

**SUMMARY MINUTES**  
**City-County Planning Commission of Warren County**  
**December 1, 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:   Albert Rich                   John Atkerson**

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 November 17, 2011. The Motion was made by Commissioner Coppinger, seconded by Commissioner Sparks and agreed upon by all of the Commissioners present (1 abstained) to approve the Summary Minutes of the November 17, 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 (December 1, 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; and Tonya Travelstead, 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 three witnesses.

**C.   SUBDIVISION APPROVALS**

Chairman Runner asked if there were any questions or comments on the Subdivision approvals. Being no questions or comments, the November 10, 2011 to November 20th, 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) addition to the two presented on the 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) Call or Release the letter of credit for Corvette View Subdivision, Lots 14-16 in the amount of \$12,360.00 from ACH Development, LLC
- 2) Call or Release the letter of credit for Pine Terrace Subdivision in the amount of \$10,000.00 from Richard Rogers
- 3) Release the cash surety for landscaping 1203 Shady Court in the amount of \$1,500 from John Scott.

#### **D. PUBLIC HEARINGS:**

Chairman Runner announced that the first item under our Public Hearings section is a request for zone change, being described as: **2011-35-Z-CO - Doug and JoAnne Magers** have filed an application in order to re-zone a tract of land containing 2.054 acres at the intersection of Bristow Road and McGinnis Road, from AG (Agriculture) to R-E (Residential Estate) with a general development plan.

Steve Hunter, Executive Director, stepped to the podium to present the staff report. He stated that the applicants had a pre-application meeting with staff on October 22, 2011 and at that time there was discussion that the applicants are proposing to re-zone 2.054 acres of property from AG (Agriculture) to R-E (Residential Estate) in order to create two (2) single family residential lots. The applicants have also agreed to certain site restrictions as outlined in the Binding Elements.

Mr. Hunter said that the applicants are proposing to re-zone 2.054 acres of land from AG (Agriculture) to R-E (Residential Estate) in order to subdivide the property into two (2) single family residential lots. The conceptual layout of this proposal is to create two (2) single family residential lots having lot areas of 1.047 acres and 1.007 acres respectively. The remaining acreage not shown for re-zoning will be added to an adjacent lot described in a plat note located on the rezoning plat. The Binding Elements indicate that the number of lots shall be limited to two (2) with a minimum of one (1) acre for each lot. The applicants have committed that the property shall be developed for single family residences and that no manufactured or mobile homes shall be permitted on the property. The proposed zoning map amendment request will create two (2) new access points. The applicants have agreed to contact the Warren County Road Department prior to the location of any new access points to the property. The applicants shall obtain a site evaluation from the Barren River District Health Department for the approval of a septic system on each lot prior to platting.

The minimum square footage for all principle structures shall be 1,150 square feet for any one-story structure; 1,000 square feet, on the ground level, for any one and a half story structure; and 900 square feet, on the ground level, for any two-story structures; all of which shall be exclusive of garages and porches.

The subject property consists of approximately 2.054 acres of land. Mr. Hunter stated that this property is located at the southwest corner of Bristow Road and McGinnis Road and contains a total of 2.054 acres. Also, the property is located in Focal Point: 116 – Louisville Road - with Characteristics of: Agriculture/open space; mostly agriculture but with scattered low density single family residential. The property has frontage on Bristow Road and McGinnis Road which both are County maintained rural roadways with fifty (50) feet of right-of-way and sixteen (16) feet of pavement width

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

- *Fire Protection;*
- *Site evaluation approval;*
- *Access; and*
- *Number of lots;*

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

#### ***BINDING ELEMENTS***

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

*"The water provided to this property does not meet the FIRE CONTROL STANDARDS of Warren County, Kentucky."*

*II. The number of lots shall be limited to two (2) with a minimum of one (1) acre for each lot.*

*III. The property shall be developed for single family residences. No manufactured or mobile homes shall be permitted on the property.*

*IV. The minimum square footage for all principle structures shall be 1,150 square feet for any one-story structure; 1,000 square feet, on the ground level, for any one and a half story structures; and 900 square feet, on the ground level, for any two-story structures; all of which shall be exclusive of garages and porches.*

*V. The applicants will contact the Warren County Road Department prior to the location of any new access points to the property.*

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

VII. *Binding Elements 3 and 4 shall be included as Binding Elements only until such time as the plat is filed and then shall be made plat restriction.*

Mr. Hunter explained that staff reviewed Comprehensive Plan policies totaling nine (9) different Policies which were described as follows: **LU-1A-2** (*In preparing a general development plan, surrounding property owners must be consulted prior to submitting a zone change request to the Planning Commission*) - The Staff recommends to all applicants that they contact adjacent neighbors prior to the public hearing or have a neighborhood meeting, 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, however, the applicants did indicate that they met with the neighbor on a one-on-one basis.

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

An area with severe soil limitation with respect to septic tank and absorption field systems is another condition that classifies an area as a Rural Conservancy District. The property is comprised of two soil types: BaC – Baxter Gravelly Silt Loam, 6 to 12 percent slopes and BaD – Baxter Gravelly Silt Loam, 12 to 20 percent slopes. BaC soil types are suited for septic tank absorption fields. Unlike BaC soils, the BaD soil type is poorly suited for septic tank absorption fields. The National Resources Conservation Service rates this soil type as very limited, meaning that the soil has one or more features that are unfavorable for use of septic tank absorption fields. The BaD type soil is characterized by a restricted permeability, as well as some limitations in regards to slope.

Then Policy **LU-4G-1** (*One single family residential development is allowed on an existing lots of record*) - The property is currently vacant. The applicants are proposing to subdivide the property into two (2) single family residential lots having lot areas of 1.047 acres and 1.007 acres respectively. The Binding Elements state that the number of lots shall be limited to two (2) with a minimum of one (1) acre for each lot.

The next is the Traffic Policy of: **TR-2** (*Measures must be taken to ensure that all private and public development is undertaken in a manner which minimizes increased traffic congestion on existing streets, roads and intersections*) - The applicants are proposing to subdivide the property in order to create two (2) new single family residential lots. The applicants will contact the Warren County Road Department prior to the location of any new access points to the property.

The final Policies of: **LU-4A-3** (*Residential neighborhoods are viewed as personal, economic and lifestyle necessities. Measures must be instituted for the protection of both existing and newly created residential neighborhoods*); **LU-4A-4** (*Future growth and development must not jeopardize existing neighborhoods. Therefore, future growth and development shall be compatible with adjacent properties and neighborhoods with respect to (but not limited to) scale, identity, bulk and site planning*); and **LU-4A-9** (*Residential development should not exceed density of surrounding developments by more than 50%*) - The proposed site consists of 2.054 acres and will conceptually be divided into two (2) single family residential lots. Lots 1 and 2 will consist of 1.047 and 1.007 acres, respectively. The remaining portion of the property will be added to an adjacent property and is described in a plat note located on the re-zoning plat. As can be seen from the zoning map, there are some larger tracts adjacent to the property; however, there are lots of similar size in the general vicinity. Lot sizes in the general vicinity range from 0.025 acres up to 291.56 acres. The proposed property is located in the 116 Louisville/I-65 Focal Point that has characteristics of agriculture/open space and is mostly agriculture but with some scattered low density single family residential. This zone change request is a reflection of those focal point characteristics in proposing to create two (2) single family lots totaling around one (1) acre each. It can be seen from the zoning map, that there are a few developments in the area of similar densities that all have low density residential land uses, just as this proposed zoning map amendment. The applicants have committed in a Statement of Binding Elements that the property will be developed into a maximum of two (2) single family residential lots and no manufactured or mobile homes shall be permitted on the property.

Mr. Hunter completed the explanation of the staff report by stating that the staff finds that the proposed zoning is generally in agreement with the adopted Comprehensive Plan after staff spent time reviewing nine (9) Policies and finding possibly two (2) policies not in compliance and definitely one (1) policy 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 protection waiver. Mr. Hunter explained that the waiver was received and signed and placed in the file. The waiver is used for a maximum of two (2) lots created.

Another Commissioner asked about drainage, run-off and elevations on the property. Mac Yowell, Engineer, indicated that Lot 2-2 has a sink hole that should accept the drainage off both lots and the easements on either lot can allow for the drainage to the sink hole with a house built toward the front of the lot with plenty of room for the right-of-way easements in the front, sides and rear.

Commissioner Nahm asked about materials for the construction of the houses. Staff explained that they look at number of lots, sizes of the houses, etc., but the materials are not typically put in residential Binding Elements. Staff said Applicants can address this when then come forward.

Therein, Doug Magers of 4646 Bristow Road, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Magers said that he plans to build at least 1,200 to 1,500 square foot homes and that garages would not be required. It would be up to the buyer to choose the size of the house that is built, but he wanted to place a minimum amount in the Binding Elements.

When asked about a neighborhood meeting, Mr. Magers said he talked with the one neighbor that is anywhere near the lots. He then said the only other thing out there was a Buddhist temple and basically there is no one else out there anywhere near the property. Mr. Magers said it was his plan to have the homes built close to Bristow Road, but at least fifty (50) feet from the roadway in order to keep the right-of-ways and to stay away from sink holes.

Chairman Runner asked for additional questions or comments from the Commissioners. Being none, she asked if any questions from anyone in the audience, or if any opposition. Being no other questions or comments, Chairman Runner asked for a Motion.

**ACTION:** Commissioner Huston made the Motion, seconded by Commissioner Nahm, to approve the proposed zoning map amendment, together with and conditioned upon the General Development Plan docket #2011-35-Z-CO. The motion is based on the findings of fact as presented in the staff report, and the testimony presented in this public hearing, that the zoning map amendment is in agreement with the adopted Comprehensive Plan as demonstrated by its compliance with the Comprehensive Plan's following Policies: *LU-2; LU-2C-3; LU-4A-3, 4 & 9; LU-4G-1 & 2; & 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 seven (7) yeas and three (3) nays, so a recommendation for approval, with opposition, will be sent to the Warren County Fiscal Court.

## **F. TEXT AMENDMENT**

Chairman Runner next announced that the City-County Planning Commission is conducting this public hearing to consider a text amendment to the Zoning Ordinance of Warren County in order to revise the Urban Growth Overlay District (UG) Boundary description as defined in Article 2.7, 3.18, 4.9.2, and Appendix A "Exhibit C".

Ms. Tonya Travelstead stepped to the podium to explain the reasons for the clean up of the Zoning Ordinance, clarifications and the boundaries of the Urban Growth Overlay District. Ms. Travelstead showed the maps with additions to the boundaries and some properties that were coming out of the Urban Growth Overlay District boundaries.

Chairman Runner asked if there were any questions or comments from the Commissioners for Ms. Travelstead. Being none, Chairman Runner asked for a Motion.

**ACTION:** Upon Motion of Commissioner Coppinger, seconded by Commissioner Hotaling to approve the proposed zoning text amendment as presented. The motion was based on the findings of fact as presented by staff, and

**the testimony presented in this public hearing, that the zoning text amendment is in agreement with Section 3.9 of the Warren County Zoning Ordinance and the Kentucky Revised Statute (KRS) Chapter 100.211. Further, it was requested that the findings of fact and recommendation be sent to all legislative bodies of Warren County, Kentucky and include a summary of the evidence and testimony presented by the proponents and/or opponents of the proposed text amendment. The vote was ten (10) yeas, so approved and a recommendation for approval will be sent to the appropriate legislative bodies of Warren County, which include the BG City Commission; WC Fiscal Court etc.**

**G. ADDITIONAL NEW BUSINESS**

Chairman Runner asked for any additional new business. Steve Hunter, Executive Director, stated that the next meeting is scheduled on Thursday, December 15, 2011 as the case the was filed now has a scheduling conflict, and nothing else had been filed for that meeting. He asked the Commissioners if they wished to have a "Planning Only" meeting and several said it could just be a free evening. So there will not be a meeting on December 15<sup>th</sup> unless someone contacts Mr. Hunter to ask for a specific topic.

Mr. Hunter indicated that the 2012 PC meeting schedule has been given to all the Commissioners. If there are any conflicts, please advise, otherwise the schedule will go as given.

Mr. Hunter said that staff is busy working on projects. The Comprehensive Plan is being proofed and we are expecting final edits in the near future on readability, punctuation, and grammar. There is currently a copy on the website, but the final copy for the printer is not quite ready.

There was discussion about neighborhood meetings and the need for the applicants to have a meeting and talk with neighbors and surrounding property owners. This is successful for the applicants to know what the issues are prior to drafting Binding Elements and working out any issues that may be on neighbors' minds prior to getting to the public meeting here at the Planning Commission.

**H. ADJOURN**

Chairman Runner stated there was no additional business to come before the Commission; the meeting was adjourned at 7:40 p.m.

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CHAIRMAN, VELMA RUNNER

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Sandy M. Clark, Zoning Administrator