

**SUMMARY MINUTES**  
**City-County Planning Commission of Warren County**  
**November 03, 2011 @ 7:00 p.m.**  
**City Commission Chambers**  
**3rd Floor - 1001 College Street**

**Present:**

<b>Velma Runner</b>	<b>Faye Phelps</b>	<b>Cliff Nahm</b>	
<b>Tim Huston</b>	<b>Bill Hotaling</b>	<b>Bennie Jones</b>	
<b>Chuck Coppinger</b>	<b>Larkin Ritter</b>	<b>Kenneth Sparks</b>	<b>Mary Belle Ballance</b>

**ABSENT:     John Atkerson                     Albert Rich**

The City-County Planning Commission of Warren County was called to order by Chairman Velma Runner.

**A.     ROLL CALL:**

Chairman Runner requested Sandy Clark, Zoning Administrator, to conduct roll call in order to determine a quorum. A quorum was determined with ten (10) of twelve (12) Commissioners present at the time of the roll call.

**B.     APPROVAL OF MINUTES:**

Chairman Runner asked if all Commissioners had received and read the draft Summary Minutes of the meeting held on October 20, 2011. The Motion was made by Commissioner Coppinger, seconded by Commissioner Hotaling and agreed upon by all of the Commissioners present (3 abstained) to approve the Summary Minutes of the October 20, 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 (November 3, 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; and Jonathan Britt, Planner, as witnesses before the Planning Commission and that their oath and qualifications be reflected in the record for tonight's hearings. Chairman Runner so ordered and swore in the two witnesses.

**C.     SUBDIVISION APPROVALS**

Chairman Runner asked if there were any questions or comments on the Subdivision approvals. Being no questions or comments, the October 12, 2011 to October 25, 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 (1) to be presented on the Revised Agenda 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 Coppinger, seconded by Commissioner Sparks, which passed unanimously, ten (10) yeas, to approve the following:**

1. Replace the existing cash surety for Wheatstone Apartments in the amount of \$15,400.00 from Shane Van Meter with a letter of credit in the same amount from Shane Van Meter.

**E. 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: *2011-14-DP - Campbell Lane Ventures and Chris Harrison have applied for approval of a Detailed Development Plan on a tract of land containing 1.024 acres at 1861 Westen Street, located at the intersection of Westen Street and Campbell Lane. The Plan proposes the construction of a 5,772 square foot commercial car wash and all required drainage, parking and landscaping. This property is zoned HB (Highway Business) with Binding Elements.*

Jonathan Britt presented the staff report and stated Campbell Lane Ventures and Chris Harrison have applied for approval of a Detailed Development Plan on a tract of land containing 1.024 acres at 1861 Westen Street which is located at the intersection of Westen Street and Campbell Lane. The Plan proposes the construction of a 5,772 square foot commercial car wash and all required drainage, parking and landscaping. This property is zoned HB (Highway Business) with Binding Elements. The applicants submitted a revised set of plans which is being presented to the Commissioners this evening.

It was noted that when staff reviewed this application, the purpose of this DDP is to satisfy the requirement in the Binding Elements that prior to issuance of any building permit, a Detailed Development Plan shall be submitted to and approved by City-County Planning Commission. This plan was reviewed based on the **HB** zone and Binding Elements as follows:

	<u>Allowed / Required</u>	<u>Provided</u>
Lot Coverage:	90%	69%
Set backs:	Front: 25 feet Side: 0' 53 feet (Campbell Lane) Rear: 0'	approximately 133 feet 13.05 feet (northwest) approximately 56 feet 14.54 feet (southwest)
Parking:	2 spaces (office space)	22 spaces



Chairman Runner then announced the next item on the agenda is a request for a zone change being described as: **2011-34-Z-CO - Living Hope Baptist Church (Missionary), Inc. and Lifeskills Industries, Inc. (Contract Vendee)** have filed an application in order to re-zone a tract of land containing 7.091 acres, which is a portion of 500 Lovers Lane, between I-65 and Lovers Lane, and which is approximately 1,285.6 feet from Lovers Lane at the end of Suwannee Trail Street, from AG (Agriculture) to OP-C (Office and Professional - Commercial) with a general development plan.

Steve Hunter, Executive Director, stepped to the podium to present the staff report. He stated that the applicants had a pre-application meeting with staff on September 23, 2011 and at that time there was discussion that the applicants are proposing to re-zone a tract of land approximately 7.091 acres from AG (Agriculture) to OP-C (Office and Professional – Commercial) in order to create two lots in order to establish a medical office and treatment facility. The applicants have also agreed to certain site restrictions as outlined in the Binding Elements.

The property will be developed with each parcel of property developed with a maximum of 100,000 square feet of improvements. Improvements on each parcel of property will be constructed with at least ninety percent (90%) stone, brick, or other modern masonry material, or EFIS. The applicants propose to use the portion of the property to be re-zoned for professional offices. The property will be developed with landscaping, signage, open space, and other development standards contained in the Lovers Lane Overlay District Provisions of the Joint Zoning Ordinance/Resolution of Warren County, Kentucky. Utilities will be located underground. The property will be developed with a reserved twenty-five (25) foot Greenways easement connecting to the adjacent property at the rear (southeast) corner adjacent to the Interstate 65 right-of-way. All lighting shall be directed inward and downward and shall use shoe-box fixtures. The portion of the property to be rezoned will be subdivided into two lots. All improvements on the property will be connected to sanitary sewer. There is an eight (8) inch water line available along Suwannee Trail Street providing more than six hundred (600) GPM with more than twenty (20) PSI. This meets the fire control standards of Warren County, Kentucky. The applicants have committed that the property will have sufficient water supply and fire hydrants to meet the fire control standards of Warren County, Kentucky.

Mr. Hunter stated that a portion of this property is located at 500 Lovers Lane and contains 7.091 acres. Also, the property is located in Focal Point: 114-A – Lovers Lane - with Characteristics of: Urban Growth Focal Point; presently single family residential, agricultural and industrial uses with Focal Point Plan; and Future Land Use Plan adopted.

The property has frontage on Suwannee Trail Street, a City maintained local roadway with fifty (50) feet of right and twenty-four (24) feet of pavement width.

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

- *Building height; and*
- *Compliance of Lovers Lane Overlay standards.*

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

### **BINDING ELEMENTS**

- I. *The property will have sufficient water supply and fire hydrants to meet the fire control standards of Bowling Green or Warren County, Kentucky, whichever is applicable.*
- II. *Improvements on the property will be connected to sanitary sewer.*
- III. *Improvements on each parcel of property will be constructed with at least 90% stone, brick, or other modern masonry material, or EFIS.*
- IV. *Each parcel of property will be developed with a maximum of 100,000 square feet of improvements.*
- V. *Utilities will be located underground.*
- VI. *The property will be developed with a reserved 25 foot Greenways easement connecting to the adjacent property at the rear (southeast) corner adjacent to the Interstate 65 right-of-way.*
- VII. *All lighting shall be directed inward and downward and shall use shoe-box fixtures.*
- VIII. *The property will be developed with landscaping, signage, open space and other development standards contained in the Lovers Lane Overlay District Provisions of the Joint Zoning Ordinance/Resolution of Warren County, Kentucky.*

Mr. Hunter explained that staff reviewed Comprehensive Plan policies totaling eighteen (18) 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. No information regarding a neighborhood meeting has been forwarded to the Planning Commission staff. The applicants can address this when one of the applicants come forward.

In addition, Policies: **LU-5A-1** – (*Where a Focal Point Plan or Preservation Plan has been adopted, commercial development shall conform to the plan in all respects*) and **LLC-1** (*All development in the Lovers Lane Road Corridor shall conform to the adopted Future Land Use Map unless evidence can be presented that the proposed use is in compliance with the policies of the Lovers Lane Corridor Policy Plan and the Comprehensive Plan*) - The Lovers Lane Overlay District Focal Point Plan and Future Land Use Plan have been adopted in the area. This property was projected for office/professional, residential and some light industrial uses along the rear portion, adjacent to I-65. The office/ professional use proposed for this property conforms to the adopted Future Land Use Plan

The utility Policies of **LU-5A-11** (*water*); and **LU-5A-9** (*sewer*) - There is an eight (8) inch water line available along Suwannee Trail Street providing more than six hundred (600) GPM with more than twenty (20) PSI. This meets the fire control standards of Warren County, KY. The applicants have committed that the property will have sufficient water supply and fire hydrants to meet the fire control standards of Warren County, Kentucky. The property is within 1,500 feet of sanitary sewer. The applicants have committed that all improvements on the property will be connected to sanitary sewer

Then traffic Policies: **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*); **TR-2A** (*Adjacent developments shall provide for internal circulation between them in accordance with the Subdivision Regulations*); **LLC-9** (*Direct access to Lovers Lane shall be limited. Access from interior local streets within the overlay district shall be strongly encouraged*); 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 entrance*) - Suwannee Trail Street will be extended from the adjacent development to serve the proposed development as shown on the concept plan. Suwannee Trail Street is part of an interior road network that connects to Lovers Lane (KY Hwy 880), a State maintained 5-lane urban road with curb and gutter. The property will be developed with a reserved 25' greenways easement connecting to the adjacent property at the rear (southeast) corner adjacent to the I-65 right-of-way

The Lovers Lane Overlay requires the following minimum standards:

**Traffic Design.** All internal streets, drives, travel ways, sidewalks/trails, parking and loading areas shall be designed for safe and efficient movement of vehicles and pedestrians. Projects to be developed within the Overlay District and contiguous to the Greenbelt shall be required to provide direct pedestrian access, separate from any vehicle entry, to the Greenbelt trail. Developments that are not contiguous to the Greenbelt trail shall provide either a sidewalk or trail that will allow for the movement of pedestrians to the Greenbelt trail, separate from the street system. All development shall allow for inter-parcel access of vehicles (two-way travel way) and pedestrians (via sidewalk or trail) to adjacent property. A minimum 25-foot buffer strip shall be required on the outer perimeter of the non-residential building lot abutting the property currently zoned for residential or agricultural use or development. No travel ways, vehicle use areas (VUA), outdoor display areas, structures or storage of material shall be allowed within the buffer strip.

In addition Policies: **LLC-4** (*All new non-residential uses should be of appropriate scale and character, and should be compatible with the surrounding residential uses and densities. All new non-residential development should also be compatible in style and building materials to surrounding developments*); and **LLC-5** (*Commercial development along the Lovers Lane Road Corridor should follow the concepts in creating a high quality, visually stimulating, green corridor as set forth in the adopted overlay district standards*); **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-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); **LLC-6** (All freestanding signs shall be limited to architectural designed monument signs. Interchange signs and off-premise billboards shall be prohibited in the adopted corridor); **LLC-8** (Lighting in commercial areas should be compatible with the surrounding property uses. Lighting should be directed away and shielded from any adjacent and nearby residential uses and be focused on the intended property only, in order to prevent light trespass. Lighting should be uniform and consistent in design with surrounding developments) –* The proposed office/professional use for a medical office and treatment facility conforms to the Lovers Lane Overlay District Focal Point Plan. The applicants have also agreed that the property will be developed with a maximum of 100,000 square feet of improvements. The proposed use is compatible with existing uses. The property requesting the zone change is adjacent to **OP-C** (Office Professional-Commercial) and **PUD** (Planned Unit Development) zoning on the north and immediately surrounded by **AG** (Agriculture) zoning to the south and west. Interstate 65 is also located east of the subject property.

Across the road and in the other surrounding areas, there is additional **AG** zoning (including the Soccer Complex); **LI** (Light Industrial); **RS-1B** (Single Family Residential); **RM-3** (Townhouse/Multi-Family Residential); **P** (Public) (Briarwood Elementary and Warren County Board of Education); **RS-1A** (Single Family Residential); **RM-2** (Multi-Family Residential); and **HB** (Highway Business) zoning. Farther south of the property is the Kirby Funeral Home and Warren County Gardens Cemetery (zoned **AG**), and the recently re-zoned **PUD** property (the Traditions at Lovers Lane).

The Lovers Lane Overlay requires the following minimum standards:

The maximum surface land area of the building shall not exceed 50% of the total lot area. Parking areas, open courts and other open space uses shall not be included in building area. For all uses permitted within this overlay district, no more than 70% of the total surface land area of the lot shall be improved with buildings, structures, parking and loading areas, streets, driveways or roadways. All sites shall be developed with not less than 20% of the total area with green space. Green space shall be landscaped with trees, green shrubbery, grass and/or other plantings exclusive of any plantings or landscaping treatment in parking lot islands. The applicants have also committed in the Binding Elements that the property will be developed with landscaping, signage, open space, and other development standards contained in the Lovers Lane Overlay District Provisions of the Zoning Ordinance/Resolution of Warren County, Kentucky. The Lovers Lane Overlay requires the following minimum standards:

All building set backs are measured from the right-of-way. Minimum required lot size on sanitary sewer shall be one-half acre. Minimum required lot size on septic system shall be three acres. Minimum required front building set back abutting a local street shall be 30 feet. Minimum required rear building setback shall be 20 feet. Minimum required side building set back (not on corner lot) shall be 20 feet. Minimum side building set backs for corner lots abutting a local street shall be 30 feet. Minimum front building setbacks abutting Lovers Lane (KY880) shall be 50 feet. Minimum front, side and rear building set backs abutting an existing single family residential district shall be 50 feet. Minimum building setbacks abutting Interstate 65 shall be 50 feet. A minimum 20 foot buffer strip shall be required along Ky 880 (Lovers Lane).

**Signs.** The visual transfer of business advertising and other public information through the use of external signs in this zoning district shall comply with the following sign requirements. All signs, excluding traffic signs, must be approved by the Design Review Board and shall conform to the following uniform sign standards: Materials, colors, and shades of proposed signs shall be compatible with the related buildings on the property and must be approved by the Design Review Board. All completed signs must have a high quality professional appearance. Sign materials shall be limited to high quality construction materials.

Freestanding signs shall be ground-mounted, monument style with proper landscaping and be set back from the road sight triangle as to prohibit obstruction of view. Freestanding signs shall not exceed 5 feet in total height (from the grade to the top of the sign face) and 75 square feet per side, and shall be located in a manner that will not create a traffic hazard. Total freestanding structure shall not exceed seven (7) feet in height.

The following Lighting Standard is required by the Lovers Lane Design Guidelines:

**Lighting.** Adequate outside lighting shall be provided to ensure safe movement of persons and vehicles and for security purposes. At the same time, such lighting shall be directed downward and arranged so as to minimize glare and reflection on adjacent residential properties and public streets. The Design Review Board may require the submission of a lighting plan by a qualified professional engineer to ensure that the illumination of outside lighting as designed and installed does not exceed one-half (.5) foot candles measured at the property line of abutting property zoned for residential use or development. All freestanding light poles and fixtures shall be black. Suggested lighting styles are as follows: Teardrop with optic cutoffs, Lantern with prismatic fixtures and Bollards for pedestrian access.

**Utility Provisions.** All electric, telephone cable and similar service lines and other wiring shall be installed underground, and shall be required for all new development. The applicants have committed that all utilities will be located underground

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 eighteen (18) Policies and finding possibly two (2) policies not in compliance by the applicants.

Chairman Runner asked if there were any questions or comments for Mr. Hunter. One Commissioner asked about the fire control standards, either City or County, which ever is applicable at this site. He said he would like to see the more stringent standards for this site. After discussion, it was determined that in the building permit process, it would be determined who would supply the water (BGMU or Warren County Water District); the standards for fire protection and the number of fire hydrants needed for the development based on the size of the lot and whatever is going to be placed on the lot.

Being no other questions, on behalf of the applicants, David Broderick, Attorney for both applicants, stepped to the podium and stated that one set of Binding Elements say Warren County and the new set this evening says Bowling Green. There would need to be research done as to who will provide water and fire protection to this development. Mr. Broderick also said that the applicants contacted neighbors, but a neighborhood meeting was not held due to the ownership of the surrounding properties.

Mr. Broderick then said that Lifeskills, Inc, is one of the applicants, rather than Lifeskills Industries, Inc. He also said the both Lifeskills, Inc., as Contract Vendee and Living Hope Baptist Church will each sign the Binding Elements and these signed Binding Elements will be provided to the Planning Commission.

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.

Attorney Hamp Moore asked Mr. Broderick if he would agree to the change in the Binding Element #1 to indicate either Bowling Green or Warren County, whichever is applicable. The Binding Element will now read:

- I. *The property will have sufficient water supply and fire hydrants to meet the fire control standards of Bowling Green or Warren County, Kentucky, whichever is applicable.*

Mr. Broderick said he would agree to the change to Binding Element #1 and he would see to it that the applicants go with the most stringent standards.

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 Coppinger made the Motion, seconded by Commissioner Huston, to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket #2011-34-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-5A-1, 4, 9, 11, 12, 13 14 & 15; LLC-1, 5, 6, 8 & 9 and TR-2, 2A and 2I. Further, it was requested that the findings of fact and recommendation include a summary of the evidence and testimony presented by the proponents and/or opponents of the proposed amendment. The vote was ten (10) yeas, so a recommendation for approval, will be sent to the Warren County Fiscal Court.**

#### **F. ADDITIONAL NEW BUSINESS**

Chairman Runner asked for any additional new business. Steve Hunter, Executive Director, stated that the next meeting is scheduled on Thursday, November 17, 2011 and a draft agenda has been given to all the Commissioners.

Mr. Hunter said that staff has been working on several small projects, which include getting the final draft of the Comprehensive Plan to the printer.

Also, the sub-committee for signage has been meeting and recently requested a Moratorium for Billboards be presented to the City Commission. The City had their meeting on Tuesday and a Moratorium is now in place for any additional Billboards. Because of the discussion about a cap on the spacing for Billboards, the committee asked for a Moratorium. There were five new permits that had been requested and approved prior to the Moratorium that has now been established and set. Any new permits requested will not be allowed.

**G.**     **ADJOURN**

Chairman Runner stated there was no additional business to come before the Commission; the meeting was adjourned at 7:50 p.m.

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CHAIRMAN, VELMA RUNNER

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Sandy M. Clark, Zoning Administrator