

**SUMMARY MINUTES**  
**City-County Planning Commission of Warren County**  
**October 6, 2011 @ 7:00 p.m.**  
**City Commission Chambers**  
**3rd Floor - 1001 College Street**

**Present:**

**Velma Runner**  
**Mary Belle Ballance**  
**Bill Hotaling**

**Kenneth Sparks**  
**Tim Huston**  
**Larkin Ritter**

**John Atkerson**  
**Chuck Coppinger**

**Absent:**      **Bennie Jones**      **Faye Phelps**  
                  **Cliff Nahm**            **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 eight (8) of twelve (12) Commissioners present at the time of the roll call.

Chairman Runner announced that two cases on tonight's agenda have been postponed, being a zone change request - 2011-28-Z-CO – Miller/Lamb located at 1321 Greenhill Road and a zone change request - 2011-29-Z-BG – BGMU for Block 10 of the TIF District.

**I. ADMINISTRATIVE REVIEW:**

Chairman Runner asked if all Commissioners had received and read the draft Summary Minutes of the meeting held on September 15, 2011. The Motion was made by Commissioner Atkerson, seconded by Commissioner Hotaling and agreed upon by all of the Commissioners present (1 abstained) to approve the Summary Minutes of the September 15, 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 (October 6, 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; Mac Yowell, Engineer; 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 tonight's hearings. Chairman Runner so ordered and swore in the five 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 September 8, 2011 to September 28, 2011 Subdivision plats stand as recorded.

**D. LETTERS OF CREDIT AND PERFORMANCE BONDS**

Chairman Runner indicated the next item on the agenda is the Letters of Credit and Performance Bonds. She said there was one addition to the Agenda, (the reason for the Revised Agenda) presented to the Commission. Chairman Runner asked if there were any questions or comments in regard to the report given to Commissioners this evening. Being no questions, Chairman Runner asked for a Motion:

**ACTION: A Motion was made by Commissioner Atkerson, seconded by Commissioner Coppinger, which passed unanimously, eight (8) yeas, to approve the following:**

- 1) Release the cash surety for landscaping 761 Campbell Lane in the amount of \$11,550 from Shogun of Japan, Inc.

**III. PUBLIC HEARINGS:**

Chairman Runner announced that the first item under our Public Hearings section is a request for approval of a Detailed Development Plan, described as follows: **2011-13-DP – Shane Van Meter** has applied for approval of a Detailed Development Plan on a tract of land containing 3.0395 acres located at 3560 Wheatstone Avenue which is approximately 350 feet from Three Springs Road. The Plan proposes the construction of four (4) two-story apartment buildings, each containing eight (8) two-bedroom units, for a total of thirty-two (32) units. Also proposed is all required parking, drainage and landscaping. This property is zoned GB (General Business) with Binding Elements.

Jonathan Britt, Planner, stepped to the podium and presented the staff report by stating that Shane VanMeter has applied for approval of a Detailed Development Plan on a tract of land containing 3.0395 acres, at 3560 Wheatstone Avenue, located approximately 350 feet from Three Springs Road. The Plan proposes the construction of four (4) two-story apartment buildings, each containing eight (8) two-bedroom units, for a total of thirty-two (32) units. Also proposed is all required parking, drainage and landscaping. This property is zoned GB (General Business) with Binding Elements. This plan was reviewed by staff based on the GB zone {using the RM-3 (Multi-Family Residential) standards} and Binding Elements as follows:

	<u>Allowed / Required</u>	<u>Provided</u>
Lot Coverage:	75%	38.3%
Set backs:	Front: 30 feet (by plat) Side: 10 feet  Rear: 10 feet	approximately 57 feet approximately 62 feet (west) 17.99 feet (east) approximately 87 feet
Parking:	80 spaces	80 spaces
Density	15 units per acre	10.53 units per acre
Building Height:	42 feet	approximately 32 feet

Landscaping: Landscaping plan meets the requirements of the Ordinance, and is preliminarily approved. Final approval will be required before issuance of a building permit.

Signage: The proposed location of a development identification sign is shown with this submission. The applicant is allowed one sign, which must be monument type, with a maximum sign face of 60 square feet and maximum height of five (5) foot.

Drainage: The drainage plan is preliminarily approved. Final approval will be required before issuance of a building permit.

Traffic: A Traffic Impact Study was not required for this submittal.

Access: One access point from Wheatstone Avenue.

Staff has recommended approval of the Detailed Development Plan. Chairman Runner asked if there were any questions or comments. Being none, she asked for a Motion:

**ACTION: Upon Motion of Commissioner Coppinger, seconded by Commissioner Huston, to approve the Detailed Development Plan, Docket #2011-13-DP. The Motion is based upon the Detailed Development Plan's compliance with Section 3.11.6 of the Warren County Zoning Ordinance. All members agreed (8 yeas)**

Chairman Runner then announced the first zone change request on tonight's agenda as being described as: *2011-25-Z-BG – Senad and Sladjana Veletanlic* have filed an application in order to re-zone a tract of land containing 0.23 acre at 1225 Chestnut Street, located approximately 224 feet from the intersection of Chestnut Street and 12<sup>th</sup> Avenue East, from RM-3 (Multi-Family Residential) to OP-R (Office and Professional – Residential) with a general development plan

Rachel Hetzler, Planner, stepped to the podium to present the staff report. She stated that the applicants propose to re-zone a tract of property from **RM-3** (Multi-Family Residential) to **OP-R** (Office and Professional – Residential) in order to create an office space on the ground floor for the applicants' business, as well as a residential space on the second floor. 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 25, 2011.

The subject property shall be developed to convert the current residence into two separate uses. The first floor will be devoted to an office use for the applicants' business. The second floor will serve as a residential space. The applicants intend to maintain the existing residential appearance of the current structure. Any improvements to the property will meet the Guidelines set forth by the Historic Preservation Board. Signage will be limited to one wall sign not to exceed twelve (12) square feet in size. The wall sign will display hours of operation. Signage will also include one freestanding sign not to exceed twelve (12) square feet in size. The freestanding sign shall be no taller than five (5) feet. The applicants have also stated that the Commercial Building Code will be met prior to occupancy. The applicants have restricted the hours of operation for the business from 7:00 a.m. to 5:00 p.m. - Monday through Friday and 8:00 a.m. to 12:00 p.m. on Saturdays. The ground floor of the structure will be limited to office

space, while the upper floor will be devoted to residential use. The following uses shall be prohibited on the property: Eating Establishment, Bar/Lounge, Commercial Parking and Fuel Stations and Sales. The property has one access point to the twenty (20) foot alley behind the property. No new access points are being proposed. The applicants have committed that the subject property shall meet the minimum requirements of the parking provisions of the Warren County Zoning Ordinance within one-hundred twenty (120) days of commercial occupancy. The applicants have committed to meet the minimum requirements of the landscape provisions of the Warren County Zoning Ordinance within one-hundred twenty (120) days of commercial occupancy.

Ms. Hetzler stated that this property is located at 1225 Chestnut Street and contains 0.23 acre. Also, the property is located in Focal Point: 101 – Downtown Bowling Green - with Characteristics of: Dominant Use Area. Traditional Central Business District including Fountain Square and several government administrative buildings with associated office and professional uses; residential, including College Hill Historic District, and several large early 20th century single family dwellings, some in transition to mixed density housing and offices. Some areas warrant clearance and redevelopment. The property has frontage on Chestnut Street, a City maintained local roadway with fifty (50) feet of right-of-way and forty-six (46) feet of pavement width. Ms. Hetzler noted that the property contained an eight (8) inch water line available along Chestnut Street providing more than six hundred (600) GPM with more than twenty (20) PSI. This meets the fire control standards for the City of Bowling Green. A sanitary sewer line is available along the alley behind the property

Ms. Hetzler then noted a couple items of concern from staff that included:

- *Parking; and*
- *Permitted uses.*

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

### **BINDING ELEMENTS**

1. *The subject property shall maintain the existing residential appearance and all improvements to the property shall be according to the Guidelines of the Historic Preservation Board.*
2. *The subject property shall meet the minimum requirements of the parking and landscape provisions of the Warren County Zoning Ordinance within 120 days of commercial occupancy.*
3. *The subject property shall be limited to one wall sign not to exceed twelve (12) square feet in size.*
4. *The subject property will limit hours of operation for the business from 7:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 12 p.m. on Saturday.*
5. *The subject property shall be limited to one wall sign which shall display hours of operation.*

6. *The ground floor of subject property should be used as office space, while the upper floor will remain as residential space.*
7. *All outdoor lighting shall be directed downward and inward and not negatively affect the neighborhood.*
8. *The subject property shall meet the commercial building Code prior to occupancy.*
9. *The following uses shall be prohibited on the subject property: Eating Establishment, Bar/Lounge, Commercial Parking, Fuel Stations or Sales and Day Care.*

Ms. Hetzler explained that staff reviewed Comprehensive Plan policies totaling fifteen (15) 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, if possible. The applicants informed the Planning Commission Staff that they planned on meeting with each neighbor individually and can address this when one of the applicants come forward.

In addition, Policies: **LU-5A-11** (*water*); and **LU-5A-9** (*sewer*) - There is an eight inch (8") waterline available along Chestnut Street providing more than six hundred (600) GPM with more than twenty (20) PSI. This meets the fire control standards for the City of Bowling Green. A sanitary sewer line is available along the alley behind the property.

Then Policies **LU-5A-5** (*Commercial uses may be located adjacent to land zoned for residential uses if buffered from the residential uses by landscaping, lighting, and noise controls*); **LU-5A-12** (*New commercial development should follow sound design principles for buildings, parking, landscaping, signage, and set backs*); **LU-5A-13** (*Commercial developments, including loading docks, vehicle use areas, public use areas, and outside storage areas should be screened from adjacent residential developments or districts*); **LU-5A-14** (*Parking areas are discouraged within the building setback areas to allow for street landscaping*); **LU-5A-6** (*Sites for commercial uses located where an adjoining property on two or more boundaries is residential, must maintain at least 50% of the site in green space not devoted to parking. Sites larger than one acre should reserve green space of at least 20 percent of the site or one-half acre, whichever is larger*) - The applicants have promised that the Property will meet the minimum requirements of the landscape provisions of the Warren County Zoning Ordinance within one-hundred twenty 120 days of commercial occupancy. The subject property shall maintain its existing residential appearance, and all improvements to the property shall meet the guidelines of the Historic Preservation Board. Signage will be limited to one wall sign not to exceed twelve (12) square feet in size. The wall sign will display hours of operation. Signage will also include one freestanding sign not to exceed twelve (12) square feet in size. The free-standing sign shall be no taller than five (5) feet. The change in use of the property will require additional parking spaces to be added to the site. The applicants have committed that the property will meet the minimum requirements of the parking provisions of the Warren County Zoning Ordinance within one-hundred twenty days of commercial occupancy. There is currently a six (6) foot privacy fence enclosing the backyard of the property, which would screen any additional parking added by the applicants. Although it appears that the current parking is within the building set back, it is at the rear of the property and is not visible from Chestnut Street. Additional parking will be screened by the current six (6) foot privacy fence. The submitted

zone change plat shows approximately twenty-seven percent (27%) lot coverage. It is estimated that the applicant will need six additional parking spaces which will measure one-hundred sixty-two (162) square feet a piece, for a total of nine-hundred seventy-two (172) square feet. The addition of these six spaces would bring the total lot coverage to roughly thirty-seven percent (37%)

The next Policies are: **LU-5A-15** (*signs*) and **LU-5A-16** (*lighting*) - Signage will be limited to one wall sign not to exceed twelve (12) square feet in size. The wall sign will display hours of operation. Signage will also include one freestanding sign not to exceed twelve (12) square feet in size. The freestanding sign shall be no taller than five (5) feet. All outdoor lighting shall be directed downward and inward and not negatively affect the neighborhood.

Then **LU-5C-1** (*Commercial development or redevelopment is permitted where the existing dominant use of the focal point is commercial and must not adversely impact the existing scale and architecture within the focal point*); and **LU-5C-2** (*Where the focal point is adjacent to residential developments or residential districts, new commercial development must not have its primary ingress or egress into the residential development or district*) - Although the existing dominant use of the *101 Downtown Bowling Green Focal Point* is not entirely commercial, the description does indicate that there are several government administrative buildings with associated office and professional uses. It is also stated that part of the focal point is in transition to office use and that some areas warrant clearance and redevelopment. While the proposed use is commercial, it will be housed in the current residential structure on the property. The current residence has one access point to the alley behind the property. No additional access points are being proposed. The applicants have committed that the subject property will maintain its existing residential appearance, and all improvements to the property shall meet the guidelines of the Historic Preservation Board.

The final policies were traffic Policies of: **LU-5A-4** (*Commercial uses are appropriate only with direct accessibility to at least a minor collector street. Vehicular access to commercial development should be oriented away from residential neighborhoods*); **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*); and **TR-2H** (*Development within the City limits of Bowling Green shall comply with the City's adopted Traffic Access Management Manual*) - Although the proposed commercial use is not located with direct accessibility to at least a minor collector, it is located less than two-hundred fifty (250) feet from 12th Avenue which is an urban collector street. The office will be housed in the current residence which has one access point to the alley behind the property. No additional access points are being proposed.

Ms. Hetzler 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 fifteen (15) Policies and finding possibly three (3) policies not in compliance with the applicants.

Chairman Runner asked if there were any questions or comments for Ms. Hetzler. One Commissioner asked about other properties that might be commercial in the area. Steve Hunter, Executive Director, explained this is a large Focal Point 101 - from the Hill down to the Square and the Focal Point references commercial transition and office, there is really not any in this particular block except for First Baptist Church. There is a commercial property on State Street and an office property that was re-zoned for an Inn and furniture business.

Another Commissioner asked about Binding Element #8 concerning the need to bring the property into Commercial Code and asked if it applies to the commercial and residential. Ms. Hetzler said that the property would have to meet the Commercial Building Code prior to occupancy of the office portion of the property. Mr. Hunter said that the Building Inspector for the City of Bowling Green would talk with the applicants concerning the intended uses for the offices and upstairs for the residential and then the Building Inspector would come and inspect the property before occupancy for the offices. If he chooses, he could go upstairs, but residential upstairs would probably not have to reach a certain commercial code, but only residential.

Attorney Moore asked Ms. Hetzler if the free-standing sign would be a monument style sign or if could be placed on a pole. Ms. Hetzler said she believed the sign would be monument style sign. Mr. Hunter said the sign would be five foot tall and meant to be a monument style sign.

Being no other questions, on behalf of the applicants, Senad Veletanlic of 1225 Chestnut Street, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Veletanlic was asked what type business he was placing in the property and he stated it would be the dispatch for his trucking business. He said that he thought the best use of the property would be OP-R since he had been trying to sell the house for three years and he had spent a lot of money converting the run down property to a residential property, even though it is multi-family area. He said he did not want to do anything illegal, so he asking for a zone change to move his business to this property. There is rental property on both sides of the house. When asked about parking, he said there were six parking spaces now, and additional parking can be added. There are five employees at the business, and drivers would come in on Friday to pick up paychecks, but other than that, there would be no other traffic in and out and no trucks would be coming to the property.

Chairman Runner asked if there were any other questions from the Commissioners. Being none, she asked for questions or comments or opposition from the audience. Several hands were raised, so she asked if there was a spokesman for the group and, if not, then asked that each person come forward and asked their questions. After all of the questions, there will be time for any comments or statements from the audience.

Therein from the audience, Alberta Smith, of 550 Winfield Drive, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Ms. Smith asked why the zoning had to be changed just to have phones and dispatch in the residence. Mr. Veletanlic said he has five (5) employees that come to the business and he owns the business. He said he would not be living at the property and he is requesting RM-4 to OP-C. The offices would be downstairs and rental rooms upstairs. The neighborhood is noisy and after attempting to sell the property for three years, he said he is just trying to get the best use of the property.

The next person from the audience to come forward was Jay Sloan of 636 East 13<sup>th</sup> Avenue, Bowling Green, Kentucky, who stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Sloan said Ms. Hetzler indicated the building would be torn down and he asked for verification if the building is torn down - - does the re-zoning attached to the structure or the real estate and if so, would the new building be commercial in the middle of an historic district.

Ms. Hetzler said the only reason she mentioned another building was because there could be a fire or some other reason the house would be replaced. Binding Elements would go with the property and restrictions in the Binding Elements would go with the property unless they are changed, which would require a hearing here before the Planning Commission to amend or change any Binding Elements.

The third person from the audience to come forward was Patsy Sloan of 636 East 13<sup>th</sup> Avenue, Bowling Green, Kentucky, who stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Ms. Sloan asked if the precedent for a re-zoning in an historic district - - has it been before? Steve Hunter, Executive Director for the City-County Planning Commission Planning Commission stated that there has been other properties re-zoned in this area, i.e., Reed's property on State Street was zoned to NB (Neighborhood Business); and the Service One building at the top of the hill, may be zoned OP-R (Office and Professional – Residential). Both of these sites are within the College Hill Historic District. They have been brought in as local historic properties and have been re-zoned and then consumed into the historic district.

Chairman Runner asked if there were any other questions. Being none, she asked if the opposition wished to make a statement. Therein, from the audience Warren Guyer of 1318 Chestnut Street, Bowling Green, Kentucky, who stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Guyer said that this is a beautiful home in an historic district and he is opposed to a business being in the neighborhood.

The next person from the audience to come forward was Michael Seidler of 604 Magnolia Street, Bowling Green, Kentucky, who stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Seidler said he is worried that the more cases that come for re-zoning, the more of an argument there is to knock the next one down. There are already two or three, but he would like to see it said that two or three are too many and were a mistake and there is a need to protect the historic district in Bowling Green. There should be thought about changing the residential character by setting a precedent by moving a business in the area. There seems to be a conflict between the individual human factor which is the owners' pride and effort in restoring and the civic/community factor.

Mr. Veletanlic came back to the podium and said that this house was in very bad shape and he completely restored it. Now, there is a lot of noise, and calling the police multi-times a week and there are problems in the area. The Historic Preservation Board is not jumping in to help and the neighbors are not coming in to help – it is to the point that he cannot even sleep at night. He said he did everything that the Historic Preservation Board asked of he and his wife and now this group is not coming in to help, but to be against change. It will certainly be much quieter with an office, than what is on both sides of him now.

Steve Hunter said that the staff has met with neighbors in the district and even members of the Historic Preservation Board. The University District was recently amended and when talking with neighbors, they indicated they wished single family residences could come back instead of the multi-family area. The only thing that can be done would be have a home-office by right if you live in the house, or change to OP-C. There could be Bed and Breakfast to be able to justify coming in and remodeling. Some of these changes would require a zone change in order to have the correct zoning. Currently, the property is zoned multi-family and it would be great to go back to single-family, but with houses in the area the size they are and where they are

located, it would be tough – so people look for other options for investing in a large structure on the properties in this area. Unfortunately, no one has the answer, but what could come in could be a home office; without a salon, without retail; without a daycare. The only thing that can come would be OP-R (Office and Professional – Residential). There is a large church across the street and so perhaps churches or church facilities could go into this structure. There has been demolition going on in several areas around this structure. The one thing relied upon is the Historic Preservation Board and the guidelines for signage, construction, and even re-build would be governed by the Historic Preservation Board and have to meet the standards set out in the Guidelines.

Commissioner Atkerson noted that he is sensitive to the Historic District as he came from serving on the Historic Preservation Board before coming to serve on this Board. He said he sees both sides of the story here, as if we do not allow this use and this gentleman takes a huge loss on his investment on this property and this property is sold to be used a rental property with who knows who will rent the apartments, then it could be a great disservice to the neighbors to allow additional problems come into the neighborhood. On the other hand, he said that he is familiar with other historic districts with a sprinkling of professional uses in the neighborhood and it seems to fine without degrading the neighborhood at all. The question is, without re-zoning this property, is there a conditional use that could be allowed to allow this business to use this property. Steve Hunter said that Conditional Use Permits would not be allowed in this instance, the owner would have to live at the site and the only employees would be he and his family. There cannot be employees coming to and from this facility. Only family can be employees and this is very limited.

Another Commissioner asked about a Binding Element to limit ownership and if ownership changes, then the zoning could revert back to Multi-family Residential. It was discussed that if the property is sold, then it could be rental property with the same problems as each side of the applicants which would certainly not be an addition to the neighborhood. This could be of a nuisance and cause more police problems and other problems. The staff read to the Commissioners all the restricted uses that are allowed in OP-R, being medical, law, accounting offices; internet services – typical office uses. Permitted uses in OP-R include: single family residential; home occupation; a CUP would be required for nursing or convalescent home which would not be a use unless getting a CUP; religious institution; daycare; community service; parks and open spaces; safety services, schools, basic utilities; bed and breakfast; commercial parking; and unlighted golf course. The applicants already removed bar, lounge, eating establishment, commercial parking; fuel station and sales. With these removals, there is only about three uses left that can be used for this property.

Attorney Moore said he is hearing: reduced parking; restricted commercial vehicle use; signage and number of employees. After discussion between the Commissioners, compiling a list and asking Mr. Veletanlic to come back to the podium. Mr. Vetelantic said this property is currently multi-family. The house has been remodeled and single family living, but with the problems next door on each side, it would be impossible to sell the property unless you were to lie to the potential buyer. It is a noisy area, busy area and is hard to sell as a single family residence, but for a home business, it would be much easier to have a business during the day, but not live there and raise a family there. After talking with staff, the best usage would be office and/or profession.

Attorney Moore asked that the number of parking spaces be limited to six spaces. Ms. Hetzler said that the parking spaces required would be nine and a half (9 1/2) spaces. Mr. Hunter said that the Zoning Ordinance dictates parking standards, landscaping, etc. Based on the square footage and the Zoning Ordinance, limiting parking would be tough.

The next discussion was number of employees and limiting it to six (6). Mr. Veletanlic said he currently has five (5) and may grow in the future.

Then was discussion about signage. Mr. Veletanlic said he would agree to wall signage on the building only. He said he would agree to remove the monument sign and the wording was removed from Binding Element #3. Mr. Veletanlic said he asked the Historic Preservation Board and Landmark Association about the fence around the yard and he did everything he was requested to do to this property. Now, they are not here helping to solve the problems, but not wanting Mr. Veletanlic to do what he needs to do with his own property. Commissioner Ritter said the objective of the Commission is not to only look at today, but is charged with looking down the road if the property sells to be able to determine what could happen in the future.

Another person from the audience, Arvin Voss, of 632 E. 13<sup>th</sup> Avenue, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Voss said the main focus he is hearing is that the tenants on each side are noisy and he said tenants come and go, but talk to the landlord, and it seems there is a financial issue also. The neighbors feel if there is spot zoning throughout the neighborhood, then it would be dangerous as then someone else will ask and it could be given a zone change based on precedent set. He asked that the zone change being requested tonight, be denied.

Attorney Hamp Moore asked Mr. Veletanlic if he would agree to the change in the Binding Element #3 to indicate a wall sign only. The Binding Element will now read:

3. *The subject property shall be limited to one wall sign not to exceed twelve (12) square feet in size.*
9. *The following uses shall be prohibited on the subject property: Eating establishment; Bar/Lounge; Commercial Parking; Fuel Stations; or Sales and Day Care.*

Mr. Veletanlic said he would agree to the change to Binding Elements #3 and #9.

Chairman Runner asked if there were any additional questions or comments. Being none, she asked if there were any other questions or comments from the audience. Being no additional 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 Coppinger, to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket #2011-25-Z-BG. The motion is based on the findings of fact as presented in the staff report and the testimony presented in this public hearing, that the Zoning Map Amendment is in agreement with the adopted Comprehensive Plan as demonstrated by its compliance with the Comprehensive Plan's following Policies: LU-5A-6, 9, 11 & 15;**

**LU-5C-1 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 eight (8) yeas, so a recommendation for approval, will be sent to the Bowling Green City Commission.**

*Chairman Runner asked for a short break at 8:15 p.m. Chairman Runner then reconvened the meeting at 8:30 p.m.*

Chairman Runner announced that the second item under our Public Hearings section is also a request for a zone change described as: 2011-26-Z-CO Stephen and Sherry Vincent have filed an application in order to re-zone a tract of land containing 1.093 acres at 6217 Scottsville Road, located approximately 1,850 feet from the intersection of Scottsville Road and Magnum (Old Dye Ford Road) Road, from AG (Agriculture) to LI (Light Industry) with a general development plan.

Steve Hunter, Executive Director, stepped to the podium to present the staff report. He stated that the applicants are proposing to re-zone 1.093 acres of property from AG (Agriculture) to LI (Light Industrial) in order to create a pest control business. 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 25, 2011, wherein the conceptual layout of this proposal is that applicants intend to use the current residential structure on the property for a pest control business. According to the Binding Elements, the following uses shall not be permitted on the property: Off-premise signs; commercial parking lots; kennels; heavy vehicles and manufactured home sales; vehicle repair; vehicle services; telecommunications towers; passenger terminals; and waste related uses. The Binding Elements also state that there shall be no outside storage within one hundred and fifty (150) feet of Scottsville Road. Any outside storage shall be hidden with external screening on all sides of the storage area. The façade of any new building facing Scottsville Road shall be constructed of at least eighty percent (80%) brick, hardi-plank siding, natural or cultured stone at the owners' discretion. Signage on the property shall include one (1) monument or pole sign to be erected at the front of the development not to impair visibility for ingress and egress. Any pole sign shall not exceed twenty (20) feet in height and one hundred (100) square feet in surface area. Any monument sign shall not exceed ten (10) feet in height and one hundred (100) square feet in surface area.

The property shall be served by no more than one access point from Scottsville Road. Within 120 days of re-development, the owner shall provide paved parking and travel ways within the site. The property will be developed with maximum lot coverage not to exceed seventy-five percent (75%). Any building constructed on the proposed site shall include exterior down-lighting made of metal, fiberglass, or composite materials. In addition, security lighting for the parking lots may be installed. All lighting shall be designed to minimize the light trespass on any adjoining properties. Any future re-development of the property shall include landscaping as per Section 4.6.8.C of the Zoning Ordinance of Warren County, Kentucky including the submission of a landscape plan prior to a building permit being issued. Prior to occupancy by any commercial or industrial use, the property shall be connected to the existing sanitary sewer. The property shall have sufficient water supply and fire hydrants to meet the fire control standards of Warren County, Kentucky. Prior to occupancy by any commercial or industrial use, fire hydrants will be installed as necessary.

Mr. Hunter stated that this property is located at 6217 Scottsville Road and contains 1.093 acres. Also, the property is located in Focal Point: 108-4 Greenwood - with Characteristics of: Dominant use area; in transition from agriculture to mixed urban uses. The property has frontage on Scottsville Road, a State maintained urban roadway with sixty (60) feet of pavement width and right-of-ways that vary.

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

- *Landscaping; and*
- *Connection to sanitary sewer.*

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

### **BINDING ELEMENTS**

- I. The 1.093 acre lot will be developed with a maximum lot coverage not to exceed seventy-five percent (75%).*
- II. The following uses shall be prohibited on the proposed site: off premise signs; commercial parking lots; kennels; heavy vehicles and manufactured home sales; vehicle repair; vehicle services; telecommunications towers; passenger terminals; and waste related uses.*
- III. The façade of any new building facing Scottsville Road shall be constructed of at least eighty percent (80%) brick, hardy plank siding, natural or cultured stone at the owner's discretion.*
- IV. There shall be no outside storage within one hundred and fifty (150) feet of Scottsville Road. Any outside storage shall be hidden with external screening on all sides of the storage area.*
- V. Within 120 days of re-development, the owner shall provide paved parking and travel ways within the site.*
- VI. This 1.093 acre lot shall be served by no more than one access point from Scottsville Road.*
- VII. Any future re-development of this 1.093 acres lot shall include landscaping as per Section 4.6.8.c of the Zoning Ordinance of Warren County, Kentucky including the submission of a landscape plan prior to a building permit being issued.*
- VIII. Any building constructed on the proposed site shall include exterior downlighting made of metal, fiberglass, or composite materials. In addition, security lighting for the parking lots may be installed. All lighting shall be designed to minimize the light trespass on any adjoining properties.*
- IX. Signage on the property shall include one (1) monument or pole sign to be erected at the front of the development not to impair visibility for ingress and egress. Any pole sign shall not exceed twenty (20) feet in height and one hundred (100) square feet in*

*surface area. Any monument sign shall not exceed ten (10) feet in height and one hundred (100) square feet in surface area.*

- X. *The property shall have sufficient water supply and fire hydrants to meet the fire control standards of Warren County, Kentucky. Prior to occupancy by any commercial or industrial use the property shall be connected to the existing sanitary sewer and fire hydrants installed as necessary.*
- XI. *Prior to the occupancy of the property for non-residential use, the principal structure will meet the commercial building code.*

Mr. Hunter explained that staff reviewed Comprehensive Plan policies totaling fourteen (14) different Policies which were described as follows: **LU-1A-2** (*In preparing a general development plan, surrounding property owners must be consulted prior to submitting a zone change request to the Planning Commission*) - The Staff recommends to all applicants that they contact adjacent neighbors prior to the public hearing or have a neighborhood meeting. The applicants have met with adjacent property owners and made calls to the property owners across the street.

In addition, Policies: **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*) - The applicants have committed that the lot will be developed with maximum lot coverage not to exceed seventy-five percent (75%). The applicants are re-zoning the property in order to create a pest control business. The applicants have also stated that the following uses shall not be permitted on the property: Off premise signs; commercial parking lots; kennels; heavy vehicles and manufactured home sales; vehicle repair; vehicle services; telecommunications towers; passenger terminals; and waste related uses. The façade of any new building facing Scottsville Road shall be constructed of at least eighty percent (80%) brick, hardy plank siding, natural or cultured stone at the owner's discretion. The applicants have also agreed that the principal structure will meet the commercial building code prior to occupancy of the property for non-residential use.

Then utility Policies of **LU-6A-6** (*sewer*) and **LU-6A-7** (*water*) - There is an 8 inch sewer line available along Scottsville Road. The applicants have committed in the Binding Elements that prior to occupancy by any commercial or industrial use; the property shall be connected to the existing sanitary sewer. There is a 10 inch water line is available along Scottsville Road providing greater than 600 GPM with more than 20 PSI. This is adequate for industrial uses and meets the minimum fire control standards for Warren County.

Also, Policies **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*); **LU-6A-13** (*parking*); **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-6C-3** (*screening*) and **LU-6A-14** (*signs*) - The applicants have committed in the Binding Elements that there shall be no outside storage within one hundred and fifty (150) feet of Scottsville Road. Any outside storage shall be hidden with external screening on all sides of the storage area. Within 120 days of re-development, the owner shall provide paved parking and travel ways within the site. Any future re-development of the property shall include landscaping as per

Section 4.6.8.C of the Zoning Ordinance of Warren County, Kentucky including the submission of a landscape plan prior to a building permit being issued. Signage on the property shall include one (1) monument or pole sign to be erected at the front of the development not to impair visibility for ingress and egress. Any pole sign shall not exceed twenty (20) feet in height and one hundred (100) square feet in surface area. Any monument sign shall not exceed ten (10 feet in height and one hundred (100) square feet in surface area.

The next Policies of **LU-6D-1** (*Industrial development shall take place on pre-developed industrial park sites*); **LU-6C-1** (*Industrial development or re-development is permitted where the existing dominant use of the area is industrial*); 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*) - Although the existing dominant use of the area is not Industrial, the area is in transition from Agriculture to mixed urban uses. As you can see from the Zoning Map, There are several commercial and industrial uses in the vicinity.

The final are traffic Policies of: **LU-6A-9** (*All industrial uses shall be located with access to at least a collector street. There shall be no ingress or egress into any residential neighborhood*); and **TR-2** (*Measures must be taken to ensure that all private and public development is undertaken in a manner which minimizes increased traffic congestion on existing streets, roads and intersections*) - The property has frontage on Scottsville Road, a State maintained urban roadway, with sixty feet (60') of pavement width and right-of-way that varies. The property shall be served by no more than one access point from Scottsville Road. Within 120 days of re-development, the owner shall provide paved parking and travel ways within the site.

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 fourteen (14) Policies and finding eleven (11) policies in compliance.

Chairman Runner asked if there were any questions or comments for Mr. Hunter. Being none, on behalf of the applicants, Sherry Vincent of 913 Nolans State Road, Clarkson, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. One Commissioner asked about a body of water on the property. Ms. Vincent said there was not a body of water or stream or a lake on the property.

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 #2011-26-Z-CO. The motion is based on the findings of fact as presented in the staff report and the testimony presented in this public hearing, that the Zoning Map Amendment is in agreement with the adopted Comprehensive Plan as demonstrated by its compliance with the Comprehensive Plan's following Policies: LU-1A-2; LU-6A-3, 5, 7, 9, 12, 13 & 14; LU-6C-3; and TR-2. Further, it was requested that the findings of fact and recommendation include a summary of the evidence and testimony presented by the proponents and/or**

**opponents of the proposed amendment. The vote was eight (8) yeas so a recommendation for approval, will be sent to the Warren County Fiscal Court.**

Chairman Runner announced that the third item under our Public Hearings section is also a request for a zone change described as: *2011-27-Z-BG - Habitat for Humanity* has filed an application in order to re-zone a tract of land containing 14.05 acres, located on Glen Lily Road, approximately 310 feet from the intersection of Glen Lily Road and Vine Street, from RM-3 (Multi-Family Residential) to PUD (Planned Unit Development) with a general development plan.

Mac Yowell, Staff Engineer, stepped to the podium to present the staff report. He stated that the applicants are proposing to re-zone a tract of land from **RM-3** (Multi-Family Residential) to **PUD** (Planned Unit Development) in order to create a residential development which will incorporate a mix of residential uses including multi-family units, habitat homes, as well as market rate housing. The applicants have agreed to certain restrictions as outlined in the Binding Elements. The applicants have proposed mixed and multiple uses of the property including Multi-Family Residential units; Single-Family Habitat Homes; Market Rate Single-Family Residential Units; as well as a community building to be shared by residents of the development. The applicants have stated in a Statement of Binding Elements that the following uses shall be permitted: Single-Family or Multi-Family residential, **OP-R** (Office and Professional- Residential) uses as defined by the Warren County Zoning Ordinance, limited retail, and a child care facility. The multi-family units will be placed near the central and eastern portion of the property, with the single family residences expanding to the north and south. A community center will also be located near the multi-family units on the eastern portion of the property (See Exhibit "B"). Minimum set backs shall be as follows: front set back for all structures, ten (10) feet; front set back for garage, twenty (20) feet; side set back, seven and a half feet (7½'); and rear set back, ten (10) feet. No single-family dwelling unit shall be smaller than one thousand (1,000) square feet of heated interior living space or any larger than two thousand (2,000) square feet of heated interior living space.

Each building on the property will be constructed with a maximum of fifty percent (50%) vinyl siding. Other permissible building materials include wood, brick, stone, cementitious materials such as "hardi-board" and other modern masonry materials, stucco or EFIS. Utilities for the development shall be located underground. Streets will be developed with five (5) foot sidewalks on at least one (1) side of each street. Sidewalks may be a part of an internal pedestrian circulation system which may attach to the eight (8) foot wide City Greenways System. All property owners will be required to become members of a property owners association to be organized by the developer. The developer will be responsible for the maintenance and upkeep of the common areas until at least thirty (30) individual dwelling units shall have been sold to third parties. The property will be developed with access points to adjacent streets as shown on Exhibit "B" and with an interior street system as generally shown on Exhibit "B". Parking requirements for individual residential lots may be satisfied by on-street parking, subject to approval of the City of Bowling Green Public Works Department, and as generally shown on Exhibit "B". No more than forty-nine (49) dwelling units shall be developed on the property. The property may be developed with up to ten thousand (10,000) square feet of building for non-residential use. The property will be developed with uniform streetlight poles of fiberglass composite or metal materials. Lighting for common parking areas and for commercial and office areas shall be designed to focus downward and to minimize light trespass onto adjacent residential properties. The property will be developed with sufficient water supply and

fire hydrants to meet the fire control standards of the City of Bowling Green, Kentucky. All improvements on the property shall be connected to sanitary sewer.

Also, applicants had a pre-application meeting with staff on February 1, 2011. The property is located at 350 Glen Lily Road and contains 14.2 acres. Also, the property is located in Focal Point: 112½ - Crewdson - with Characteristics of: Residential; post 1960 moderate cost residential neighborhood; experiencing some deterioration. The property has frontage on Glen Lily Road, a State maintained urban collector roadway with fifty (50) feet of right-of-way and twenty-three (23) feet and eight (8) inches of pavement width. The property also has frontage on West 12<sup>th</sup> Avenue and Durbin lane. West 12<sup>th</sup> Avenue is a City maintained roadway with fifty (50) feet of right-of-way and twenty (20) feet of pavement width. Durbin Lane is a City maintained roadway with fifty (50) feet of right-of-way and fifteen (15) feet of pavement width

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

- *Signage;*
- *Landscaping;*
- *Uses; and*
- *Design standards.*

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

#### **BINDING ELEMENTS**

- I. The property will be developed with sufficient water supply and fire hydrants to meet the fire control standards of the City of Bowling Green, Kentucky.*
- II. All improvements on the Property shall be connected to sanitary sewer.*
- III. Each building on the property will be constructed with a maximum of fifty percent (50%) vinyl siding. Other permissible building materials include wood, brick, stone, cementitious materials such as "hardi-board" and other modern masonry materials, stucco or EFIS.*
- IV. Utilities shall be located underground.*
- V. Minimum setbacks shall be as follows: front setback for all structures (except garages), ten (10) feet; front setback for garage twenty (20) feet; side setback seven and a half (7.5) feet; and rear setback ten (10) feet.*
- VI. Property will be developed with access points to adjacent streets as shown on Exhibit "B" and with an interior street system as generally shown on Exhibit "B".*
- VII. Parking requirements for individual residential lots may be satisfied by on-street parking, subject to approval of the City of Bowling Green Public Works Department, and as generally shown on Exhibit "B".*
- VIII. Streets will be developed with five (5) foot sidewalks on at least one (1) side of each street.*

- IX. *No more than forty-nine (49) dwelling units shall be developed on the property.*
- X. *The property will be developed with uniform street light poles of fiberglass composite or metal materials.*
- XI. *Lighting for common parking areas and for non-residential uses shall be designed to focus downward and to minimize light trespass onto adjacent residential properties.*
- XII. *All property owners will be required to become members of a property owners association to be organized by the developer. The developer will be responsible for the maintenance and upkeep of the common areas until at least thirty (30) individual dwelling units shall have been sold to third parties.*
- XIII. *No single-family dwelling unit shall be smaller than one thousand (1,000) square feet of heated interior living space nor any larger than two thousand (2,000) square feet of heated interior living space.*
- XIV. *The property may be developed with up to ten thousand (10,000) square feet of building for non-residential use. Permitted non-residential uses will include a Community Center, neighborhood daycare, and limited office space for local residents.*
- XV. *The property will be developed with at least fifty percent (50%) open space.*
- XVI. *Any buildings which are not residential structures or structures ancillary to a residential structure, including office uses, and community buildings, will be landscaped consistent with the landscape provisions of the Zoning Ordinance of Warren County, Kentucky.*
- XVII. *Signage on the property will be limited to two (2) entrance signs, and one (1) sign for the community building, which, for a total of three (3) signs which signs shall be monument-style signs no taller than six (6) feet in height and no larger than thirty (30) square feet on each sign face.*

Mr. Yowell explained that staff reviewed Comprehensive Plan policies totaling thirty-four (34) different Policies which were described as follows: **LU-1A-2** (*In preparing a general development plan, surrounding property owners must be consulted prior to submitting a zone change request to the Planning Commission*) - The Staff recommends to all applicants that they contact adjacent neighbors prior to the public hearing or have a neighborhood meeting. The applicants did have a neighborhood meeting on January 11, 2011 and possibly had an additional meeting recently.

In addition, Policies: **LU-4B-1** (*Urban density residential development is permitted only in the committed to "Urban Density Development Areas" as defined in this plan in Policy LU-2*) - LU-2.C.1 of the 1990 Comprehensive Plan for Warren County, Kentucky defines Urban Density Development Areas as areas within the corporate limits of Bowling Green, areas within the corporate limits of any 5<sup>th</sup> or 6<sup>th</sup> class city, or areas within 1,500 feet of public sanitary sewer. The property located at 350 Glen Lily Road is within the corporate limits of Bowling Green, making it an area committed to Urban Density Development

Then utility Policies of **LU-4B-4** (*All urban density residential development shall be served by public sanitary sewer*); **LU-5A-9** (*All new commercial uses shall be served by public sanitary sewer, when sewer is available*); **LU-4B-2** (*Urban density single family detached residential development must be served by a 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 supply capable of 600 GPM at 20 PSI residual pressure. Fire hydrants must be provided to meet the fire protection standards of the applicable jurisdiction*) and **LU-4B-5** (*Electric, Telephone and CATV utilities should be placed underground in urban density residential developments*) - An 8 inch sewer line is available along Glen Lily Road. The applicant has committed to connect all improvements on the property to sanitary sewer. An 8 inch water line providing more than 600 GPM at over 20 PSI is available Glen Lily Road. This meets the City fire control standards of Bowling Green. The applicant has committed that the property will be developed with sufficient water supply and fire hydrants to meet the fire control standards of the City of Bowling Green, Kentucky. Utilities for the development shall be located underground.

The Policies **LU-4B-7** (*Urban density residential development shall have street lights, sidewalks, curbs, and gutters installed at the time of development*); **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*) - The property will be developed with uniform streetlight poles of fiberglass composite or metal materials. Streets will be developed with five (5) foot sidewalks on at least one (1) side of each street, and as may be approved by the City of Bowling Green Public Works Department. Sidewalks may be a part of an internal pedestrian circulation system which may attach to the City Greenways System.

The traffic Policies of **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*); **TR-2A** (*Adjacent developments shall provide for internal circulation between them in accordance with the subdivision regulations*); **TR-2D** (*All residential developments of more than 10 lots should be served by an interior street system. Within the Rural Density Development District, private access to existing state and county roads should be spaced at least 200 feet apart. Joint access easements providing one access point for two properties are encouraged*); **LU-4B-8** (*High density residential development should have direct access to at least a minor collector street*); **LU-5A-4** (*Commercial uses are appropriate only with direct accessibility to at least a minor collector street. Vehicular access to commercial development should be oriented away from residential neighborhoods*); **LU-5B-3** (*Primary ingress or egress to the commercial site shall not adversely impact any residential neighborhood*); **TR-2** (*Measures must be taken to ensure that all private and public development is undertaken in a manner which minimizes increased traffic congestion on existing streets, roads and intersections*); **TR-2G** (*Traffic calming techniques should be included in all new developments, where appropriate*); **TR-2H** (*Development within the City limits of Bowling Green shall comply with the City's adopted Traffic Access Management Manual*); and **TR-2I** (*Within urban areas, private access to existing state, county or city streets should be as restrictive as possible, of few as necessary, and align with other existing entrances*) - The property will be developed with access points to adjacent streets as shown on Exhibit "B" and with an interior street system as generally shown on Exhibit "B". The property has frontage on Glen Lily Road, a state maintained urban collector roadway. However, it is directly accessed

from both Durbin Lane and West 12<sup>th</sup> Avenue, which are City maintained local roadways. The access point for the development located at the intersection of Durbin Lane and Wade Avenue is approximately 1,100 feet from Glen Lily Road when following the right-of-way. As can be seen on the Concept Plan, the proposed internal street does not connect to Glen Lily Road, which is at least a minor collector street. Access to any commercial use will be via the proposed newly constructed street as shown on Exhibit "B". Research shows that on-street parking can serve as a traffic calming technique. The applicant has stated, in their binding elements, that parking requirements for individual residential lots may be satisfied by on-street parking, subject to approval of the City of Bowling Green Public Works Department, and as generally shown on Exhibit "B". The proposed street has extensive curvature which provides slower speeds. The applicant and engineer have met with Bowling Green City Public Works and received verbal approval of the concept plan as shown on Exhibit "B"

Then Policies of **LU-4A-1** *New residential areas should provide for a mix of housing densities;* **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-4A-8** *Infill residential uses should reflect the overall density and style of the neighborhood;* and **LU-4A-9** *Residential development should not exceed density of surrounding developments by more than 50%.- No single family dwelling unit shall be smaller than one thousand (1,000) square feet of heated interior living space nor any larger than two thousand (2,000) square feet of heated interior living space. Each building on the property will be constructed with a maximum of fifty percent (50%) vinyl siding. Other permissible building materials include wood, brick, stone, cementitious materials such as "hardi-board" and other modern masonry materials, stucco or EFIS. Minimum set backs shall be as follows: front set back for primary residential structure, ten (10) feet; front set back for garage, twenty (20) feet; side set back, seven (7) and a half (½') feet; and rear set back, ten (10) feet. No more than forty-nine (49) dwelling units shall be developed on the property, and no more than twenty-four (24) such dwelling units shall be part of a multi-family structure. The property may be developed with up to ten thousand (10,000) square feet of building for non-residential use*

Also, Density policies of: **LU-4B-9** *High density residential development should provide buffering (e.g. landscaping, fencing, etc.) from incompatible land uses or lower density residential developments;* **LU-4B-10** *All urban density single family residential development shall maintain at least 6.5 percent 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 lot – Staff has evaluated the density of surrounding developments in order to determine compliance with the Comprehensive Plan. The surrounding developments that were analyzed for density were the following: Glen Lily Manor has ninety-six (96) lots on 27.82 acres for a density of 3.45 units per acre. The A.E Briggs development has sixty-three (63) lots on 16.80 acres for a density of 3.75 units per acre. The Jennie Briggs development has one hundred sixteen (116) on 24.19 acres for a density of 4.80 units per acre. The proposed development intends to have forty-nine (49) units on 14.05 acres for a density of 3.49 units per acre.*

Then Policies of: **LU-5A-5** *Commercial uses may be located adjacent to land zoned for residential uses if buffered from the residential uses by landscaping, lighting, and noise controls;* **LU-5A-6** *Sites for commercial uses located where an adjoining property on two or more boundaries is residential must maintain at least 50 percent of the site in green space not devoted to parking. Sites larger than one acre should reserve green space of at least 10 percent of the site, or one-half acre, whichever is larger;* **LU-5A-12** *New commercial development should follow sound design principles for buildings, parking, landscaping, signage, and set backs;* **LU-5A-13** *Commercial developments, including loading docks, vehicle use areas, public use areas, and outside storage areas should be screened from adjacent residential developments or districts;* **LU-5A-15** *Free standing signs should be in proper scale, style and bulk with the surrounding area. In general, signs should not be taller than the tallest structure on the site; and* **LU-5A-16** *All lighting should be directed downward and away from adjacent residential uses and should be shielded to prevent light trespass or reflection onto adjoining properties - Staff has requested information about the landscaping to be submitted for the proposed development in order to determine compliance with the Comprehensive Plan. No information was submitted as of the writing of this report. Staff also requested of the applicant, information about the signage to be submitted for the proposed development in order to determine compliance with the Comprehensive Plan. No information was submitted as of the writing of this report. Lighting for common parking areas and for commercial and office areas shall be designed to focus downward and to minimize light trespass onto adjacent residential properties.*

Mr. Yowell 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 thirty-four (34) Policies and finding thirty-two (32) policies in compliance.

Chairman Runner asked if there were any questions or comments for Mr. Yowell. One Commissioner asked about the street standards and rights-of-way for this development and Mr. Yowell indicated that the streets will be built to City Standards and the City will inspect and accept the streets for use and rights-of-way.

Being no other questions, on behalf of the applicants, Attorney Kevin Brooks stepped to the podium and called the Commission's attention to three changes in the Binding Elements that were missed in the haste of getting here tonight. He indicated that the applicants removed and commercial offices and added the wording "*non-residential uses*" in its place in Binding Element #11. In Binding Element #16 strike the words "*retail uses*"; and in Binding Element #17 strike the words "*and retail*".

Mr. Brooks then called his first witness, being Rod Goodman, Executive Director of Habitat of 1254 Nutwood Street, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Goodman said that they had an additional neighborhood meeting last Thursday, September 29<sup>th</sup>. He then explained that Habitat has received a \$655,000 Grant for infrastructure from the Kentucky Division of Water. He also explained the development and reasons for wanting to develop this area for Habitat. Mr. Goodman indicated that the BG Public Works, BG Independent Schools and multiple community partners have made this development a reality.

Mr. Goodman said he would agree to the changes in the Binding Elements as indicated.

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. Therein, Roger Beckham of 1210 Oakwood Drive, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner. Mr. Beckham indicated where he lived and asked about a dirt wall along his property that was built to assist drained and he wanted to make sure it would not be knocked down because it would cause a hazard and water would flood his property again.

Also, Alonso Webb of 1222 Oakwood Drive, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner. Mr. Webb stated that there are dead trees falling over along the adjacent property onto his property and he asked that all of the trees and branches be cleaned up along Oakwood Drive. Mr. Webb presented three pictures which were marked Opposition Exhibits "1"; "2" and "3" and entered into the record.

Next, Sylvester Page of 1226 Oakwood Drive, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner. Mr. Page asked about if the entire fence row would be cleaned out. He said he has complained to the City, but nothing has been cleaned up yet.

Attorney Brooks came back to the podium and stated that the dirt berm would not be removed and it will be shown on the drainage plan as it is submitted and the dead and diseased trees will be removed and cleaned up from the property and along the adjacent properties. He said it is the applicant's intention to have a nice development with a nice vegetative line around the property with new trees planted in place of the dead and diseased trees.

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 Coppinger made the Motion, seconded by Commissioner Atkerson, to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development and Concept Plan, docket #2011-27-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-1A-2; LU-4A-1, 3, 4, 8, 9 & 10; LU-4B-1, 2, 3, 4, 5, 6, 7, 8, 9 & 10; LU-5A-4, 6, 9, 11, 12, 15 & 16; LU-5B-1 & 3; TR-2, 2A, 2D, 2G, 2H, 2I. Further, it was requested that the findings of fact and recommendation include a summary of the evidence and testimony presented by the proponents and/or opponents of the proposed amendment. The vote was eight (8) yeas so a recommendation for approval, will be sent to the Bowling Green City Commission.**

Chairman Runner announced the final item on the agenda this evening is a request for a Zone Change described as: 2011-30-Z-BG - Ada Williams Estate has filed an application in order to re-zone a tract of land containing 0.44 acre at 714 Eastwood Street, located at the corner of Eastwood Street and Lehman Avenue, from RS-1A (Single Family Residential) to GB (General Business) with a general development plan.

Marshall Robinson, Planner, stepped to the podium to present the staff report. He stated that the applicant proposes to re-zone a tract of land from **RS-1A** (Single Family Residential) to **GB** (General Business) in order to establish a professional office (with a minimum retail component) on 0.44 acres. The applicant has agreed to certain site restrictions as outlined in the Binding Elements. Also, applicants had a pre-application meeting with staff on July 6, 2011, wherein the conceptual layout of this proposal is that applicant intends and has stated in the Binding Elements that the use for the property shall be limited to Single-Family Residential, Office Professional-Residential and limited retail up to 4,000 square feet as outlined in the Warren County Zoning Ordinance; however, the following uses will not be permitted on the property: any repair oriented services, branch banks, dry cleaners, emergency medical care, laundromats, photocopy and blueprint services, private gym, taxidermists, mortuaries, veterinarians, animal grooming, vehicle sales, furniture store, jewelry store, pet store and pharmacy. Currently, the property contains one residential structure. Prior to the occupancy for uses other than residential, the principal structure shall meet the commercial building code. Signage shall be limited to one post mounted, non-back lit double sided placard sign no more than twenty-five (25) square feet in area and eight feet (8') in height. A wall mounted sign no more than five (5) square feet will also be permitted. The property shall maintain the residential scale, size, and style of the neighborhood. The property shall be limited to the existing access points located on the property. No new access points shall be permitted.

Mr. Robinson stated that this property is located at 714 Eastwood Street and contains 0.44 acres. Also, the property is located in Focal Point: 106 ½ - Eastwood/Covington - with Characteristics of: Residential; pre-1960 stable residential neighborhood. The property has frontage on Eastwood Street, a City maintained urban local roadway with fifty feet (50') of right-of-way and twenty-eight (28) feet of pavement width. The property also has frontage on Lehman Avenue, a City maintained urban local roadway with fifty (50) feet of right-of-way and pavement width that varies.

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

- *Access points / parking;*
- *Landscaping; and*
- *Design elements.*

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

#### **BINDING ELEMENTS**

1. *Hours of operation shall be within the hours of 8:00 a.m. and 9:00 p.m.*
2. *Signage shall be limited to one post mounted non-back lit double sided placard sign no more than 25 square feet in area and no more than eight feet in height. A wall mounted sign no more than 5 square feet shall also be permitted.*
3. *Lighting on the property shall be focused downward and inward to minimize light trespass on adjoining residential uses.*

4. *Use for the property shall be limited to Single-Family Residential, office professional-residential and limited retail up to 4,000 square feet as outlined in the Warren County Zoning Ordinance; however, the following uses will not be permitted on the property: any repair oriented services, branch banks, dry cleaners, emergency medical care, laundromats, photocopy and blueprint services, private gym, taxidermists, mortuaries, veterinarians, animal grooming, vehicle sales, furniture store, jewelry store, pet store and pharmacy.*
5. *Prior to the occupancy for a use other than residential; the principle structure will meet commercial code prior to occupancy.*
6. *The property shall maintain the residential scale, size and style of the neighborhood.*
7. *The property shall be developed in compliance with the landscaping provisions of the Joint Zoning Ordinance of Warren County, KY.*
8. *The property shall be limited to the existing access points located on the property. No new access points shall be permitted.*
9. *The property shall be limited to fifty percent (50%) green space.*

Mr. Robinson explained that staff reviewed Comprehensive Plan policies totaling sixteen (16) different Policies which were described as follows: **LU-1A-2** (*In preparing a general development plan, surrounding property owners must be consulted prior to submitting a zone change request to the Planning Commission*) - The Staff recommends to all applicants that they contact adjacent neighbors prior to the public hearing or have a neighborhood meeting. The applicant has supplied information that a neighborhood meeting took place in the past few days.

Then utility Policies of **LU-5A-9** (*sewer*) and **LU-5A-11** (*water*) - Development of land located within 1,500 feet of a public sanitary sewer, measured by way of public rights-of-way or public utility easements shall be served by public sanitary sewer. There is an eight inch (8") sewer main available at the rear of the property. Any land development within the City limits of Bowling Green must meet the fire protection standard of six hundred (600) gallons per minute (GPM) and twenty (20) pounds / square inch (PSI). There is a six (6) inch water line available along Eastwood Street providing more than six hundred (600) GPM with more than twenty (20) PSI. There is also a ten (10) inch water line available along Lehman Avenue providing more than six hundred (600) GPM with more than twenty (20) PSI. Both meet the City fire control standards of Bowling Green.

Also, Policies **LU-5B-1** (*Infill sites with access to at least a minor collector street may be developed as commercial uses which are low volume traffic generators. The proposed development shall maintain the residential scale, size, and style of the neighborhood. At least 25% of the site shall be landscaped open space;* **LU-5A-12** (*New commercial development should follow sound design principles for buildings, parking, landscaping, signage, and set backs;* **LU-5A-6** (*Sites for commercial uses located where an adjoining property on two or more boundaries is residential, must maintain at least 50% of the site in green space not devoted to parking;* and **LU-5A-15** (*Free-standing signs should be in proper scale, style and bulk with the surrounding area. In general, signs should not be taller than the tallest structure on the site*) - The property is currently located on the edge of a residential focal point made up of a pre-1960's stable

residential neighborhood. Adjacent to the property is the 105-1A By-Pass Central focal point which is a Dominant Use Area and characterized by highway commercial uses. As can be seen on the zoning map, there is a transition of uses along Eastwood Street and Lehman Avenue where uses are mixed by a variety of single-family residential, multi-family residential, and commercial zoning districts. The subject property is zoned **RS-1A** (Single-Family Residential) and has an existing single-family residential structure on the property. The applicant has stated in the Binding Elements that the use for the property shall be limited to Single-Family Residential, Office Professional-Residential and limited retail up to 4,000 square feet as outlined in the Warren County Zoning Ordinance; however, the following uses will not be permitted on the property: any repair oriented services, branch banks, dry cleaners, emergency medical care, laundromats, photocopy and blueprint services, private gym, taxidermists, mortuaries, veterinarians, animal grooming, vehicle sales, furniture store, jewelry store, pet store and pharmacy. The applicant has also committed in the Binding Elements that the property shall maintain the residential scale, size and style of the neighborhood. The property is located adjacent to single-family residential zoning districts on the south and east property boundaries. As can be seen by the note on the boundary survey, the property has 54% green space not devoted to parking. There are no plans for any new construction on the property, however, prior to the occupancy for a use other than residential, the principal structure shall meet the Commercial Building Code. Signage shall be limited to one post mounted, non-back lit double sided placard sign no more than twenty-five square feet in sign face area and eight (8) feet in height. A wall mounted sign no more than five (5) square feet will also be permitted on the property

Also, Policies **LU-5A-16** (*lighting*); **LU-5A-14** (*parking*); **LU-5A-5** (*buffering*) and **LU-5A-13** (*screening*) - The applicant submitted a Binding Element that states lighting on the property shall be focused downward and inward to minimize light trespass onto adjoining residential uses. The subject property shares a boundary with three adjoining properties, all of which are zoned **RS-1A** (Single-Family Residential). Properties with incompatible uses adjacent to each other are appropriate if properly buffered from residential uses by landscaping, lighting, and noise controls. The applicant has submitted a Statement of Binding Elements that states the property shall be developed in compliance with the landscaping provisions of the Joint Zoning Ordinance/Resolution of Warren County, Kentucky.

The final are traffic Policies of: **LU-5A-4** *Commercial uses are appropriate only with direct accessibility to at least a minor collector street. Vehicular access to commercial development should be oriented away from residential neighborhoods;* **LU-5B-3** *Primary ingress or egress to the commercial site shall not adversely impact any residential neighborhood;* **TR-2** *Measures must be taken to ensure that all private and public development is undertaken in a manner which minimizes increased traffic congestion on existing streets, roads and intersections;* **TR-2H** *Development within the City limits of Bowling Green shall comply with the City's adopted Traffic Access Management Manual;* and **TR-2I** *Within urban areas, private access to existing state, county or city streets should be as restrictive as possible, of few as necessary, and align with other existing entrances* - the property has frontage and access onto Lehman Avenue and Eastwood Street. The access point on Eastwood Street is facing property zoned **RS-1A** (Single Family Residential). It should be noted that this is the property of a church and has a land use of public institution. The access point located on the Lehman Avenue frontage is facing commercial land uses zoned for commercial. The applicant has committed to limiting the property's number of access points in the Binding Elements by stating that the property shall be limited to the existing access points located on the property. No new access points shall be permitted.

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 sixteen (16) Policies and finding all sixteen (16) policies in compliance.

Chairman Runner asked if there were any questions or comments for Mr. Robinson. Being none, the applicant, C. T. (Spivey) Williams of 100 Augusta Avenue, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Williams explained that his mother passed away in March and this is the property that he was born and raised. He cannot live at two properties, so he wants to protect the property by perhaps having a professional office rather than rental properties that sometimes get run down and not taken care of by the tenant. By re-zoning the property to OP-R, there are restrictions that would be in place and an attorney, an accountant, etc., could come to the property and would maintain the property and keep the trash cleaned up because it is their professional office. Across the street in a nice professional office development and he would like to see something similar to that at this location, well maintain and well take care of by the occupants. The church is well taken care of by its congregation and people and he would like to see this property taken care of as it always has been in the past. Mr. Williams said that money is not an issue at this point, he just wants the property taken care of and maintained.

Also, on behalf of the applicant, Joe Houchens of 1016 Boone Court, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Houchens said this is residential property on a busy street and Mr. Williams wants the property maintained. If the property is sold, it could be sold to an investor and just used as rental property and the landlord could let the property go and not maintain the house and yard. Not always would the yard and landscaping be taken care of and Mr. Williams does not want to see this property go through someone not taking care of it.

Mr. Houchens said there is a nice professional office across the street and a church across the street. Slowly this type of commercial changes is coming and OP-R would have restrictions enough to take care of the property. A professional office would be a good neighbor and would have a nice improvement for the neighborhood.

Chairman Runner asked if there any questions of the Commissioners. Being none, she asked for opposition from the audience or if there were any questions from the audience. Several people raised their hands. She asked if there was a spokesperson for the opposition that would have questions or wished to make a statement at the end of the questioning. If no spokesman, then each person who wishes to ask a question or make a statement is asked to come forward, state your name and address and be sworn in to testify before the Commission.

From the audience, Greg Taylor of 603 Magnolia Street, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Taylor said if you looked at the pictures of the back of the property and look at the side of the house that shows a portion of the driveway and part of the yard completely paved. Is all of the pavement considered access to the property and to Lehman Avenue. If the current structure is demolished and a commercial structure were to come in, where would the access be to and from. Is there a Code that would determine egress and ingress to the property.

Steve Hunter, Executive Director, stated that there is breezeway and access to the carport area which is partially access but mostly parking. He said he would make a general assumption that part of the pavement is actually City right-of-way. If the property were re-developed it would not look as it does now. Not sure how it got paved over time as it now.

Mac Yowell said that the City of Bowling Green has access standards and if that property were to be re-developed, the pavement strip would not be there and a set access point to and from the property would be set. There were be curb and gutter placed and/or landscape to determine and define the access points.

Mr. Taylor then asked if a Traffic Impact Study was done on this property, and if not, why not. He said he walks to work over to the By-Pass and periodically (almost weekly) there are remains of an accident at the intersection (glass or taillights). He wanted to know how it would be determined or who would have information in regard to accidents at the intersection.

Mr. Hunter explained that the Traffic Impact Study threshold is 500 trips per day and if the applicant had just come to do a General Business zoning and not limit the uses, then a Traffic Impact Study would have been required. However, because of the uses that this zone change request is restricting, that a TIS was not required because of limited trips per day. It would be the trips generated to and from a particular business is what triggers the high traffic. The City of Bowling Green could request a Traffic Impact Study once they receive a building permit for a specific business, but without a drive-through or high volume traffic generator, then the Planning Commission would not require a study. Mr. Robinson then said that a change of use would trigger a permit and would trigger a certificate of occupancy to check the property.

From the audience, Gary Verst of 704 Nutwood Street, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Verst said that tonight he has heard the property is worth preserving, however, then it was said that property is going to be torn down and converted into a business. Mr. Robinson said that tearing down the house was only a hypothetical question posed by a person in regard to the access.

Joe Houchens said it could be a professional office similar to what is across the street. The Binding Elements agree to keep the property conducive to the character it is now. There are no plans to tear down the structure and put something in its place. As long the structure is there, the applicants wants to maintain the same residential character, only take on a different use. The structure will remain conducive to the neighborhood, but yet have a better chance to keep it well maintained, well landscaped and have a high productivity on that corner

From the audience, Michael Seidler of 604 Magnolia Street, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Seidler stated that he does not believe anyone in the room would honor their childhood home by selling it to a bunch of lawyers. He said he believed that notion is absurd as he believes money is the bottom line. It would be the first chink in this neighborhood. He said the argument does not make any sense.

From the audience, Alberta Smith of 550 Winfield Drive, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Ms. Smith asked if the applicant talked with the neighbors.

Mr. Williams responded that he and Mr. Houchens spoke with neighbors and went into detail about the ideas for the property. He again said this is not a money deal; it is for the preservation and maintenance of the residence no matter what others believe.

Ms. Smith asked the applicant if he believed that Halcomb, Curds, Downing, Leachman to be slum lords since they own rental property in the area and if this property were to become rental property that it would turn into poorly maintained and poorly run rental property.

Mr. Williams responded that this is not at all what they were saying. He said that property adjacent to his was being well maintained, but there is no control over the tenants.

Ms. Smith then said that she is here tonight because she does not want to see business encroaching on the old good neighbors. Mr. Williams said things have changed and it is not the same now as it was previously. Ms. Smith said it was the Planning Commission's fault that things have changed as she lived on Magnolia Street previously and does not want to see any other business as have come in the past few years.

From the audience, Bobbie Sue Bolton of 708 Eastwood Street, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Ms. Bolton said that she does not want to see the house next door turned into a business as she does not want to raise her children next to a business.

From the audience, Clara Natcher of 710 Eastwood Street, Bowling Green, Kentucky, unable to come to the podium, was given a microphone, and was sworn in by Chairman Runner to testify before the Commission. Ms. Natcher said she bought her lot and built a house in 1961. She said traffic is definitely an issue as when she backs out of her driveway, it is very dangerous.

From the audience, Mr. Verst returned to the podium and stated that he comes here with the premise that the Commission is very biased toward commerce and not necessarily a friend to the resident, but said he appreciated the lip service and opportunity to make a statement. He said he sees a clear area of residential and a clear area of commercial and he said that the main drag is not shown and if the zone change is allowed, would be encouraging development on Lehman and degrade property values in the neighborhood. He said he sees this as an initiation of another major artery. This would not be in the best interest of the neighborhood.

Steve Hunter responded that the Planning Commission does not make final decisions, it is a recommending body that follows its Comprehensive Plan that we currently have that is policy driven (the last year it will be used as a new Comp Plan will go into force next year in September of 2012). Sometimes it is tough because the policies have been met by the applicant submitting Binding Elements to mitigate all the issues about landscaping, lighting, etc. Chairman Runner said the Planning Commission makes a recommendation to the governing bodies who make the final decisions in regard to zone changes.

Attorney Moore stepped in and stated that either party who feels aggrieved by the decision of the Planning Commission tonight would have a chance to challenge the recommendation to the Bowling Green City Commission. The recommendation will go to the City Commission who would conduct a hearing and give notice that they will consider the

recommendation, then either party could challenge the recommendation, then contact the City Clerk and advise the Clerk of the appeal and she will tell you the proper procedure to follow.

Once again Michael Seidler stepped back to the podium and stated that he feels adrift already, as he hears that if the Commission denies this request, then it would be violating the Comprehensive Plan. He says he believes this to be a set up. There has been other property over on another street that was stopped by Commission Wilkerson. He said he was told that that would have to be procedural problem to get this overthrown. Mr. Seidler said it was highly inappropriate to expect people to go to the City Commission to be heard and simply passes the buck. A decision has to be made and it has to be made correctly. If the zone change is allowed it would be the first domino that will transform the neighbor from one of the best places to live to a place that will gradually deteriorate. This is a line in the sand that he requests be drawn and not crossed.

Chairman Runner asked for a Motion since there were no other questions or comments.

**ACTION:** Commission Huston made a motion, seconded by Commission Sparks to deny the proposed zoning map amendment, docket 2011-30-Z-BG. The motion is based on the findings of fact as presented in the staff report and the testimony as presented in this public hearing that the zoning map amendment is not in agreement with the adopted Comprehensive Plan as demonstrated by its non-compliance with the Comprehensive Plan's following Policies: *LU-5A-4; LU-5B-1 & 3*. 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 4 yeas and 4 nays, so a tie.

Attorney Moore advised that the vote was a tie and no recommendation was made. The Zoning Ordinance and Chapter 100 empowers another vote to break the tie. The case could be sent to the City Commission without a recommendation. After discussion of the Commissioners, Chairman Runner asked if there would be another Motion.

**ACTION:** Commissioner Atkerson made the motion, seconded by Commissioner Hotaling to approve the proposed zoning map amendment, together with and conditioned upon the General Development Plan, docket #2011-30-Z-BG. The motion was based on the findings of fact as presented in the staff report, and the testimony presented in this public hearing, that the zoning map amendment is in agreement with the adopted Comprehensive Plan as demonstrated by its compliance with the Comprehensive Plan's following Policies: *LU-1A-2; LU-5A-4, 5, 6, 9, 11, 12, 13, 14, 15 & 16; LU-5B-1 & 3; TR-2, 2H & 2I*. Further, it was requested that the findings of fact and recommendation include a summary of the evidence and testimony presented by the proponents and/or opponents of the proposed amendment. The vote was 4 yeas and 4 nays.

Chairman Runner asked if the Commission would send over the request to the City without a recommendation. After discussion, Chairman Runner asked if the Commission would like cast another Motion to try and break the tie.

**ACTION:** Commissioner Atkerson made the motion, seconded by Commissioner Hotaling to approve the proposed zoning map amendment, together with and conditioned upon the General Development Plan, docket #2011-30-Z-BG. The motion was based on the findings of fact as presented in the staff report, and the testimony presented in this public hearing, that the zoning map amendment is in agreement with the adopted Comprehensive Plan as demonstrated by its compliance with the Comprehensive Plan's following Policies: *LU-1A-2; LU-5A-4, 5, 6, 9, 11, 12, 13, 14, 15 & 16; LU-5B-1 & 3; TR-2, 2H & 2I*. Further, it was requested that the findings of fact and recommendation include a summary of the evidence and testimony presented by the proponents and/or opponents of the proposed amendment. The vote was 3 yeas and 5 nays.

Attorney Moore suggested that since there was a change in the tie votes, that perhaps a motion in the other direction would be in order.

**ACTION:** Commission Huston made a motion, seconded by Commission Sparks to deny the proposed zoning map amendment, docket 2011-30-Z-BG. The motion is based on the findings of fact as presented in the staff report and the testimony as presented in this public hearing that the zoning map amendment is not in agreement with the adopted Comprehensive Plan as demonstrated by its non-compliance with the Comprehensive Plan's following Policies: *LU-5A-4; LU-5B-1 & 3*. 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 5 yeas and 3 nays, so a recommendation for denial 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, stated that tonight the Personnel Committee met and wished to come forward with a report. After a change in the Engineering Group, there would be a new position title for Construction/Flood Plain Coordinator will be Josh Moore who will be giving up the Greenways Coordinator position.

Because Josh Moore is no longer coordinating the Greenways Commission, Jonathan Britt will move into that interim Greenways Coordinator until a part-time person is named.

Steve Hunter then said that the next meeting is scheduled on Thursday, October 20, 2011 and a draft agenda has been given to all the Commissioners.

Chairman Runner stated there was no additional business to come before the Commission; the meeting was adjourned at 11:05 p.m.

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CHAIRMAN, VELMA RUNNER

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Sandy M. Clark, Zoning Administrator