

SUMMARY MINUTES
City-County Planning Commission of Warren County
October 20, 2011 @ 7:00 p.m.
City Commission Chambers
3rd Floor - 1001 College Street

Present:

Velma Runner
Cliff Nahm
Bill Hotaling

Faye Phelps
Tim Huston
Bennie Jones

John Atkerson
Albert Rich
Chuck Coppinger

Absent: Larkin Ritter Kenneth Sparks Mary Belle Ballance

The City-County Planning Commission of Warren County was called to order by Chairman Velma Runner at 7:02 p.m.

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 nine (9) 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 6, 2011. The Motion was made by Commissioner Atkerson, seconded by Commissioner Coppinger and agreed upon by all of the Commissioners present (3 abstained) to approve the Summary Minutes of the October 6, 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 20, 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 Marshall Robinson, 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. FINANCE REPORT

Chairman Runner asked if there were any questions or comments in regard to the Financial Report that was in the packet. Steve Hunter, Executive Director, said this is the report for the 1st Quarter July through September and indicated the fees were higher than they had been in a while and we had a good 1st Quarter in fees. Being no questions or comments, Chairman Runner moved to the next item on the agenda.

D. SUBDIVISION APPROVALS

Chairman Runner asked if there were any questions or comments on the Subdivision approvals. Being no questions or comments, the September 29, 2011 to October 11, 2011 Subdivision plats stand as recorded.

E. LETTERS OF CREDIT AND PERFORMANCE BONDS

Chairman Runner indicated the next item on the agenda is the Letters of Credit and Performance Bonds. She said there were four (4) additions to the list 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 Atkerson, seconded by Commissioner Hotaling, which passed unanimously, nine (9) yeas, to approve the following:

1. Renew the letter of credit for Lot 121 Audley Avenue in the amount of \$5,200.00 from Cook Properties, LLC.
2. Call or Release the letter of credit for 161 McFadin Station Street in the amount of \$5,050.00 from Overholt Builders, Inc.
3. Renew the letter of credit for Bailey's Farm Subdivision 2B-1 Construction in the amount of \$28,600.00 from H&D Development.
4. Renew the letter of credit for Bailey's Farm Subdivision 2B-1 (Sidewalks) in the amount of \$10,000.00 from H&D Development.
5. Call or release the letter of credit for McLellan Farms Subdivision Section 1 (Sidewalks) in the amount of \$51,910.00 from R. E. Pendleton, McLellan Farms, LLC.
6. Renew the letter of credit for McLellan Farms Subdivision Section 2 (Sidewalks) in the amount of \$49,700.00 from R. E. Pendleton, McLellan Farms, LLC.
7. Release the Cash Surety for landscaping 2200 Scottsville Road in the amount of \$6,800 from Jim Johnson Nissan.
8. Call or release the letter of credit for Benita Meadows Subdivision in the amount of \$138,000.00 from Bobby and Sharon Wilson.
9. Call of release the letter of credit for McGuirk-Haynes Commercial Lots 5-7 in the amount of \$30,000.00 from Green Grove.
10. Release the cash surety for Avalon Place in the amount of \$2,000.00 to Bluegrass Renovations

11. Release the cash surety for The Cloister Lot 162 in the amount of \$10,000.00 to Bell, Orr, Ayers, & Moore
12. Release the cash surety for Springfield Section 5 in the amount of \$5,000.00 to Horizon Development Group
13. Release the cash surety for Springfield Section 6 in the amount of \$2,500.00 to Horizon Development Group

F. PUBLIC HEARINGS:

Chairman Runner indicated there had been request for a change in the numbering on the agenda and requested that we move #1 and #2 to #3 and #4. Being no comments or questions, she went on with the announcement of the first two cases.

Chairman Runner announced that the first and second items under our Public Hearings section is a request for a zone change described as: **2011-29-Z-BG - Bowling Green Municipal Utilities** has filed an application in order to re-zone a tract of land containing 4.04 acres, located within Block "10" of the Bowling Green TIF District bounded by East Main Street, Kentucky Street, 8th Avenue and Center Street, from GB (General Business) to PUD (Planned Unit Development) with a general development plan. In addition, **2011-02-RWC - Bowling Green Municipal Utilities** has filed an application to close all known alleyways located within Block "10" of the Bowling Green TIF District. This block is bounded by East Main Street, Kentucky Street, 8th Avenue and Center Street.

Steve Hunter, Executive Director for the City-County Planning Commission, stepped to the podium to present the staff report. He stated that the applicants are proposing to re-zone several tracts of land from **GB** (General Business) to **PUD** (Planned Unit Development) in order to construct a new office building. The applicants have agreed to certain restrictions as outlined in the Binding Elements. The WKU Gateway to Downtown Bowling Green (the "Gateway Development") is a multi-block re-development in the City of Bowling Green extending from the northeastern edge of the Western Kentucky University Campus to an area bounded by Chestnut Street, Center Street and 6th Avenue. WKU Gateway to Downtown Bowling Green is envisioned as a vibrant mix of uses including a new minor league baseball park, urban residences, offices, hotels, shops and restaurants along pedestrian friendly streets. The portion of the Gateway Development that is the subject of a narrative Concept Plan consisting Block 10, bounded by Kentucky Street, 8th Avenue East, Main Avenue East and Center Street and is more generally shown on the Site/ Concept Plan.

The applicants are proposing to construct a new Bowling Green Municipal Utilities (BGMU) office building on the corner of Kentucky Street and Main Avenue East. The current BGMU office building and existing BGMU Annex building that front Center Street will be demolished at a later date after completion of the new office building. A comprehensive set of Design Guidelines and review process, including standards for bulk, signage, lighting, architectural style, building materials, and landscaping have been developed for the entire Gateway Development, including Block 10. The applicants have committed that prior to the issuance of a building permit for any improvements to the property, the proposed improvements will be submitted to the Design Review Committee of the Warren County Economic Development Authority, Inc. for consultation and comment.

The applicants have committed that improvements on the property will be developed with at least 80% architectural steel, EFIS, brick, stone or other modern masonry materials. No plain face block shall be permitted as a part of any façade. Signage on the property will be developed in compliance with the signage provisions of the Zoning Ordinance of Warren County, Kentucky. In any event, freestanding signage shall be limited to monument-style signage no taller than fifteen (15) feet in height and no larger than one hundred twenty (120) square feet on each sign face. Wall mounted signs shall be allowed. The applicants did not address in their Binding Elements whether they intend the relocation of the existing overhead utility lines (to be placed underground) with this development for Block 10.

The property will be served with three (3) access points to Kentucky Street as generally shown on Exhibit "B" and to two (2) access points for each of Center, Eighth and Main Streets. The Staff would ask the applicants to consider reducing the stated nine (9) access points to no more than six (6) for the development. Use of the property will be limited to the following uses: OP-C uses as defined in the Zoning Ordinance: open areas; community services; Religious Institutions; eating establishments (excluding drive-through); commercial parking; retail sales and service (excluding animal hospital, kennel or Veterinarian; greenhouse or nursery, live animal or poultry sales; planned shopping centers; vehicle sales, and heavy vehicle and manufactured home sales). The property will be developed with uniform street lighting with poles of a steel or composite material. Landscaping on the property will be installed and maintained in compliance with the landscaping provisions of the Zoning Ordinance of Warren County, Kentucky. All improvements on the property shall be connected to sanitary sewer. 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.

Also, applicants had a pre-application meeting with staff on June 22, 2011. The property is bounded by Main Avenue East; 8th Avenue East; Kentucky Street and Center Street and contains 4.04 acres (175, 982.4 square feet). The property is located in Focal Point: 101 Downtown Bowling Green; with **Characteristics:** 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; and some areas warrant clearance and re-development.

The property has frontage on Kentucky Street, Main Avenue East, Center Street and 8th Avenue East. Kentucky Street is a State maintained urban minor arterial street with fifty (50) feet of right-of-way and twenty-eight (28) feet of pavement width. Main Avenue East is a City maintained urban collector street with fifty (50) feet of right-of-way and forty-one and a half (41½) feet of pavement width. Center Street is a City maintained urban local roadway with fifty (50) feet of right-of-way and pavement width that varies. 8th Avenue East is a City maintained urban local roadway with fifty (50) feet of right-of-way and twenty-nine (29) feet of pavement width.

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

- *Compatibility of the proposed re-development with surrounding properties and structures;*
- *Traffic management & parking within this block;*
- *Number of proposed access points;*
- *Timeline for underground utilities for Block 10; and*
- *Proposed uses within development.*

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

BINDING ELEMENTS

- I. *All improvements on the property shall be connected to sanitary sewer.*
- II. *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.*
- III. *Signage on the property will be developed in compliance with the signage provisions of the Zoning Ordinance of Warren County, Kentucky. In any event, freestanding signage shall be limited to monument-style signage no taller than fifteen (15) feet in height and no larger than one hundred twenty (120) square feet on each sign face. Wall mounted signs shall be allowed.*
- IV. *Landscaping on the property will be installed and maintained in compliance with the landscaping provisions of the Zoning Ordinance of Warren County, Kentucky.*
- V. *Improvements on the property will be developed with at least 80% architectural steel, EFIS, brick, stone or other modern masonry materials. No plain face block shall be permitted as a part of any façade.*
- VI. *Use of the property will be limited to the following uses: OP-C uses as defined in the Zoning Ordinance: open areas; Community services; Religious Institutions; eating establishments (excluding drive-through); commercial parking; and retail sales and service; (excluding Animal hospital, kennel or Veterinarian; greenhouse or nursery, live animal or poultry sales; Planned shopping centers; vehicle sales; heavy vehicle & manufactured home sales).*
- VII. *The property will be developed with uniform street lighting with poles of a steel or composite material.*
- VIII. *The property will be served with three (3) access points to Kentucky Street as generally shown on Exhibit "B" and up to four (4) additional access points for Center, Eighth and Main Streets.*
- IX. *Prior to the issuance of a building permit for any improvements to the property, the proposed improvements will be submitted to the Design Review Committee of the Warren County Economic Development Authority, Inc., for consultation and comment.*

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. No information related to a neighborhood meeting was forwarded to the staff.

In addition, Policies: **LU-1C** (*“Leap-frog” development, development at urban densities beyond the availability of urban services and uncontrolled development directly fronting existing county roads should be discouraged. Instead, the community should encourage and promote the utilization of land in areas already served by adequate utilities and other infrastructure*) and **LU-1D** (*The governments of Warren County should promote and support the development and redevelopment of in-fill sites which already have adequate urban services. In-fill sites, for the purpose of this document, shall be defined as any area of 10 acres or less which is generally surrounded by development and which is served by existing public services*) - The applicants are proposing to re-develop an area within the City of Bowling Green. This area has existing utilities that will be reutilized to their fullest extent. Thus, utilities will not be extended out into undeveloped areas of the community. The property is served by sanitary sewer and water services, as well as electrical services, all provided by Bowling Green Municipal Utilities. Existing public streets will serve the property.

Then utility Policies of **LU-5A-2** (*Commercial uses include all non-residential, non-industrial uses considered under this Plan*); **LU-5C-1** (*Commercial development or re-development 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*); **LU-5A-9** (*All new commercial uses shall be served by public sanitary sewer, when sewer is available*); **LU-5A-11** (*public water*) - As mentioned in the development plan review, use of the property will be limited to the following uses: OP-C uses as defined in the Zoning Ordinance: open areas; community services; Religious institutions; eating establishments (excluding drive-through); commercial parking; retail sales and service (excluding animal hospital, kennel or Veterinarian; greenhouse or nursery; live animal or poultry sales; Planned Shopping Centers; vehicle sales and heavy vehicle & manufactured home sales). There are several dominant uses defined for the Dominant Use Area in which the property is located. 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 re-development. An eight (8) inch water line providing more than 600 GPM at over 20 PSI is available along 8th Avenue East. A four (4) inch water line providing more than 600 GPM at over 20 PSI is also available along Center Street. Both meet the City fire control standards of Bowling Green. The applicants have stated that all improvements to the property shall be connected to sanitary sewer. An eight (8) inch sewer line is available along both Center Street and 8th Avenue East. According to the Binding Elements, 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.

Then 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-1** (*Provisions should be made for safe movement, in the most expeditious manner, of people and goods from place to place throughout the country*); **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-2F** (Increased building setbacks and more stringent sign controls on arterial and collector streets should be required); **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 on Kentucky Street, Main Avenue, Center Street and 8th Avenue East. Kentucky Street is a State maintained urban minor arterial and Main Avenue is a City maintained urban collector street. All public street access to the property will be coordinated with the Kentucky Transportation and the City of Bowling Green Traffic Access Manual. The property will be served with three (3) access points to Kentucky Street as generally shown on Exhibit "B" and to two (2) access points for each of Center, Eighth and Ninth Streets. The Staff requested a limit on the number of access points within this block. The Applicants are proposing nine (9) access points to serve this block. Actually, the Engineer said there are eleven (11) access points shown at this time.

Then final 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-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 set back areas to allow for street landscaping);* and **LU-5A-15** *Free standing signs should be in proper scale, style and bulk with the surrounding area)* - Signage on the property will be developed in compliance with the signage provisions of the Zoning Ordinance of Warren County, Kentucky. In any event, freestanding signage shall be limited to monument-style signage no taller than fifteen (15) feet in height and no larger than one hundred twenty (120) square feet on each sign face. Wall mounted signs shall be allowed. Landscaping on the property will be installed and maintained in compliance with the landscaping provisions of the Zoning Ordinance of Warren County, Kentucky. The applicants' concept plan and building elevations show parking within the building set back along Kentucky Street. The parking along Kentucky Street is to rear of the proposed building, the public entrance of the new facility faces internal to the block.

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 seventeen (17) policies in compliance.

Chairman Runner asked if there were any questions or comments for Mr. Hunter. Being no questions, on behalf of the applicants, Attorney Kevin Brooks stepped to the podium and called the Commission's attention to a change in the Binding Elements that was agreed upon here tonight when everyone arrived at the meeting. He indicated that the applicants agree to a change in Binding Element #VIII. In Binding Element #VIII strike the words "up to two (2) access points on each of"; and replace the wording with the words "up to four (4) additional access points for Center, Eighth and Main Streets".

VIII. The property will be served with three (3) access points to Kentucky Street as generally shown on Exhibit "B" and up to four (4) additional access points for Center, Eighth and Main Streets

Mr. Brooks then called his first witness, being Mark Iverson, General Manager for BGMU, of 801 Center Street, Bowling Green, Kentucky, who stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Iverson said that this is exiting project for BGMU and they would like to have a campus setting and this would allow BGMU to stay in the downtown area and allow them to use matching TVA funds and would allow the TIF project to continue in the heart of the service area for BGMU. It is the intention to rebuild the office which was built in the 1960s. The building was built and designed with a rear entrance where customers come through the middle of the building to conduct business which is not a good flow for traffic. Also, with the rear entrance and parking, customers are required to pass through the drive-through traffic which is a safety issue in itself. There is certainly crowding in the building with all the facilities (water, electric, waste water and fiber optics) offices located in the same place.

Mr. Iverson said he would agree to the changes in the Binding Elements as indicated earlier this evening.

Chairman Runner asked if there were any questions or comments from the Commissioners for the applicants. 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 Coppinger, to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development and Concept Plan, docket #2011-29-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-1C; LU-1D; LU-5A-2, 4, 5, 9, 11, 12, 13, 14 & 15; LU-5C-1; TR-1, 2, 2F & 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 nine (9) yeas so a recommendation for approval, will be sent to the Bowling Green City Commission.

Steve Hunter came back to the podium and presented the staff report for the Right-of-Way Closing requested, being described as BGMU have filed an application to close three (3) alleys bound by Kentucky Street, Center Street, (9th Avenue)/East Main Street, and 8th Avenue. A 13 foot alley totaling 2,828 square feet; a 12 foot alley totaling 541 square feet; and a 10 foot alley totaling 510 square feet along with all other recorded or unrecorded right-of-ways and alleys located within this area. The applicants, Bowling Green Municipal Utilities, have requested this closing for the purpose of combining the lots for parking and a new project development.

The applicants submitted the required letters from the ten (10) agencies listed stating the closing of this right-of-way has no impact with respect to their agency, which no conditions noted.

1. City of Bowling Green - Melissa Cansler, PE, City Engineer, Public Works
2. Bowling Green Fire Department - Brian O'Callahan, Assistant Chief
3. Bowling Green Police Department - Doug Hawkins, Chief of Police
4. Medical Center EMS - John R. Fathbruckner, Director
5. Sanitation Services - Bill Ketchum, Operations Manager
6. BGMU - Water & Sewer Division - Emmitt Wood, Water/Wastewater Engineer
7. BGMU - Electric Division - Chad Spencer, Electric Engineering Supervisor
8. AT&T - Buzz Collburn, Electric Engineer Supervisor
9. Insight Communications - Tom Mracek, Construction Supervisor
10. Atmos Energy - Byron Oost, Project Specialist

FINDINGS OF FACT PER KRS 82.405: (A) Identification of all property owners abutting the right-of-way to be closed was made by applicant; (B) Written notice was given to the property owners abutting the right-of-way; and (C) The two property owners abutting the right-of-way to be closed have given their written and notarized consent to the closing.

Mr. Hunter said the condition that staff would request is: *A revised plat must be recorded reflecting the Right-Of-Way Closing.*

Chairman Runner asked if there any questions or comments from the Commissioners. Being none, she asked if there were any questions or comments from the audience or if there was any opposition to this request. Being none, Chairman Runner asked for a Motion.

ACTION: Upon Motion of Commissioner Coppinger, second by Commissioner Atkerson, to approve the Right-of-Way Closing, Docket #2011-02-RWC subject to the recording of a plat revision as noted in the staff report. 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 Right-of-Way Closing is in compliance with Section 3.16 of the Warren County Zoning Ordinance. The Vote was nine (9) yeas, so a recommendation for approval will be forwarded to the Bowling Green City Commission.

Chairman Runner then announced the next two items on the agenda are requests for a zone change and a request for Variances if the zone change is allowed. The request on tonight's agenda are described as: 2011-Z-32-Z-BG - Chad and Wendy Moseley have filed an application in order to re-zone a tract of land containing 12,885.3 square feet located at 1715 Smallhouse Road, which is at the intersection of Smallhouse Road and McElroy Way, from RM-2 (Multi-Family Residential) to RS-1D (Single Family Residential) with a general development plan; and 2011-V-23 - Chad and Wendy Moseley have also filed an application for Variances on property located at 1715 Smallhouse Road, at the intersection of Smallhouse Road and McElroy Way. The requests are a Variance from the front set back on McElroy Way and the front yard requirement on Smallhouse Road. This property is currently zoned RM-2 (Multi-Family Residential) with a pending zone change to RS-1D (Single Family Residential) with Binding Elements.

Marshall Robinson, Planner, stepped to the podium to present the staff report. He stated that the applicants are proposing to re-zone a tract of land containing a total of 0.2958 acres (12,885.3 square feet) from **RM-2** (Two-Family Residential) to **RS-1D** (Single Family Residential) in order to subdivide an existing residential lot. 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 September 16, 2011.

The applicants are proposing to re-zone approximately 0.30 acres (approximately 13,000 square feet) in order to create two (2) single-family residential lots. The property has an existing residential structure of approximately 1,800 square feet according to the records from the Property Valuation Administration (PVA) office. A second residence is proposed to be constructed on the other portion of the lot. The applicants have agreed that the use of the property shall meet the single family definition as outlined in the Warren County Zoning Ordinance. The existing residence is located on a corner lot approximately forty-five (45) feet from Smallhouse Road and eleven (11) feet from McElroy Way. The proposed residence appears to be about sixty (60) feet from Smallhouse Road and would sit in line with the current structure. Applicants have limited the height of the proposed residence to one and a half 1½ stories. The newly proposed residence will use split face block or brick for the foundation and vinyl siding for the exterior. All driveways shall be constructed of bituminous asphalt or concrete. The applicants are proposing that the existing single family residential structure will be located on an approximate 6,228 square foot lot. The remainder of the original lot – approximately 6,656 square feet – will be used for the development of the additional residence. There is an existing driveway with access to both McElroy Way and Smallhouse Road. The access point on Smallhouse Road will be widened to accommodate an additional driveway for the proposed residence. The proposed residence will be served by public utilities, including sewer. The property will meet the fire protection standards of City of Bowling Green.

Mr. Robinson stated that this property is located at 1715 Smallhouse Road and contains 0.2958 acre (12,885.3 square feet). Also, the property is located in Focal Point: 109½ – T C Cherry/Glendale - with Characteristics of: Residential; traditional moderate costs single family residential neighborhood. The property has frontage on Smallhouse Road, a City maintained urban collector with fifty (50) feet of right-of-way and twenty-two (22) feet of pavement width. The subject property also has frontage on McElroy Way, a City maintained local roadway with forty (40) feet of right-of-way and twenty (20) feet of pavement width.

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

- *Compatibility with existing neighborhood;*
- *Access location; and*
- *Lot coverage.*

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

BINDING ELEMENTS

- 1) *Applicant agrees to meet the fire control standards of Bowling Green, Kentucky, including installation of any necessary fire hydrants by the developer.*
- 2) *The property shall be served by public sanitary sewer.*

- 3) *The residential structure shall have a split faced block foundation or brick foundation with a vinyl sided exterior.*
- 4) *All driveways shall be constructed of bituminous asphalt or concrete.*
- 5) *All residential structures shall not exceed one and a half (1½) stories and shall be a maximum of 2,000 square feet of heated living space, exclusive of garage and porches.*
- 6) *Use of the property shall meet the single family definition as outlined in the Warren County Zoning Ordinance.*
- 7) *All lots in the development shall have a minimum lot size of 6,000 square feet and shall not exceed a maximum of two (2) lots.*

Mr. Robinson explained that staff reviewed Comprehensive Plan policies totaling twelve (12) 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 staff. One of the applicants can address this when they come forward.

In addition the utility Policies of: **LU-4B-2** (*water*); **LU-4B-4-9** (*sewer*); and **LU-4B-5** (*Electric, telephone and CATV utilities should be placed underground in urban density residential developments*) - A twelve (12) water line providing 979 GPM at 64 PSI is available along Smallhouse Road. There is also a six (6) water line available along McElroy Way providing 1,309 GPM at 67 PSI. Both are adequate for domestic uses and meet the fire control standards of Bowling Green. The applicants have committed that the property will meet the current fire protection standards of Bowling Green, Kentucky, including installation of any necessary fire hydrants. An eight (8) sewer line is available along Smallhouse Road. An eighteen (18) sewer line is also available along McElroy Way. The 1990 Comprehensive Plan defines Committed to Urban Density Development Areas as those areas within the corporate limits of Bowling Green, areas within the corporate limits of any 5th or 6th class city, or areas within 1,500 feet of public sanitary sewer. The subject property is located within the corporate limits of Bowling Green, classifying it as an Urban Density Development Area. The applicants have also agreed that the property shall be served by public sanitary sewer.

Then Policies **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-4B-10** (*All urban density single family residential development shall maintain at least 6.5% common open space, as defined by the Subdivision Regulations for Warren County*) - The proposed residential structure shall have a split faced block foundation or brick foundation with a vinyl sided exterior. All driveways shall be constructed of bituminous asphalt or concrete. All residential structures shall not exceed one and a half (1½) stories and shall be a maximum of 2,000 square feet. The applicants have also agreed to all developing all lots in the development with a minimum lot size of 6,000 square feet, and not to exceed two (2) lots.

The next Policies were traffic Policies 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*); and **TR-2H** (*Development within the City limits of Bowling Green shall comply with the City's adopted Traffic Access Management Manual*) – As shown on the proposed development plan, there are existing driveways with access to both McElroy Way and Smallhouse Road, which is an urban collector street. The access point on Smallhouse Road will be widened to accommodate an additional driveway for the proposed residence.

Then the final Policies of: **LU-4A-9** (*Residential development should not exceed density of surrounding developments by more than 50%*); and **LU-4A-1** (*New residential areas should*

4.4.6.C.1 *Corner lots shall be required to provide a front yard along any lot line abutting a street.*

4.4.6.B *The Front Yard setback in the RS-1D zoning district is twenty-five (25) feet.*

provide for a mix of housing densities) - There are lots of similar sizes in the general vicinity of the proposed zone change request

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 twelve (12) Policies and finding possibly three (3) policies not in compliance with the applicants.

Mr. Robinson next explained the Variances requested as the applicants are requesting a fifteen (15) foot Variance from the twenty-five (25) foot front yard set back required for **RS-1D** (Single-Family Residential) zoned land when located on a corner lot. This Variance request is to bring the existing residential structure into compliance with the Warren County Zoning Ordinance. The applicants are also requesting a change of nine percent (9%) from the allowed twenty-five percent (25%) parking coverage in the front yard in order to have thirty-four percent (34%) parking coverage on Lot #3 as shown on the Variance plat. The last Variance requested, is for a change of eighteen percent (18%) from the allowed twenty-five percent (25%) parking coverage in the front yard in order to have forty-three percent (43%) parking coverage on Lot #2 also as shown on the Variance plat.

The provisions of the Zoning Ordinance from which these Variances are requested is referenced in Articles 4.4.6.B; 4.4.6.C.1; and 4.4.6.C.9.a.

4.4.6.C.1- Corner lots shall be required to provide a front yard along any lot line abutting a street.

4.4.6.B - The front yard set back in the RS-1D zoning district is twenty-five (25) feet.

4.4.6.C.9.a - No parking shall be located in excess of 25 percent of the front yard of the housing unit; parking is also allowed, however, in front of a garage or carport

Mr. Robinson said he would be glad to answer any questions in regard to the Variances requested.

Chairman Runner asked if there were any questions or comments for Mr. Robinson. One Commissioner asked about a possible shared driveway on Smallhouse Road and what or who would determine access. Mr. Robinson responded that the City of Bowling Green Public Works Department, with the use of the Traffic Access Management Manual, would go out and determine access points and determine if a shared access would be feasible and manageable.

Another Commissioner asked about the Policy LU-4A-4 with a minimum or maximum of 2,000 square feet. Mr. Robinson confirmed that the staff report should say maximum of 2,000 square feet. It would be a judgment call of the Commissioners if the applicants meet this policy, as well as LU-4A-3.

There was discussion about the current land use of multi-family versus the request for RS-1D which would be single family residential, which is basically what the immediate area consists of along Smallhouse Road. There would be a dense area placing three houses within a small area with Lot #3 (currently house and lot area) having 6,228 square feet and Lot #2 (the proposed lot) having 6,656 square feet. Multi-family would mean a duplex with possibly 11,000 square feet versus single family dwellings with 6,000 square feet.

Then there was discussion about Smallhouse Road and if it were widened in the future what would happen to the entrance and parking. The future house proposed would be 15 feet from the current house so it meets fire protection standards for space between the two houses. But without a layout of the widening plan, staff would not be able to tell. There was a question about a large tree which sits at the access point on Smallhouse Road. Parking, as shown on the concept plan, would allow three or four parking spaces with an access easement on Smallhouse Road and then the access forks off to each parking area. Mr. Hunter stated that with RS-1D there would only be two (2) places required by standards. There looks to be a garage and a couple of other spaces shown on the concept plan.

Being no other questions or comments, on behalf of the applicants, Chad Moseley of 3425 Montgomery Way, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Moseley said that the large tree at entrance to the access area was going to be removed and he does intend to have a shared access entrance (approximately 10 foot wide) that would fork out/split into two separate parking areas which he plans as a garage and a couple of other parking spaces. He said he never intended to have four parking spaces for the new lot.

In regard to other duplexes in the area, he stated there are two just a couple of blocks up Smallhouse Road, so rather than add another duplex, he thought it would make more sense to build two single family houses. When asked if he talked with the neighbors, he said he visited each of the surrounding neighbors and talked with each in person or by telephone and there were no problems. Most of the neighbors would rather have single family instead of a duplex with multi-family which is what the property is currently zoned. The only neighbor to ask questions was Mr. Farmer who is here tonight who owns the property next door and across the street. Mr. Moseley said the Binding Elements could provide for a shared access requirement to have one drive off Smallhouse Road which would have access to both properties' parking area.

Attorney Moore asked Mr. Moseley if he would agree to put wording in Binding Element #4 that "The two (2) subject lots shall have a total of one (1) single shared access to Smallhouse Road. Mr. Moseley agreed to the change in Binding Element #4.

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. A few hands were raised, so she asked if there was a spokesman for the group and, if not, she asked that each person come forward and ask their questions. After all of the questions, there will be time for any comments or statements from the audience.

Therein from the audience, Rosella Potter, of 1815 Smallhouse Road, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Ms. Potter said she wanted clarification that the change from multi-family to two single family homes. Mr. Moseley confirmed that the request is to change from multi-family to single family.

The next person from the audience to come forward was Doug Farmer of 1708 Smallhouse Road, Bowling Green, Kentucky, who stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Farmer said he owns property at 1708 and 1711 Smallhouse Road which are next door and across the street. He entered a Petition with signatures (Opposition Exhibit"1") of names of persons against the re-zoning request. He said there is already a water problem and if a new building and pavement is added, he felt there would be additional water problems with water running off the back of the property onto his property.

Mr. Farmer said that the proposed house would not set parallel with Smallhouse Road and he said he thought it would not look very good. Also, he does not want parking in the front yard as he thinks that looks terrible. He then said there are students living in the house now and that his mailbox was damaged and he believed someone from the house or a guest may have been the one who damaged it.

Commissioner Jones asked if the current house sets parallel to Smallhouse Road and it was determined that looking at the site plan, it does not - - it too sits at an angle to Smallhouse Road as it is in a curve in Smallhouse Road.

Mr. Moseley came back the podium and said that he was not aware of any problem with the people who live or come to the house. He said that the current house does not sit parallel to Smallhouse Road and it too sits at an angle. Mr. Moseley then addressed the water issue as he said that when the property is platted and a drainage plan is submitted with the building permit, that the water issue would be addressed. He said he also planned to plant grass this fall in order to help with the drainage on the property as with the summer being so dry, he wanted to wait until the fall to plant the grass and put straw over it for winter.

Another Commissioner asked Mr. Moseley if he intended to rent or sell the two houses. He said he was not sure right now, but currently the one house is being rented and the lease ends in June of 2012. Depending on the market, it may be rental or each house may be sold.

There was then discussion that if the Planning Commission were to recommend approval and this request goes to the City and is approved, then the people living in the house would either have to move as only two unrelated persons can live in RS-1D (Single Family Residential). The Planning Commission cannot recommend a zone change that would create a zoning violation, so the house would have to transition from multi-family to single family.

Mr. Moseley said he has a lease contract with the renters is until June of 2012, so asked to withdraw the case until next Spring when it would be closer to the lease ending date so a transition from multi-family to single family could be made without vacating his current renters. He said he could leave the property as multi-family and add on to the house and make a duplex that is allowed in the currently multi-family zoning. So there would be two options – duplex versus single family option.

This case was withdrawn by applicants, Moseleys, at this point. Attorney Hamp Moore confirmed that Mr. Moseley does, in fact, wish to withdraw this request. He confirmed that he does withdraw at this time.

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, November 3, 2011 and a draft agenda has been given to all the Commissioners.

H. ADJOURN

Chairman Runner stated there was no additional business to come before the Commission; the meeting was adjourned at 8:50 p.m.

CHAIRMAN, VELMA RUNNER

Sandy M. Clark, Zoning Administrator