

**SUMMARY MINUTES**  
**City-County Planning Commission of Warren County**  
**September 15, 2011 @ 7:00 p.m.**  
**City Commission Chambers**  
**3rd Floor - 1001 College Street**

**Present:**

**Faye Phelps**  
**John Atkerson**  
**Cliff Nahm**

**Velma Runner**  
**Mary Belle Ballance**  
**Albert Rich**

**Kenneth Sparks**  
**Tim Huston**

**Absent:**      **Bennie Jones**      **Bill Hotaling**      **Larkin Ritter**  
                  **Chuck Coppinger**

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 eight (8) 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 18, 2011. The Motion was made by Commissioner Atkerson, seconded by Commissioner Huston and agreed upon by all of the Commissioners present to approve the Summary Minutes of the August 18, 2011 meeting as written.

Hon. Matt Cook, 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 (September 15, 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. Cook asked that the Oath be administered to Steve Hunter, Executive Director and Jonathan Britt, Planner, as witnesses before the Planning Commission and that their oath and qualifications be reflected in the record for tonight's hearings. Chairman Runner so ordered and swore in the two witnesses.

**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 August 11, 2011 to September 7, 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 Huston, which passed unanimously, eight (8) yeas, to approve the following:**

- 1) Release the letter of credit, and associated contract, for Greystone Subdivision Section 5 in the amount of \$11,122.00 from Greystone Properties.
- 2) Release the cash surety in the amount of \$2,500.00 for Walgreen's Fire Hydrant from Baumgarten.
- 3) Release the cash surety in the amount of \$3,000.00 for Grant Village (Fire Hydrant) from Grant Village.
- 4) Renew the letter of credit for Greystone Section 9 in the amount of \$10,735.00 from Greg and Jo Ann Gary.
- 5) Call or release the letter of credit for McKinney Farms Section 1 (Sidewalks) in the amount of \$95,705.00 from Grasston, LLC.
- 6) Call or release the letter of credit for Bailey's Farm Section 2A (Sidewalks) in the amount of \$10,000.00 from H & D Rentals.
- 7) Call or release the letter of credit for Hunter's Crossing Section 4-2 in the amount of \$40,385.00 from H & D Rentals.
- 8) Call or release the letter of credit for Traditions at Lover's Lane Phase 1 in the amount of \$275,318.00 from Vision Development LLC.
- 9) Release the cash surety in the amount of \$9,384.00 for Cool Springs Farm Subdivision. Request approval to pay \$9,384.00 to Booker Contracting and Trucking. Total cost of the project is \$23,638.50, of which the remaining balance (\$14,254.50) is to be paid by Warren County Fiscal Court.
- 10) Release the cash surety in the amount of \$62,250.00 for landscaping located at 487 Central Avenue for Sun Products.
- 11) Release the cash surety in the amount of \$3,000 for landscaping located at 487 Central Avenue for Sun Products.

### **III. PUBLIC HEARINGS:**

Chairman Runner announced that the first item under our Public Hearings section is a request for a zone change described as: **2011-23-Z-CO - Mark and Robin Douglas** have filed an application to re-zone a tract of land containing 5.283 acres located on Greathouse Road, which is located approximately 1,300 feet from Alvaton-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 is proposing to re-zone 5.283 acres of property from **AG** (Agriculture) to **R-E** (Residential Estate) in order to create two (2) single family residential lots. The applicant has also agreed to certain site restrictions as outlined in the Binding Elements. Also, applicant had a pre-application meeting with staff on August 15, 2011. The subject property shall be developed into a maximum of two single family residential lots. The conceptual layout of this proposal is to create two (2) single family residential lots having lot areas of 2.536 acres and 2.747 acres respectively. The proposed zoning map amendment request will create two (2) new access points. The applicant has committed in a Statement of Binding Elements to contact the Warren County Road Department prior to the location of any new access points to the property. The applicant 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.

Mr. Hunter stated that this property is located on Greathouse Road and contains 5.283 acres. Also, the property is located in Focal Point: 115 – Boyce / Alvaton - with Characteristics of: Agriculture/open space; mostly agriculture with some scattered low density single family residential; experiencing market pressure for residential. The property has frontage on Greathouse Road, a County maintained rural roadway with fifty (50) feet of right-of-way and sixteen (16) feet of pavement width.

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

- *Site evaluation approval prior to platting; and*
- *Compatibility with surrounding properties.*

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

#### **BINDING ELEMENTS**

- I. The applicants shall obtain a site evaluation from the Barren River District Health Department for the installation of a septic system on each lot prior to platting.*
- II. The applicants will contact the Warren County Road Department prior to the location of any new access points to the property.*
- III. No manufactured or mobile homes shall be permitted on the property.*
- IV. The subject property shall be developed into a maximum of two single family residential lots.*
- V. Potable water shall be accessible to all lots prior to platting*

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 staff before packets went out, but, since that time we have been notified that there was a neighborhood meeting and applicant can address this when he comes forward.

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: BaC – Baxter gravelly silt loam, 6 to 12 percent slopes and BaD – Baxter gravelly silt loam, 12 to 20 percent slopes. BaC soil types are suited for septic tank absorption fields, while BaD soil types are poorly suited for septic tank absorption fields. The National Resources Conservation Service rates the BaD soil type as very limited, meaning that the soil has one or more features that are unfavorable for the use of septic tank absorption fields. The BaD type soil is characterized by restricted permeability, as well as limitations related to slope. The applicant shall obtain a site evaluation from the Barren River District Health Department for the installation of a septic system on each lot prior to platting.

Then policies of: **LU-4G-1** (*One single family residential development is allowed on existing lots of record*) and **TR-2** (*traffic*) – The applicant is proposing one single family residential development comprised of two (2) lots on 5.283 acres which is an existing lot of record. The applicant will contact the Warren County Road Department 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. . .*) and **LU-4A-9** (*Residential development should not exceed density of surrounding developments of more than 50%*) - The proposed property is located in the 115 – Boyce/Alvaton Focal point that has characteristics of Agriculture/Open Space. It is mostly agriculture with some scattered low density single family residential development. This area is experiencing market pressure for additional residential development. This zone change request is a reflection of the aforementioned focal point characteristics in proposing to create two single family lots containing 2.536 and 2.747 acres respectively. 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 applicant has 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. Hunter completed the explanation of the staff report by stating that the staff finds that the proposed zoning is generally in agreement with the adopted Comprehensive Plan after staff spent time reviewing nine (9) Policies and finding all nine (9) policies in compliance with the applicants contacting neighbors and having a neighborhood meeting.

Chairman Runner asked if there were any questions or comments for Mr. Hunter. Being none, on behalf of the applicants, Mark Douglas of 1803 Allen Springs Road, Alvaton, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Douglas stated that he sent letters to neighbors on August 27<sup>th</sup>, 2011 for a neighborhood meeting on August 31<sup>st</sup> and he noted that only one neighbor came out to the meeting who had concerns about mobile homes being placed on the property, which was answered and addressed in the Binding Elements.

Attorney Matt Cook asked Mr. Douglas if he would agree to the change in the Binding Element #1 to indicate a “*site evaluation*” instead of a “permit”. The Binding Element will now read:

- I. *The applicants shall obtain a site evaluation from the Barren River District Health Department for the installation of a septic system on each lot prior to platting.*

Mr. Douglas said he would agree to the change to Binding Element #1.

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.

**ACTION:** **Commissioner Atkerson made the Motion, seconded by Commissioner Huston, to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket #2011-23-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-2C-3; LU-4A-3, 4 and 9; LU-4G-1 and 2 and TR-2. Further, it was requested that the findings of fact and recommendation include a summary of the evidence and testimony presented by the proponents and/or opponents of the proposed amendment. The vote was eight (8) yeas, so a recommendation for approval, will be sent to the Warren County Fiscal Court.**

Chairman Runner announced that the second item under our Public Hearings section is also a request for a zone change described as: 2011-24-Z-CO - Mark and Robin Douglas have filed an application to re-zone a tract of land containing 2.064 acres located on Matlock Old Union Church Road, which is located approximately 1,630 feet from KY 240 (Woodburn-Allen Springs Road), from AG (Agriculture) to R-E (Residential Estate) with a general development plan.

Steve Hunter, Executive Director, again stepped to the podium to present the staff report. He stated that the applicants are proposing to re-zone 2.064 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. Also, applicants had a pre-application meeting with staff on August 15, 2011, wherein the conceptual layout of this proposal is to create two (2) single family residential lots having lot areas of 1.030 acres and 1.034 acres respectively. The property shall be developed into a maximum of two single family residential lots

The proposed zoning map amendment request will create two (2) new access points. The applicants have committed in a Statement of Binding Elements to contact the Warren County Road Department 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 have committed to obtaining a site evaluation from the Barren River District Health Department for the installation of a septic system on each lot prior to platting.

Mr. Hunter stated that this property is located on Matlock Old Union Road (intersection of Matlock Old Union Road and H. R. Whitlock Road) and contains 2.064 acres. Also, the property is located in Focal Point: 119 – Woodburn / Plano - with Characteristics of: Agriculture/open space; mostly agriculture with some scattered low density single family residential. The property has frontage on Matlock Old Union Road, a County maintained rural roadway with fifty (50) feet of right-of-way and eighteen (18) feet of pavement width.

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

- *Site evaluation approval prior to platting; and*
- *Compatibility with surrounding properties.*

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

#### **BINDING ELEMENTS**

- I. The applicants shall obtain a site evaluation from the Barren River District Health Department for the installation of a septic system on each lot prior to platting.*
- II. The applicants will contact the Warren County Road Department prior to the location of any new access points to the property.*
- III. No manufactured or mobile homes shall be permitted on the property.*
- IV. The subject property shall be developed into a maximum of two single family residential lots.*
- V. Potable water shall be accessible to all lots prior to platting.*

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. Testimony tonight has shown that there was a neighborhood meeting and neighbors contacted.

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: BaC – Baxter gravelly silt loam, 6 to 12% slopes and BaD – Baxter gravelly silt loam, 12 to 20% slopes. BaC soil types are suited for septic tank absorption fields, while BaD soil types are poorly suited for septic tank absorption fields. The National Resources Conservation Service rates the BaD soil type as very limited, meaning that the soil has one or more features that are unfavorable for the use of septic tank absorption fields. The BaD type soil is characterized by restricted permeability, as well as limitations related to slope. The applicants shall obtain a site evaluation from the Barren River District Health Department for the installation of a septic system on each lot prior to platting.

Then policies of: **LU-4G-1** (*One single family residential development is allowed on existing lots of record*) and **TR-2** (*traffic*) – The applicants are proposing one single family residential development comprised of two (2) lots on 2.064 acres which is an existing lot of record. The applicants will contact the Warren County Road Department 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. . .*) and **LU-4A-9** (*Residential development should not exceed density of surrounding developments of more than 50%*) - The proposed property is located in the 119 – Woodburn/Plano Focal point that has characteristics of Agriculture/open space. It is mostly agriculture with some scattered low density single family residential development. This zone change request is a reflection of the aforementioned Focal Point characteristics in proposing to create two single family lots containing 1.034 and 1.030 acres respectively. It can be seen from the 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. Hunter completed the explanation of the staff report by stating that the staff finds that the proposed zoning is generally in agreement with the adopted Comprehensive Plan after staff spent time reviewing nine (9) Policies and finding all nine (9) policies in compliance with the applicants contacting neighbors and having a neighborhood meeting.

Chairman Runner asked if there were any questions or comments for Mr. Hunter. Being none, on behalf of the applicants, Mark Douglas of 1803 Allen Springs Road, Alvaton, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Douglas again stated that he sent letters to neighbors on August 27<sup>th</sup>, 2011 for

a neighborhood meeting on August 31<sup>st</sup> and he noted that only one neighbor came out to the meeting and his question was how the houses would be set and laid out on the property.

Attorney Matt Cook asked Mr. Douglas if he would agree to the change in the Binding Element #1 to indicate a “*site evaluation*” instead of a “permit”. The Binding Element will now read:

- II. *The applicants shall obtain a site evaluation from the Barren River District Health Department for the installation of a septic system on each lot prior to platting.*

Mr. Douglas said he would again agree to the change to Binding Element #1.

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.

**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 #2011-24-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-2C-3; LU-4A-3, 4 and 9; LU-4G-1 and 2; and TR-2. Further, it was requested that the findings of fact and recommendation include a summary of the evidence and testimony presented by the proponents and/or opponents of the proposed amendment. The vote was eight (8) yeas, so a recommendation for approval, will be sent to the Warren County Fiscal Court.**

Chairman Runner announced the final item on the agenda this evening is an Amendment to Statement of Binding Elements for Dishman Lane Properties, LLC., described as: **2011-12-DP - Dishman Lane Properties, LLC.**, *have filed an application to amend the general development plan (Binding Elements) on a tract of land containing 6.6784 acres located on the Dishman Lane Extension and Denzil Avenue. This property is currently zoned PUD (Planned Unit Development) with Binding Elements.*

Jonathan Britt, Planner, stepped to the podium to present the staff report. He stated that the applicants have filed a second application to amend the general development plan on 6.6784 acres located on the Dishman Lane Extension and Denzil Avenue in order to change the style and mixture of unit types along with the number of building lots for this development. This property is zoned **PUD** (Planned Unit Development) with Binding Elements. The applicants had a pre-application meeting with staff on March 23, 2011. The applicants are proposing to amend the Binding Elements that were approved in 2008. The proposed amendments are to delete the previous set of Binding Elements with regard to the property in its entirety; however, only two (2) Binding Elements are being changed and one (1) Binding Element is being eliminated.

In 2004, this property was zoned **PUD** (Planned Unit Development) and was intended to be developed as a high density single family residential development. The General Development Plan for this property at the time called for a minimum living space of 1,700 square feet for each residential unit, exclusive of garages and porches. The Plan also called for thirty-six (36) single-family living units. In 2008, the developers submitted an application to amend the Binding Elements that were approved in 2004. These amendments included changing the maximum number of lots from thirty-six (36) to twenty-eight (28) and added a maximum number of units of forty-eight (48). The developers also amended the minimum square footage of the units from 1,700 square feet to 1,600 square feet and deleted the 2004 language that limited the number of residential structures on the property that would permit garages having garage doors facing the street. The developers also deleted 2004 language that limited the property to having no more than two (2) residential structures having garages with garage doors facing the street located on adjacent lots. Now the developers are intending to amend the Binding Elements that were approved in 2008. The 2008 Binding Element VII stated that the property would be developed with a maximum of forty-eight (48) single-family living units on a maximum of twenty-eight (28) building lots and all lots would be limited to single-family. The applicants are proposing to amend Binding Element VII to allow for a maximum of forty-seven (47) building lots as generally shown on the Concept Plan and added that all lots would be limited to single-family or twin-home residential living units.

The second proposed amendment to the Binding Elements is to change the language of Binding Element X that was approved in 2008 to decrease the minimum square footage of living space, including attached garages, from 1,700 square feet to 1,600 square feet. The 2008 Binding Element X used the term “single-family condominiums”, which is being replaced with the term “single-family residences” in this proposed amendment.

The last proposed amendment to the Binding Elements is to delete the original Binding Element XIII that read, “*The entire perimeter of the property will be enclosed with a fence at or near the rear lot line of each lot. The fence will be constructed out of a combination of brick, stone, wrought iron and wrought iron-style aluminum*” As can be seen on the Concept Plan labeled Exhibit “B”, the minimum lot area for single-family units is 4,750 square feet and 3,400 square feet for the twin-home units. It should be noted that the minimum lot size for traditional a Twin-home development is 5,500 square foot per unit and the smallest lot size permitted by the Zoning Ordinance for a traditional single-family development is 5,000 square feet, however, the PUD (Planned Unit Development) allows the developer to create their own development standards in terms of bulk and scale.

The developers of Woodland Station intend to improve the original development plan from a dense, residential subdivision to a more desirable single-family and twin-home residence plan. The developers have communicated to staff that the housing market suggests a more versatile usage for Woodland Station and with these changes the developers hope to offer City convenience combined with a feeling of security and sense of community

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

- *Maximum number of units and/or lots;*
- *Reduction of minimum lot size below 5,000 square feet per unit / Reduction of the minimum twin home standard per the Zoning Ordinance;*
- *Rear yard buffer; and*
- *Compatibility with adjacent developments.*

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

**AMENDED STATEMENT OF BINDING ELEMENTS**

- I. *The Statement of Binding Elements of record in Deed Book 977, Page 838, in the office of the Clerk of the Warren County Court, shall be of no further force and effect (as to the property described on Exhibit "A") as of the date of adoption of these Amended Binding Elements.*
- II. *The property will have sufficient water supply and fire hydrants to meet the fire control standards of the City of Bowling Green, Kentucky. Improvements on the property will be served by sanitary sewer.*
- III. *All utility lines will be located underground.*
- IV. *The property will be developed with mountable curb and gutter on both sides of the street and with a five-foot sidewalk and two-foot grass utility strip on one side of the street.*
- V. *Street lighting will be of a uniform design on a metal, composite or fiberglass pole.*
- VI. *Mail boxes will be of a uniform design and/or located at a central pickup location.*
- VII. *This property shall be developed with a maximum of forty-seven (47) building lots as generally shown on Exhibit "B". All lots will be limited to single-family or twin home residential living units.*
- VIII. *All structures on the property will be built with at least eighty percent (80%) brick, stone, EFIS, or a combination of these materials.*
- IX. *The property owner shall record restrictive covenants applicable to the property prior to the sale of any lot, which restrictive covenants shall provide for architectural standards, property maintenance standards, and provisions for review and enforcement of those standards. Membership in a property owners' association shall be mandatory for each lot owner. The entire property will be fenced and vehicular access to the property will be gated.*
- X. *All single-family residences on the property shall be a minimum of 1,600 square feet in living space, including attached garages.*
- XI. *Responsibility for maintenance of the streets and common area on the property shall be borne by the property owners' association.*
- XII. *Signage for the property will be limited to a single monument-style sign.*
- XIII. *Binding Elements VIII and X shall remain binding elements until a subdivision plat of the property is recorded, at which time they shall no longer be binding elements but must be included as either plat restrictions or restrictions contained in a master deed and/or declaration of covenants for the property.*

Mr. Britt 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. No information of a neighborhood meeting was forwarded to the Planning Commission staff.

In addition, utility Policies: **LU-4B-2** (*. . . public water supply capable of 250 GPM at 20 PSI residual pressure [600 GPM within the city limits of Bowling Green]. Fire hydrants must be provided to meet the fire protection standards of the applicable jurisdiction*); **LU-4B-3** (*All multi-family and single family attached urban density residential development must be served by a public water. . .*); **LU-4B-5** (*sewer*); **LU-4B-5** (*Electric, telephone and CATV utilities should be placed underground in urban density residential developments*); and **LU-4B-7** (*Urban density residential development shall have street lights, sidewalks, curbs, and gutters installed at the time of development*) - A water line providing 1,169 GPM at over 20 PSI is available along the Dishman Lane Extension. This is sufficient to provide for residential use, and to meet the fire control standards of Bowling Green. The applicants have committed that the property will have sufficient water supply and fire hydrants to meet the fire control standards of the City of Bowling Green Kentucky. An eight (8) inch sewer line is available along the Dishman Lane Extension. The development is connected to this sewer line. Improvements to the property will be served by sanitary sewer. All utility lines will be located underground. Street lighting will be of a uniform design on a metal, composite or fiberglass pole. The property will be developed with mountable curb and gutter on both sides of the street and with a five-foot sidewalk and two-foot grass utility strip on one side of the street.

Then traffic policies of: **TR-2H** (*Development within the City limits of Bowling Green shall comply with the City's adopted Traffic Access Management Manual*); **TR-2D** (*All residential developments of more than 10 lots should be served by an interior street system*); and **LU-4B-6** (*Urban density residential development shall provide for the continuity of the interior street system and pedestrian linkages with streets already in place or planned in neighboring areas as well as provide for the coordination of this local street system with the major transportation network*) - The property has frontage on Dishman Lane Extension, a four-lane urban collector road with seventy-two (72) feet of right-of-way. The property is also developed with a thirty-two (32) foot wide internal street, Denzil Avenue, which connects Dishman Lane Extension to Rain Tree Drive. Rain Tree Drive is a local urban street with fifty (50) feet of right-of-way and twenty-four (24) feet of pavement width.

The next policies of **LU-4A-10** (*All proposals for urban density residential development should make provisions for implementation of the Greenbelt System Master Plan, where applicable or when identified in the Plan*); **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*); and **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*) - The property will be developed with a five (5) foot sidewalk on one side of the street. As stated in the original zone map amendment of the 2004 Staff Report, this property will be used as part of the Greenways and as an extension of the Lost River Cave properties. The property shall be developed with a maximum of forty-seven (47) building lots as generally shown on Exhibit "B". All lots will be limited to single-family or twin-home residential living units. All structures on the property will be built with at

least eighty percent (80%) brick, stone, EFIS, or a combination of these materials. All single-family residences on the property shall be a minimum of 1,600 square feet in living space, including attached garages. Signage for the property will be limited to a single monument-style sign. Mailboxes will be of a uniform design and/or located at a central pickup location

Then Policies concerning density of: **LU-4A-9** (*Residential development should not exceed density of surrounding developments of more than 50%*); **LU-4B-10** (*All urban density single family residential development shall maintain at least 6.5% "common" open space, as defined by the Subdivision Regulations for Warren County. All urban density multi-family residential development should maintain a minimum of 25% open space, excluding paved areas and individual lots. Provision of additional open space is encouraged*); **LU-4E-1** (*Growth focal points represent unique opportunities to introduce new residential ideas and design concepts*); **LU-4E-2** (*Innovation in design and variety in size, style, and cost of housing is encouraged*) - The property owner shall record restrictive covenants applicable to the property prior to the sale of any lot, which restrictive covenants shall provide for architectural standards, property maintenance standards and provisions for review and enforcement of those standards. Membership in a Property Owners' Association shall be mandatory for each lot owner. The entire property will be fenced and vehicular access to the property will be gated. Responsibility for maintenance of the streets and common area on the property shall be governed by the Property Owners' Association. As mentioned above, the property will be developed with sidewalks on one (1) side of the street.

Mr. Britt 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 fourteen (14) policies in compliance without knowing if the applicants contacted neighbors and having a neighborhood meeting.

Chairman Runner asked if there were any questions or comments for Mr. Britt. One Commissioner asked if the condos already completed would have to be changed to twin-homes also. Staff indicated it would be done in the platting process to change them back to twin-homes instead of condos.

Being no other questions for staff, on behalf of the applicants, Larry Smith of 841 Covington Grove, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. When asked who the owners of the property are, Mr. Smith indicated that the owners are Dishman Lane Properties, LLC. The Binding Elements will be changed to indicate the property owners as Dishman Lane Properties, LLC.

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.

**ACTION:** **Commissioner Atkerson made the Motion, seconded by Commissioner Sparks, to approve the proposed General Development Plan docket #2011-12-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-4A-3, & 10; LU-4B-2, 3, 4, 5, 6, 7& 10; TR-2D, & 2H and LU-4E-1 & 2. 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 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 eight (8) yeas, so approved.**

### **III. ADDITIONAL NEW BUSINESS**

Chairman Runner asked for any additional new business. Steve Hunter, Executive Director, said that the next meeting is scheduled on Thursday, October 6, 2011 will have eight (8) cases which are two DDPs and six zone changes.

Mr. Hunter then said that the Subdivision Regulations review will begin on the 4<sup>th</sup> Tuesday of each month. A couple of Planning Commissioners will be on this committee, along with twelve others who will serve on this committee.

Also, the Land Conservation review committee will meet the 2<sup>nd</sup> Tuesday of each month with two Magistrates, two Planning Commissioners and two Liaison Committee members.

Mr. Hunter then said that the Historic Preservation Board is in the process of re-writing and re-organizing the Design Guidelines. He noted that the Greenways Commission is in the process of re-vamping the Master Plan and staff is assisting on that project also.

Chairman Runner stated there was no additional business to come before the Commission; the meeting was adjourned.

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CHAIRMAN, VELMA RUNNER

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Sandy M. Clark, Zoning Administrator