-11-DP, Wabuck Development and Baker & Hilliard, Inc. 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 twelve (12) yeas to approve the Detailed Development Plan.

Chairman Runner announced that the second item under our Public Hearings section is a request for a Right-of-Way closing described as: ***2011-01-RWC - Clinic Building, Inc. and Medical Center of BG.***, have filed an application to close an approximately 5,130 square foot alley, being 15 feet in width and approximately 342 feet in length, located between 126 Chestnut Street and 134 Chestnut Street, perpendicular to Chestnut Street, and being approximately 241 feet from 2nd Avenue.

Rachel Hetzler, Planner, stepped to the podium to present the staff report and stated the applicants, Clinic Building, Inc., and The Medical Center has filed an application to close an approximately 5,130 square foot alley, being 15 feet in width and approximately 342 feet in length, which is located between 126 Chestnut Street and 134 Chestnut Street, perpendicular to Chestnut Street, and being approximately 241 feet from 2nd Avenue.

STAFF REVIEW: The applicants, Clinic Building, Inc. and The Medical Center have requested this closing for the purpose of combining the lots for parking.

There were letters submitted from the agencies listed below stating the closing of this right-of-way is in agreement with their agency, and they foresee no problems with the designated closing with any conditions noted.

1. City of Bowling Green, by Melissa Cansler, PE, City Engineer, Public Works
2. Bowling Green Fire Department, by Charles Tomes, Captain
3. Bowling Green Police Department, by Doug Hawkins, Chief of Police
4. Medical Center EMS, by John R. Fathbruckner, Director

5. Sanitation Services, by Bill Ketchum, Operations Manager
6. BGMU – Water & Sewer Division, by Rebecca Brown, GIS Specialist - (*Maintain eight (8) inch sewer main's 10 foot easement*)
7. B G M U - Electric Division, by Chad Spencer, Electric Engineering Supervisor
8. AT&T, by Janet Ramsey, OSP Design Engineer
9. Insight Communications, by Travis Hayes, Construction Technician
10. Atmos Energy, by Don Bonner, Ops Supervisor
(*There may be a conflict with a gas main located in this right-of-way. Gas main may or may not be able to be relocated. Also cost of moving may be charged. Additional review may be required.*)

FINDINGS OF FACT PER KRS 82.405:

- (A) Identification of all property owners abutting the right-of-way to be closed was made by applicant;
- (B) Written notice was given to the property owners abutting the right-of-way; and
- (C) The two property owners abutting the right-of-way to be closed have given their written and notarized consent to the closing.

Ms. Hetzler stated the staff finds all criteria for the public hearing has been met and recommends that the evidence and testimony be made part of the official record and forwarded to the Bowling Green City Commission. Upon approval of the Bowling Green City Commission, a plat must be recorded reflecting the Right-Of-Way Closing and any easements required by the above utilities on the Right-of-Way closing.

Chairman Runner asked if there any questions or comments. Being none, she asked for a anything from the applicants or the audience. Being none, she asked for a Motion.

ACTION: Commissioner Atkerson, seconded by Commissioner Coppinger, to approve the Right-of-Way Closing, Docket #2011-01-RWC, subject to the recording of a plat revision as noted in the staff report. 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 Right-of-Way Closing is in compliance with Section 3.16 of the Warren County Zoning Ordinance. The vote was 12 yeas, so approved.

Steve Hunter, Executor Director, recused himself and left the Commission Chambers.

Chairman Runner announced the third item on agenda as a request for a zone change described as described as: ***2011-20-Z-CO – Jeff and Vicky Huff*** have filed an application to re-zone a tract of land containing 4.701 acres located at 5631 Barren River Road, which is at the intersection of Glen Lily Road and Barren River Road, from AG (Agriculture) to R-E (Residential Estate).

Marshall Robinson, Planner, stepped to the podium to present the staff report. He stated that the applicants are proposing to re-zone 4.701 acres of property from AG (Agriculture) to R-E (Residential Estate) in order to create two (2) single family residential lots. The applicants have also agreed to certain site restrictions as outlined in the Binding Elements. The applicants want to subdivide the property for an additional single family residential lot. The conceptual layout of this proposal is to create two (2) single family residential lots having lot areas of 1.373 acres and 3.328 acres respectively. The proposed zone map amendment request will create one (1) new access point. The applicants should contact the Kentucky Transportation Cabinet prior to the location of any new access points to the property. The applicants should contact the Barren River District Health Department for the approval of on-site septic systems as there are no public sanitary sewer systems within 1,500 feet of the property. The applicants will contact the Barren River District Health Department to obtain the approval of a site evaluation for the installation of a septic system on each lot prior to the issuance of a building permit. Both Barren River Road and Glen Lily Road have a six (6) inch water line providing 250 GPM with less than 20 PSI. This does not meet the Warren County Fire Protection Standards for domestic uses; however, the applicants have submitted a signed Fire Protection Threshold Waiver.

Mr. Robinson stated that this property is located at 5631 Barren River Road and contains 4.701 acres. Also, the property is located in Focal Point: 112-4 – Bill Dedmon Road - with Characteristics of: Agriculture/open space; experiencing some low density residential conversion. The property has frontage on Barren River Road, a State maintained rural roadway with sixty (60) feet of right-of-way and eighteen (18) feet of pavement width. The property also has frontage on Glen Lily Road, a State maintained rural roadway with fifty (50) feet of right-of-way and eighteen (18) feet of pavement width.

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

- *Fire Protection; and*
- *Site evaluation approvals.*

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

BINDING ELEMENTS

I It is stipulated that the water provided to the subject property does not meet the Fire Control Standards of Warren County as required in the Warren County Zoning Ordinance Section 1.13. As a result, it will be necessary to obtain a waiver of those requirements from the Warren Fiscal Court pursuant to Ordinance #02-26 WC. If the waiver is obtained, the property owner agrees to place on the plat for this property recorded in the Office of the Warren County Clerk, the following: “The water provided to this property does not meet the Fire Control Standards of Warren County.”

- II. *The applicant shall obtain a permit from the Barren River District Health Department for the installation of a septic system on each lot prior to the issuance of a building permit.*
- III. *The applicant will contact the Kentucky Transportation Cabinet prior to the location of any new access points to the property.*
- IV. *No manufactured or mobile homes shall be permitted on the property.*
- V. *The subject property shall be developed into a maximum of two single family residential lots.*

Mr. Robinson explained that staff reviewed Comprehensive Plan policies totaling nine (9) different Policies which were described as follows: **LU-1A-2** (*In preparing a general development plan, surrounding property owners must be consulted prior to submitting a zone change request to the Planning Commission*) - The Staff recommends to all applicants that they contact adjacent neighbors prior to the public hearing or have a neighborhood meeting. No information of a neighborhood meeting was forwarded to the Planning Commission.

In addition, Policies: **LU-2** (*For purposes of evaluating land development proposals and considering zoning map amendments, all land in Warren County is divided into Three Broad Development Districts: Urban Density Development, Rural Density Development, and Rural Conservancy Areas*); **LU-2C-3** (*Rural Conservancy Districts are designed to prevent the premature development of land at densities and patterns to which basic services or facilities cannot be provided, as well as, preserve rural farm land, valuable woodlands and open spaces*); and **LU-4G-2** (*Such single family lots or tracts may be built upon only where a properly located and designed on-site waste disposal system can be provided. Such systems must be approved by the Health Department prior to issuance of a building permit*) – Areas outside the corporate limits of Bowling Green, Oakland, Plum Springs, Smiths Grove or Woodburn and served with less than 250 GPM public water flow at 20 PSI residual pressure meet one of the criteria that classifies an area as a Rural Conservancy District. Both Barren River Road and Glen Lily Road have a six (6) water line providing 250 GPM with less than 20 PSI. This does not meet the Warren County fire protection standards for domestic uses. To overcome this deficiency, the applicants have submitted a signed Fire Protection Threshold Waiver. The applicants have committed to the following Binding Element that states: ***It is stipulated that the water provided to the subject property does not meet the fire control standards of Warren County, Kentucky as required in the Warren County Zoning Ordinance, Section 1.13. As a result, it will be necessary to obtain a waiver of those requirements from the Warren County Fiscal Court pursuant to Ordinance #02-26 WC. If the waiver is obtained, the property owner agrees to place on the plat for this property recorded in the Office of the Warren County Clerk, the following: "The Water provided to this property does not meet the FIRE CONTROL STANDARDS of Warren County, Kentucky".***

In addition, an area with severe soil limitation with respect to septic tank and absorption field systems is another condition that classifies an area as a Rural Conservancy District. The property is comprised of two soil types: ZaB – Zanesville Silt Loam, 2% to 6% slopes and ZaC2 – Zanesville silt loam, 6% to 12% slopes, eroded. ZaB soil types are poorly suited for septic tank absorption fields. The National Resources Conservation Service rates this soil type as very limited, meaning that the soil has one or more features that are unfavorable for use of septic tank

absorption fields. The ZaB type soil is characterized by a high water table and very slow permeability, as well as some limitations in regards to depth to bedrock. The ZaC2 soil type is also poorly suited and has a very limited rating in respect to septic tank absorption fields. Like the SaA soil type, ZaC2 soils are also characterized by a high water table and very slow permeability, and some limitations in regards to depth to bedrock and slope. The applicants shall obtain the approval of a site evaluation from the Barren River district Health Department for the installation of a septic system on each lot prior to the issuance of a building permit

Other Policies reviewed were **LU-4G-1** (*One single family residential development is allowed on existing lots of record*) - The property has one existing residential structure on 4.701 acres. The applicants are proposing to subdivide the property into two lots.

Then Policy **TR-2** (*Measures must be taken to ensure that all private and public development is undertaken in a manner which minimizes increased traffic congestion on existing streets, roads and intersections*) – The applicants are proposing to subdivide the property in order to create one (1) new single family residential lot. The applicants will contact the Kentucky Transportation Cabinet prior to the location of any new access points to the property

The final Policies of: **LU-4A-3** (*Residential neighborhoods are viewed as personal, economic and lifestyle necessities. Measures must be instituted for the protection of both existing and newly created residential neighborhoods*); **LU-4A-4** (*Future growth and development must not jeopardize existing neighborhoods. Therefore, future growth and development shall be compatible with adjacent properties and neighborhoods with respect to (but not limited to) scale, identity, bulk and site planning*); and **LU-4A-9** (*Residential development should not exceed density of surrounding developments by more than 50%*) – The proposed site consists of 4.701 acres and will conceptually be divided into two (2) single family residential lots. Tracts 1 and 2 will consist of 3.328 and 1.373 acres respectively. As can be seen from the area zoning map, there are some larger tracts adjacent to the property; however, there are lots of similar size in the general vicinity. Lot sizes in the general vicinity range from .99 acres up to 67.11 acres. The proposed property is located in the 112-4 Bill Dedmon Road Focal Point that has characteristics of Agriculture/Open Space and low density residential conversion. This zone change request is a reflection of those focal point characteristics in proposing to create a 1.373 acre single family lot. It can be seen from the attached zoning map, that there are many developments in the area of similar densities that all have low density residential land uses, just as this proposed zone map amendment. The applicants have committed in a Statement of Binding Elements that the property will be developed into a maximum of two (2) single family residential lots and no manufactured or mobile homes shall be permitted on the property

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 nine (9) Policies and finding approximately eight (8) 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. One Commissioner asked about the Binding Element placed on the plat and if water lines get up-graded and larger lines get run to the site that meets the water capacity needed, then how would the plat restriction be handled. Attorney Hamp Moore explained that the plat would need to be amended to show the new water capacity. So the Binding Elements would be amended which would be a trip back to the Planning Commission.

Chairman Runner if there were any questions or comments. Attorney Moore asked for one of the applicants to come forward. Therein, Jeff Huff of 5631 Barren River Road, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Attorney Moore asked Mr. Huff if he is an owner and if he was one of the applicants and if he had power to speak on behalf of both he and his wife. Mr. Huff said that he did. Attorney Moore asked if Mr. Huff if he has seen and agrees to the Binding Elements submitted here tonight. Mr. Huff said he did read the Binding Elements and he and his wife agree to the Binding Elements presented tonight. Mr. Huff also said that he talked with neighbors and was not aware of any problems and did not know of any opposition to his request here tonight.

Being no questions or comments from the Commissioners or from anyone in the audience, she asked for opposition. Being none she asked for a Motion.

ACTION: Commissioner Hotaling made the Motion, seconded by Commissioner Coppinger, to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket #2011-20-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-2; LU-4A-3, 4, and 9; LU-2C-3; LU-4G-1 & 2; and TR-2. Further, it was requested that the findings of fact and recommendation include a summary of the evidence and testimony presented by the proponents and/or opponents of the proposed amendment. The vote was twelve (12) yeas, so a recommendation for approval will be sent to the WC Fiscal Court.

Steve Hunter, Executive Director, returned to the Commission Chambers

Chairman Runner announced the final item on agenda as a request for a zone change described as described as: 2011-21-Z-CO -Lennis Oliver has filed an application to re-zone a tract of land containing 8.297 acres located at the intersection of Claypool-Boyce Road and Claypool-Alvaton Road, between Claypool-Boyce Road and Old Greenhill Road, from AG (Agriculture) to R-E (Residential Estate) with a general development plan.

Steve Hunter, Executive Director, stepped to the podium to present the staff report. He stated that the applicant has a pre-application meeting with staff on July 5, 2011, and Mr. Oliver is proposing to re-zone 8.297 acres of property from AG (Agriculture) to R-E (Residential Estate) in order to create seven (7) single family residential lots. The applicant has also agreed to certain site restrictions as outlined in the Binding Elements. As can be seen on the proposed subdivision plat, the seven (7) lots are proposed with acreages ranging from 1.015 acres to 1.628 acres. These proposed lots meet the minimum lot area required for R-E (Residential Estate) zoning. The applicant has also stated that there will be no manufactured or mobile homes permitted on the property. The proposal to create seven (7) single family residential lots on 8.297 acres creates a residential density of 0.84 units per acre of land for the development. The average lot area for each proposed single family residential lot is 1.185 acres in size. The property will comply with the Storm Water Management Regulations of Warren County, Kentucky and all driveways will be constructed of a bituminous or concrete surface.

The applicant has also stated that all new residences shall contain a minimum of 1,200 square feet of living space excluding porches, patios and garages. The applicant must obtain a permit from the Kentucky Transportation Cabinet prior to the location of any access points or driveways on Claypool-Boyce Road and Claypool-Alvaton Road. The applicant shall obtain from the Barren River District Health Department a permit to install a septic system prior to platting.

Mr. Hunter stated that this property is located at the corner of Claypool-Alvaton Road and Claypool-Boyce Road and contains 8.297 acres. Also, the property is located in Focal Point: 115 – Boyce/Alvaton - with Characteristics of: Agriculture/open space; experiencing some low density residential conversion. The property has frontage on Claypool-Alvaton Road and Claypool-Boyce Road. Both are State maintained rural roadways with fifty (50) feet of right-of-way and twenty (20) feet of pavement width

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

- *Site evaluation approvals; and*
- *Access to the site / total number of access points.*

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

BINDING ELEMENTS

- I. The subject property shall be developed into individual lots for single family residences with a maximum of seven (7) lots; with a minimum lot size for each lot at one (1.00) acre exclusive of any drainage easements.*
- II. A permit shall be obtained from the Kentucky Transportation Cabinet prior to the location of any access points or driveways on Claypool Boyce Road and Claypool Alvaton Road.*
- III. The applicant shall meet the minimum requirements for the Fire Control Standards of Warren County, Kentucky; including the installation of all required fire hydrants.*
- IV. All new residences shall contain a minimum of 1,200 square feet of living space excluding porches, patios and garages.*
- V. No manufactured or mobile homes shall be permitted on the property.*
- VI. All development shall comply with the Storm Water Management Regulations of Warren County, KY.*
- VII. The owner of each lot shall obtain from the Barren River District Health Department a permit to install a septic system prior to a building permit being requested.*
- VIII. All driveways shall be constructed of bituminous or concrete surface.*

IX. Binding Elements number IV, V and VIII shall remain as Binding Elements only until such time as a plat for the property is recorded. At such time these shall become plat restrictions and no longer part of these Binding Elements.

Mr. Hunter explained that staff reviewed Comprehensive Plan policies totaling nine (9) different Policies which were described as follows: **LU-1A-2** (*In preparing a general development plan, surrounding property owners must be consulted prior to submitting a zone change request to the Planning Commission*) - The Staff recommends to all applicants that they contact adjacent neighbors prior to the public hearing or have a neighborhood meeting. No information of a neighborhood meeting was forwarded to the Planning Commission before the packets went out. Since that, applicant has indicated he has spoken to his neighbors.

In addition, Policies: **LU-2** (*For purposes of evaluating land development proposals and considering zoning map amendments, all land in Warren County is divided into Three Broad Development Districts: Urban Density Development, Rural Density Development, and Rural Conservancy Areas*); **LU-2C-3** (*Rural Conservancy Districts are designed to prevent the premature development of land at densities and patterns to which basic services or facilities cannot be provided, as well as, preserve rural farm land, valuable woodlands and open spaces*); and **LU-4G-2** (*Such single family lots or tracts may be built upon only where a properly located and designed on-site waste disposal system can be provided. Such systems must be approved by the Health Department prior to issuance of a building permit*) – An area with severe soil limitation with respect to septic tank and absorption field systems is one condition that classifies an area as a Rural Conservancy District. The property is comprised of two soil types: CrB – Crider Silt Loam, 2 to 6 percent slopes and NhB – Nicholson Silt Loam, 2% to 6% slopes. CrB soil types are well suited for septic tank absorption fields, while the NhB soil type is poorly suited for septic tank absorption fields. The National Resources Conservation Service rates the NhB soil type as very limited, meaning that the soil has one or more features that are unfavorable for use of septic tank absorption fields. The NhB type soil is characterized by a high water table and very slow permeability. There are no sanitary sewers within 1,500 feet of the property; on-site septic systems will be utilized. The applicant shall obtain from the Barren River District Health Department a permit to install a septic system prior to platting. All development shall comply with the storm water management regulations of Warren County, Kentucky.

Other Policies reviewed were Policy **TR-2** (*Measures must be taken to ensure that all private and public development is undertaken in a manner which minimizes increased traffic congestion on existing streets, roads and intersections*) – The applicant has committed to obtaining a permit from the Kentucky Transportation Cabinet prior to the location of any access points or driveways on Claypool-Boyce Road and Claypool-Alvaton Road. All driveways shall be constructed of bituminous or concrete surface.

The final Policies of: **LU-4A-3** (*Residential neighborhoods are viewed as personal, economic and lifestyle necessities. Measures must be instituted for the protection of both existing and newly created residential neighborhoods*); **LU-4A-4** (*Future growth and development must not jeopardize existing neighborhoods. Therefore, future growth and development shall be compatible with adjacent properties and neighborhoods with respect to (but not limited to) scale, identity, bulk and site planning*); **LU-4G-1** (*One single family residential development is allowed on existing lots of record*); and **LU-4A-9** (*Residential development should not exceed density of*

surrounding developments by more than 50%) – The applicant proposes that all new residences shall contain a minimum of 1,200 square feet of living space excluding porches, patios and garages. The subject property shall also meet the minimum fire control standards of Warren County, Kentucky; including the installation of all required fire hydrants. Additionally, the applicant has proposed that no manufactured or mobile homes shall be permitted on the property. This proposed zone map amendment will be developed into individual lots for single family residences with a maximum of seven (7) lots; with a minimum lot size for each lot at one (1) acre exclusive of any drainage easements. The proposed development has a density of 0.84 units per acre of land. The average lot area for each proposed single family residential lot is 1.185 acres in size. In comparing the density of the proposed development to surrounding developments, the subject property exceeds the density of the Oliver/Mathews subdivision by more than fifty percent (50%). The Oliver/Mathews subdivision is four (4) lots on 21.242 acres having an average lot area of 5.311 acres per lot for a density of .19 units per acre. Other surrounding densities of developments are as follows: Lashlee Meadows - fifteen (15) lots on 15.195 acres having an average lot area of 1.185 acres per lot for a density of 0.99 units per acre; Oliver's Landing - ten (10) lots on 15.806 acres having an average lot area of 1.581 acres per lot for a density of 0.63 units per acre; Mathews property - four (4) lots on 4.341 acres with an average lot area of 1.085 acres per lot for a density of 0.92 units per acre. The Warren County Zoning Ordinance defines "development" as the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any use or change in use of any buildings or land; any extension, landfill, or land disturbance, clearing, or other man induced movements of land. The proposed "development" is located in a Rural Conservancy District defined by its severe soil limitations with respect to septic tank and absorption field systems. This Conservancy District limits the subject property to one "development" as stated in the Warren County Comprehensive Plan's Land Use Policy LU-4G-1. As can be seen on the rezoning plat, the applicant proposes seven (7) lots to be subdivided on one (1) existing lot of record. This is the only "development" the applicant is proposing.

Mr. Hunter completed the explanation of the staff report by stating that the staff finds that the proposed zoning is generally in agreement with the adopted Comprehensive Plan after staff spent time reviewing nine (9) Policies and now finding all nine (9) policies in compliance. Chairman Runner asked if there were any questions or comments for Mr. Hunter. Being none, she asked if there were any questions or comments from the audience. Being no questions or comments from the Commissioners or from anyone in the audience, she asked for opposition.

One Commissioner asked about the two large metal buildings that are adjacent to this property which appear to be a poultry processing facility. He asked if the poultry had any bearing coming up from AG (Agriculture) to residential. Staff indicated that they believed the buildings to contain chickens. The Zoning Ordinance has a standard to define animal feeding operations and there is an actual set back requirement that falls on the applicant which defines 100,000 animals and a 1,500 foot set back. A poultry house the size of the ones out there could hold between 30,000 and 40,000 animals and with two houses, there could be up to approximately 80,000 or so animals keeping under the limit. Typically, there are two houses put in to keep from meeting the maximum and having to maintain a 1,500 foot set back. So right now, there would be a five (5) foot set back line.

The Commissioner asked about additional house being put in which could possibly go over 100,000 chickens. Staff said that the State also monitors the 100,000 mark which makes more regulations and rules to have over the 100,000 number of poultry. Typically, people do stay under the 100,000 State and local regulations. If a third or fourth poultry house were to be put in, and the development were already began, then it would be almost impossible to meet the 1,500 foot set back, but if the development were not yet completed, then the 1,500 foot set back would have to be met.

Another Commissioner noted that he had concerns about adding seven (7) driveways on this particular roadway. He asked if shared driveways could be put into the Binding Elements to prevent so many driveways being added. Staff indicated that they have discussed this matter in the past and unless the driveways were cut on the development in the beginning and there have been problems in the past with the driveways as the first builders get driveways, but then the remaining people wanting to build in a developed area were not allowed driveways as Binding Elements did not allow any more drives. It would up to the State who would have to issue access permits on this particular roadway and the Planning Commission does not have any input on the permitting issue. Staff has chosen to leave the driveway/access decisions up to the permitting officials as to access.

Being no other questions or comments, Chairman Runner asked for a Motion.

ACTION: Commissioner Atkerson made the Motion, seconded by Commissioner Sparks, to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket #2011-21-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-2; LU-4A-3, 4, and 9; LU-2C-3; LU-4G-1 & 2; and TR-2. Further, it was requested that the findings of fact and recommendation include a summary of the evidence and testimony presented by the proponents and/or opponents of the proposed amendment. The vote was ten (10) yeas and two (2) nays, so a recommendation for approval, with opposition, will be sent to the WC Fiscal Court.

III. ADDITIONAL NEW BUSINESS

Chairman Runner asked for any additional new business. Steve Hunter, Executive Director, said that Staff has been out in the community attending meetings on the Comprehensive Plan and trying to get this passed. Nine (9) meetings were attending and no government acted on the Plan during the month of July, but actually tabled the matter to receive more information. Last week, the City of Woodburn did have their first reading on the Plan. A couple of weeks ago, staff went to Smiths Grove and they asked for more time to read and study the Plan. Next week, Oakland and Plum Springs will be meeting and staff will be going if there are any questions. Warren County Fiscal Court has it on the agenda next Friday, August 12th.

Steve Hunter said that the next meeting is scheduled for on August 18, 2011 and a draft agenda was presented to the Commissioners. He noted that the Auditor is almost finished with the audit and plans are to have the presentation at the next meeting. Mr. Hunter asked to meet with Budget Committee at 5:00 p.m. on Thursday, the 18th.

Chairman Runner said that she has been working on Committees to present tonight. The Committees are:

Budget – Mary Belle Ballance; Larkin Ritter; Albert Rich; Cliff Nahm; John Atkerson, and Chairman Runner.

Personnel – Tim Huston, Chairman; Bill Hotaling; Kenneth Sparks; Chuck Coppinger; Faye Phelps and Bennie Jones

and Nominations: Chuck Coppinger; Mary Belle Ballance and Bill Hotaling.

Mr. Hunter then stated that there may not be a Planning Commission meeting on the 1st of September. Only one item was submitted, and it was not fully submitted and there could be technical problems, so it could very well postpone to a later date.

Several of the Commissioners then commented on and thanked staff for their work on the Binding Element concerning the Fire Protection. This looks like a good move for the community and the Commission and they thanked staff and Attorney Moore for their work on this wording and working on this worry and concern that several have had in the past. At the next Fire Chiefs' meeting, staff hopes to take the exact wording to be placed on the plat. The chiefs asked about the wording on the Waiver and it is being discussed to try to get all bodies happy with the Waiver.

Chairman Runner stated there was no additional business to come before the Commission; the meeting was adjourned at 7:55 p.m.

CHAIRMAN, VELMA RUNNER

Sandy M. Clark, Zoning Administrator