

SUMMARY MINUTES
City-County Planning Commission of Warren County
August 18, 2011 @ 7:00 p.m.
City Commission Chambers
3rd Floor - 1001 College Street

Present:

Bill Hotaling
John Atkerson
Larkin Ritter

Velma Runner
Mary Belle Ballance
Chuck Coppinger

Kenneth Sparks
Tim Huston
Cliff Nahm

Albert Rich

Absent: Bennie Jones Faye Phelps

The City-County Planning Commission of Warren County was called to order by Chairman Velma Runner. Chairman Runner requested Sandy Clark, Zoning Administrator, to conduct roll call in order to determine a quorum. A quorum was determined with ten (10) of twelve (12) Commissioners present at the time of the roll call.

I. ADMINISTRATIVE REVIEW:

Chairman Runner asked if all Commissioners had received and read the draft Summary Minutes of the meeting held on August 4, 2011. The Motion was made by Commissioner Hotaling, seconded by Commissioner Atkerson and agreed upon by all of the Commissioners present to approve the Summary Minutes of the August 4, 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 18, 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 as a witness before the Planning Commission and that his oath and qualifications be reflected in the record for tonight's hearings. Chairman Runner so ordered and swore in the witness.

C. FINANCE REPORT

Chairman Runner asked if there were any questions or comments in regard to the Financial Report that was in the packet. Being none, she moved to the next item on the agenda.

D. REPORT ON SUBDIVISION APPROVALS

Chairman Runner asked if there were any questions or comments on the Subdivision approvals. Being no questions or comments, the July 28, 2011 to August 10, 2011 Subdivision plats stand as recorded.

E. LETTERS OF CREDIT AND PERFORMANCE BONDS

Chairman Runner indicated the next item on the agenda is the Letters of Credit and Performance Bonds. She said there were no additions to the list presented to the Commission. Chairman Runner asked if there were any questions or comments in regard to the report given to Commissioners. Being no questions, Chairman Runner asked for a Motion:

ACTION: A Motion was made by Commissioner Atkerson, seconded by Commissioner Coppinger, which passed unanimously, ten (10) yeas, to approve the following:

- 1) Call or release the letter of credit for Ashmoor Parke Sections 1, 2 and 3 in the amount of \$17,000.00 from Joe Daniel Construction.
- 2) Call or release the letter of credit for Bailey's Farm Phase 1 in the amount of \$5,000.00 from H & D Development.
- 3) Call or release the letter of credit for The Summit Subdivision Section 1 in the amount of \$112,265.00 from Summit Partners.
- 4) Release the cash surety for landscaping 115 Corvette View Court in the amount of \$2,350 from DB Allen Construction.

II. 20111 Audit:

Chairman Runner announced the next item on the agenda is a report of the audit completed by Gilbert and Gilbert for the Fiscal Year ending June 30, 2010. Steve Hunter, Executive Director introduced Drew Thompson with Gilbert and Gilbert, PSC Certified Public Accountants, who stepped to the podium and stated that he is here tonight to present the Independent Auditor's Report for Fiscal Year 2010-2011. He presented and reviewed the audit with the Commissioners setting out receipts and disbursements and asked the Commission to accept the audit as provided. Mr. Thompson said that the surety account is factored into the final figures, even though these figures are not the Planning Commission's money to use. Mr. Thompson indicated that this audit proved to receive the best opinion that a company could receive as it is an unqualified opinion.

Mr. Hunter asked that the audit be approved in order to forward to the City and County and small city communities. Being no questions or comments, Chairman Runner asked for a Motion.

ACTION: The motion was made by Commissioner Atkerson, seconded by Commissioner Huston to accept the Audit as presented and forward same to the City of Bowling Green; Warren County Fiscal Court and four (4) small cities (Woodburn, Plum Springs, Oakland and Smiths Grove). The vote was unanimous (10 yeas) and the motion was approved, without opposition.

III. PUBLIC HEARINGS:

Chairman Runner announced that the first item under our Public Hearings section is a request for a zone change described as: **2011-22-Z-BG – Shelby Recycling** *has filed an application to re-zone a tract of land containing 0.4 acre located at 230 Power Street, which is located approximately 200 feet from Beauty Avenue, from LI (Light Industrial) to HI (Heavy Industrial) with a general development plan.*

Steve Hunter, Executive Director, stepped to the podium to present the staff report. He stated that the applicant had a pre-application meeting with staff on July 11 2011, and the applicant is proposing to re-zone a tract of land from **LI** (Light Industrial) to **HI** (Heavy Industrial) in order to expand the recycling center currently located at 330 Power Street. The applicant has agreed to certain site restrictions as outlined in the Binding Elements. The applicant, Shelby Recycling, owns a collection and recycling operation located at 330 Power Street, adjacent to the subject property. The applicant intends to re-zone the subject property (230 Power Street) from **LI** (Light Industrial) to **HI** (Heavy Industrial) in order to expand their existing operation. The applicant has submitted a Statement of Binding Elements that matches the Binding Elements heard by the Planning Commission on December 17, 2009 and approved by the Bowling Green City Commission on February 2, 2010 for 330 Power Street. The Binding Elements submitted address access, hours of operation, property uses, buffering/landscaping, drainage/storage, height, fire control, lighting and signage. The subject property is 0.44 acre (19,366 square feet) in size and has frontage on Power Street. This property is within 1,500 feet of public sanitary sewer; however, it is not available to the property. The primary use of the new expansion will be for equipment storage.

Mr. Hunter stated that this property is located at 230 Power Street and contains 0.44 acre. Also, the property is located in Focal Point: 102-5 – Hobson Grove - with Characteristics of: Dominant use area; deteriorated housing mixed with commercial and light industrial; potential re-development area for industrial uses; includes public park and museum. The property has frontage on Power Street, a city-maintained local roadway with fifty (50) feet of right-of-way and twenty (20) feet of pavement width.

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

- *On-site Environmental Protection measures for industrial uses;*
- *Access to the property;*
- *Proposed uses;*
- *Adequate Landscaping/Screening; and*
- *Adequate lighting controls*

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

BINDING ELEMENTS

1. ACCESS.

Access to the property shall be limited to (3) entrances or access points from Power Street and shall be in conjunction with the City of Bowling Green's Access Management Manual. All driveways and parking areas must be asphalt or concrete pavement from the paved surface of Power Street.

2. HOURS OF OPERATION.

Collection and Recycling Operations shall be limited to 6:00 a.m. to 8:00 p.m. Monday through Friday, 6:00 a.m. to 5:00 p.m. on Saturday, with limited hours for Sunday operations no later than 6:00 p.m.

3. PROPERTY USES.

A. The following land uses shall be prohibited for this property: any daycare facilities, adult entertainment; explosives or ammunition storage; retail sale/service; agricultural uses; passenger terminals; and mining activities. There will be no smelter or other use of furnaces

B. No obnoxious fumes, odors or litter will be emitted beyond the perimeter of the property.

C. No hazardous wastes, as defined by State and/or Federal law, will be accepted for storage on the property. No hazardous wastes, as defined by State and/or Federal law, will be generated by or transported across the property.

D. No organic wastes or used storage drums will be accepted for storage.

4. BUFFERING/LANDSCAPING.

A. The property owner agrees to install and maintain an eight (8) foot opaque fence that will provide screening and buffering to the perimeter of the property on the west, east and south property boundaries within ninety (90) days of approval of the zone change request.

B. The property owner also agrees to install and maintain landscaping along Power Street. The landscaping buffer shall consist of a single row of shrubbery not to exceed 12 (12) foot on center that will not inhibit visibility and will not create a safety hazard.

5. DRAINAGE/STORAGE.

A. Collection and Recycling Operations will not commence until the Spill Prevention Control and Countermeasures Plan, the Groundwater Protection Plan, and the Best Management Practices Plan (Collectively, The "Plans"), are in compliance with the Kentucky Pollution Discharge Elimination System of the Kentucky Division of Water. The Plans shall be filed in the Warren County Department of Environmental Planning and Assistance.

B. Within the fenced in property, areas used for stage of equipment or materials must be paved, within eighteen (18) months of the approval of the zone change request, with impervious material and completely encompassed by curb to prevent storm water runoff.

6. HEIGHT.

A. Equipment stored within the fenced in area shall not exceed twenty-five (25) feet in height. Storage bins for Collection and Recycling Operations material shall not exceed twelve (12) feet in height.

B. Any future buildings for Other Uses shall not exceed one story in height.

7. FIRE CONTROL.

Applicant will comply with Ordinance BG 12-1.22, Fire Hydrant and Water Supply Requirements, including installation of all necessary fire hydrants.

8. LIGHTING.

Lighting at the perimeter of the property shall be of shoebox design and focused inward and downward into the property, and away from the adjoining property. Lighting will be shielded to minimize intrusion into adjoining property.

9. SIGNAGE.

The property shall have a single monument style sign which shall not exceed ten (10) feet in height and no sign face shall exceed 100 square feet.

10. PLATTING.

Lots 230 and 330 Power Street will be combined into one lot by plat.

Mr. Hunter 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 of a neighborhood meeting was forwarded to the Planning Commission staff.

In addition, Policies: **LU-6A-2** (*Sites for all industrial development must be carefully selected giving appropriate consideration to the karst topography, the carrying capacity of the underlying soils and to prevailing wind directions so the possibility of adverse effects on the environment or surrounding uses will be minimized*); **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*); 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*) - If required, Collection and Recycling Operations will not commence until the Spill Prevention Control and Countermeasures Plan, the Groundwater Protection Plan, and the Best Management Practices Plan (collectively, the "Plans"), are in compliance with the Kentucky Pollution Discharge Elimination System of the Kentucky Division of Water. The Plans shall be filed in the Warren County Department of Environmental Planning and Assistance. Within the fenced in property, areas used for storage of equipment or materials must be paved within eighteen (18) months of the approval of the zone change request with impervious material and completely encompassed by curb to prevent storm water run-off. The applicant has also stated that equipment stored within the fenced in area shall not exceed twenty-five (25) feet in height. Storage bins for collection and recycling operations materials shall not exceed twelve (12) feet in height and any future buildings for other uses shall not exceed one-story in height. The applicant has agreed to certain site restrictions in the Binding Elements to prohibit the following land uses: any daycare facilities; adult entertainment; explosives or ammunition storage; retail sale/services; agricultural uses; passenger terminals and mining activities. There will be no smelter or use of furnaces. No obnoxious fumes, odors or litter will be emitted beyond the perimeter of the property. No hazardous wastes, as defined by State and/or Federal law, will be accepted for storage on the

property. No hazardous wastes, as defined by State and/or Federal law, will be generated by or transported across the property. No organic wastes or used storage drums will be accepted for storage.

Then utility policies of: **LU-6A-6** (*New industrial uses shall be served by public sanitary sewer, when sewer is available*); and **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*) - Sanitary sewer is not available to the property; however an eight (8) inch sewer line is available along Beauty Avenue. The applicant has indicated that they can obtain an easement to run sewer from 330 Power Street to the property, if needed. A four (4) inch water line providing 585 GPM with a static pressure of 68 PSI (residual pressure of 10 PSI) is available behind the property. This line runs from Beauty Avenue through Power Street. This is not adequate for industrial uses, and does not meet the fire control standards of Bowling Green, Kentucky. It should be noted, however, that there is an eight (8) inch water line providing 1,079 GPM with a static pressure of 66 PSI (residual pressure of 33 PSI) available along Beauty Avenue. This is adequate for industrial uses, and to meet the fire control standards of Bowling Green, Kentucky. The applicant will comply with Ordinance BG 12-1.22, Fire Hydrant and Water Supply Requirements, including installation of all necessary fire hydrants.

Other Policies reviewed were traffic Policy **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*); **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*); **LU-6C-2** (*Where dominant use areas are adjacent to residential focal points, industrial development must be located on a major collector street and must have no ingress or egress into the residential neighborhood*); and **TR-2H** (*Development within the City limits of Bowling Green shall comply with the City's adopted Traffic Access Management Manual*) - No Traffic Impact Study was required due to the proposed use being classified as a low traffic generator. The applicant has stated that the hours of operation for the collection and recycling operations shall be limited from 6:00 a.m. to 8:00 p.m. - Monday through Friday, 6:00 a.m. to 5:00 p.m. on Saturday, with limited hours for Sunday operations no later than 6:00 p.m. Access to the property shall be limited to three (3) entrances or access points from Power Street and shall be in conjunction with the City of Bowling Green's Access Management Manual. All driveways and parking areas must be asphalt or concrete pavement from the paved surface of Power Street. There are no residential neighborhoods sharing ingress or egress into the subject property. The property fronts Power Street.

The final Policies were: **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*); **LU-6C-3** (*All industrial uses should incorporate dense vegetation screening where the use is visible from the street or abutting a residential neighborhood*); **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*); **LU-6A-15** (*When located adjacent to a residential area, site lighting should be directed downward and away from adjacent residential uses and should be shielded to prevent light trespass or reflection onto adjoining properties*); and **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); **LU-6C-1** (Industrial development or re-development is permitted where the existing dominant use of the area is industrial) -* The property owner agrees to install and maintain an eight (8) foot opaque fence that will provide screening and buffering to the perimeter of the property on the west, east and south property boundaries within ninety (90) days of approval of the zone change request. All driveways and parking areas must be asphalt or concrete pavement from the paved surface of Power Street. The property owner also agrees to install and maintain landscaping along Power Street. The landscaping buffer shall consist of a single row of shrubbery not to exceed twelve (12) feet on center that will not inhibit visibility and will not create a safety hazard. The property shall have a single monument style sign which shall not exceed ten (10) feet in height and no sign face shall exceed 100 square feet. Lighting at the perimeter of the property shall be of shoebox design and focused inward and downward onto the property and away from the adjoining property. Lighting will be shielded to minimize light trespass or reflection onto adjoining properties. All lighting will be designed to maximize safety and minimize intrusion onto adjoining properties. As can be seen from the zoning map, the subject property is located near and adjacent to other industrial uses. This area lies within a focal point that has characteristics of potential redevelopment for industrial uses.

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 seventeen (17) Policies and finding fifteen (15) policies in compliance and possibly two (2) policies not in compliance. Chairman Runner asked if there were any questions or comments for Mr. Hunter. One Commissioner asked about the wording in Binding Element #5 – “*If required*” should be part of the Binding Element or not. Mr. Hunter said that in the previous case that the applicant was falling back on the City’s Building Permit process and if the City was going to require spill prevention measures then Mr. Harp was going to do it. Mr. Harp was not sure to what extent he would have to do preventative measures, but he agreed he would do whatever was required. The Commissioner also asked about the sewer easement with the new property and the existing property – if the property were sold to a third party – would the sewer easement have to be dedicated. Mr. Hunter said it would be preferred to re-plat the property and make it one lot instead of two lots.

On behalf of the applicant, Sid Harp of Shelby Recycling of 330 Power Street, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Harp said that there is already a spill containing system in place and he has his environmental person with him who can explain. Therein, Joannie Duncan of 10798 Smiths Grove-Scottsville Road, Bowling Green, Kentucky stepped to the podium and was sworn in by Chairman Runner to testify before the Board. Ms. Duncan stated that while Shelby Recycling was building this facility, they decided to go ahead and place a 10,000 gallon storage tank and placed for protection from an environmental disaster such as an oil spill, a big sock and the second product is oil sponge (micro-organisms that eat oil and the by-product left over is water and carbon dioxide).

If the items would be required, it looks as though Shelby Recycling has already planned for the possible future request and completed the protection that could be required. When asked about inspections, etc., it was noted that no one has even come and inspected the premises, nor has any organization required any storm water protection standards. It was also noted that the curbing has been done around both properties to protect surrounding properties as another spill protection measure was installed. The applicant brought pictures to show the measures taken.

The Commissioners thanked the applicant for all the measures taken and told them these measures set a standard and a precedent that are admirable in this community.

A Commissioner asked if there could be a new Binding Element could be placed in order to make sure that the sewer easement will be obtained and dedicated from the adjoining property owner to Beauty Avenue if the new lot were ever sold to another party.

Mr. Hunter said he believed it would be by a plat process – and the following Binding Element was suggested:

10. PLATTING.

Lots 230 and 330 Power Street will be combined into one lot by plat.

Attorney Hamp Moore asked the applicant if he agreed to change in Binding Element #5, and addition of Binding Element #10. Mr. Harp said he would agree to the change and to the new Binding Element.

Chairman Runner asked if there were any additional questions or comments. 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. Being no opposition and no other questions or comments, Chairman Runner asked for a Motion.

Another Commissioner thanked the applicant for being pro-active in the way this project was being done and thanked the applicant for coming prepared and bringing in pictures that made it easier for the Commissioners to understand what is being done at their facility.

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 #2011-22-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-6A-2, 3, 5, 6, 7, 11, 12, 13, 14 and 15; LU-6C-1, 2 & 3; and TR-2 and 2H. Further, it was requested that the findings of fact and recommendation include a summary of the evidence and testimony presented by the proponents and/or opponents of the proposed amendment. The vote was ten (10) yeas, so a recommendation for approval, will be sent to the Bowling Green City Commission.

III. ADDITIONAL NEW BUSINESS

Chairman Runner asked for any additional new business. Steve Hunter, Executive Director, said that Staff has been working on zoning trends over the past several years. Tonya Travelstead, Senior Planner and GIS person with the City-County Planning Commission made a presentation concerning zoning trends here in Warren County over the past 10 years.

Chuck Coppinger left the Commission Chambers.

Tonya Travelstead came to the podium and presented the zone changes for each year and the number of acres zoned for each of those years. The information also included the number of units for each development. It was noted that recently there have been several plats coming in for the properties already re-zoned which are now coming up to be developed.

Steve Hunter stepped back to the podium and stated that staff has been out in the community attending meetings on the Comprehensive Plan and trying to get this passed. Nine (9) meetings were attended in July, where no government acted on the Plan during the month of July. During this month of August, there have been 1st and 2nd (Special Called meeting) readings at Oakland; 1st reading at Woodburn and 1st reading in Plum Springs, and last week the Comp Plan first reading was passed 6 to 1 at Warren County Fiscal Court. There were actually changes made to what we recommended and what actually was presented at the Fiscal Court. The effective date for the Comp Plan has been moved to September 2, 2012. Also, the Tier Map was removed and the Judge stated he wanted to increase the linear footage to 2,000 feet for sanitary sewer for a 33% increase in the linear foot. The City of Bowling Green has not yet had a reading but plan to do this in September and complete the two readings with two (2) days to spare to get the readings and approval in within the 90 days.

Judge Buchanon indicated that he wanted a Conservation Development Committee set up with two (2) Planning Commissioners; two (2) Magistrates; and two (2) Liaison Committee members. Mr. Hunter asked if any of the Planning Commissioners wished to serve, to just let him know.

Steve Hunter said that the next meeting on Thursday, September 1, 2011 has been canceled. So, the next meeting is scheduled for on September 15, 2011

Chairman Runner stated there was no additional business to come before the Commission; the meeting was adjourned at 8:01 p.m.

CHAIRMAN, VELMA RUNNER

Sandy M. Clark, Zoning Administrator