

SUMMARY MINUTES
City-County Planning Commission of Warren County
May 17, 2018 @ 6:00 p.m.
City Hall - Commission Chambers
3rd Floor, 1001 College Street, Bowling Green, KY

PRESENT:

Albert Rich
Mary Belle Ballance
Sandy Clark
Chuck Coppinger
Tim Graham
Christiaan Volkert
Dean Warren
Eric Madison
Tim Huston
Velma Runner

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

A. ROLL CALL:

Chairman Runner requested Jessica Martin to conduct roll call in order to determine a quorum. A quorum was determined with eight (8) of the twelve (12) Commissioners present at the time of the roll call.

B. APPROVAL OF MINUTES:

Chairman Runner stated all Commissioners had received the Minutes of the meeting held on May 3, 2018 in their packets. Chairman Runner asked if there were any corrections to the minutes. Being none, she asked for a motion. The Motion was made by Commissioner Rich that the minutes be approved, seconded by Commissioner Clark, and agreed upon (7 yeas, 1 abstained) to approve the Summary Minutes of the May 3, 2018 meeting as written.

Hon. Hamp Moore, of Cole and Moore Law Office, Attorney 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 (May 17, 2018) be introduced as exhibits for each of tonight's hearings. He further requested the Chairman order that the Staff Report, with all attachments together, along with the Commission's entire file for the applications be likewise introduced as exhibits. Hon. Hamp Moore asked that the Oath be administered to Ben Peterson, Executive Director, Monica Ramsey, Planner, and Rachel Hurt, Planner be sworn as witnesses before the Planning Commission and that their oath and qualifications be reflected in the record for tonight's hearing. Chairman Runner so ordered and swore in the witnesses.

C. FINANCIAL

Chairman Runner stated the April Financial Report was in the packets. She asked if there were any questions or comments. Being none, she moved to the next item on the agenda.

D. PRELIMINARY SUBDIVISION APPROVALS

Chairman Runner asked if there were any questions or comments on the Subdivision approvals. Being no questions or comments, she proceeded to the next item on the agenda.

E. LETTERS OF CREDIT AND PERFORMANCE BONDS

Chairman Runner stated there were three letters of credit or performance bonds on tonight's agenda.

1. Reduce and renew the letter of credit for construction for The Vinings at Collett Lane from \$99,000.00 to \$84,000.00 from The Vinings Development Corporation.
2. Reduce and replace the letter of credit for Brentwood Place, Phase 2 from \$81,400.00 to \$63,800.00 with a cash bond from Cook and Davenport, LLC.
3. Reduce and renew the letter of credit for construction for MacKenzie Meadows, Phase 2 from \$118,000.00 to \$56,400.00 from Bowling Green Builders, Inc.

Chairman Runner asked if there were any questions. Being none, she asked for a motion. The motion was made by Commissioner Rich, seconded by Commissioner Clark, and agreed upon (8 yeas) to approve the above Letters of Credit and Performance Bonds.

F. OLD BUSINESS

Chairman Runner announced there was no old business for tonight's agenda.

G. PUBLIC HEARINGS

Commissioner Coppinger entered the chambers making the total number of Planning Commissioners to nine (9).

Chairman Runner called the first item.

2018-01-T-CO – New Cingular Wireless PCS, LLC d/b/a AT&T Mobility and James T & Alys Howard have filed an application for approval of a wireless communications tower (cell tower) located at 664 Sweeney Lane, Bowling Green. This property is zoned AG (Agriculture).

Mrs. Rachel Hurt stepped to the podium to present the staff report. (*Note: Staff reports available upon Open Records Request*).

Commissioner Huston entered the chambers after the staff report was presented therefore was not included in the vote but the total number of Commissioners was ten (10).

Chairman Runner asked if there were any questions from the Commissioners for Mrs. Hurt. Being none, she asked to hear from the applicant. Mr. David Pike with Pike Legal Group came forward as the attorney for the applicants. He asked if it would be possible if the chair would inquire if there were any opposition for this request to determine his completeness of his presentation. Chairman Runner asked if there were any opposition in the audience. One hand was raised. Mr. Pike presented his slide show along with reference binders (that included a copy of his slide show) that was introduced as **Exhibit "A"**. After his presentation, Chairman Runner asked if there were any questions from the Commissioners for the applicant. Commissioner Clark asked how tall the tower was. Mr. Pike stated the 155 feet to the top of the tower but including the lightning arrest would be 160 feet. Commissioner Clark asked if the tower was only 100 feet from the parkway and if it was to fall it would fall on our Western Kentucky Parkway. Mr. Pike stated this application meets all state and national design standards and that this tower is overdesigned which is a 0 foot fall radius tower. He explained this means the tower

is designed to bend two-thirds of the way up without falling. He informed reports that included in Hurricane Katrina didn't damage a single tower like this and these towers are engineered to receive direct strikes by tornados. Commissioner Huston asked if WBKO had a tower nearby. Mr. Pike stated they did along with a microwave shot to a Bluegrass tower that was included in their search area and made special provisions that this location was over 600 feet away from their microwave shot. Chairman Runner asked if there were any other questions from the Commissioners before she opened it up to the audience. Being none, she asked for the opposition to come forward.

Mr. Jerry Smith, 686 Briggs Hill Road, came forward and was sworn in. He asked how much of a concrete foundation does this tower have to have. Chairman Runner stated that if he had further questions, maybe the applicant could answer them all at once. Mr. Smith asked if there was an environmental study done since they sit over Lost River cave area and explained he had a pond on the property across the street that was there one day and gone the next. He asked why this site was chosen. Mr. Smith asked if the 1100 foot clearance is for now or for future development. Mr. Pike came forward to address the questions. He explained that they have done a geotechnical drilling study on this site which is included in the application submitted to the Planning Commission and the foundation design is based on the same standard which is stamped and sealed by a Kentucky Engineer. Mr. Pike stated under state law they can't file anything beyond their application requirements but this is already gone under limited NEPA since they have a federal license. He stated it has been reviewed and approved already. Mr. Pike stated it was his view, but the board should of course consult their counsel, that this structure will not prohibit any development for the surrounding parcels in the future. Mr. Smith came back forward and stated he was there to stand up for his rights and voice his opinion. He stated there are 4 towers on Briggs Hill Road and stated it affects the aesthetic value of his property and one of the reasons why he is objecting to the approval of this tower. He stated he was opposed to the health aspect of the towers as well. Hon. Hamp Moore stated that in Mr. Pike's presentation he mentioned that health concerns should not be taken into consideration for approval per court decisions. He stated that Mr. Smith has the right to say what he wants to say though. Mr. Smith stated he has had 8 neighbors that have died of cancer in the last 8-9 years and it was his opinion that there had to be some direct correlations with the 4 towers near them. Chairman Runner asked if there were any other opposition or questions in the audience. Being none, she asked for a motion.

ACTION: Commissioner Warren made the motion, seconded by Commissioner Coppinger, to approve the proposed Telecommunications Tower Application, docket number 2018-01-T-CO. Based upon the testimony and documents presented in this public hearing, the proposed Telecommunications Tower Application is consistent with the adopted FOCUS 2030 Comprehensive Plan as demonstrated by its compliance with the following objectives and action items: CF-9 and CF-9.1. Therefore, the proposed Telecommunications Tower Application is in agreement with the adopted Comprehensive Plan. Further, I request that this motion include the summary of evidence and testimony presented by the witnesses at this public hearing. The vote was eight (8) yeas and one (1) nay (Commissioner Clark), so approved.

Chairman Runner called the last item on the Agenda:

2018-22-Z-CO – High Point Homes, LLC and Steven Freeman have filed an application to rezone tracts of land containing approximately 8.59 acres located on Brawner Road (bounded between Drakes Creek, Mt. Lebanon Road and the end of Brawner Road), from AG

(Agriculture), R-E (Residential Estate) and F (Floodplain) to R-E (Residential Estate) and F (Floodplain), with a general development plan.

Mrs. Monica Ramsey stepped to the podium to present the staff report. (*Note: Staff reports available upon Open Records Request*).

Chairman Runner asked if there were any questions from the Commissioners for the staff. Commissioner Rich stated most applications have exterior percentage standards and asked why there wasn't any for this application. Mrs. Ramsey stated that was an application for the applicant. Chairman Runner asked to hear from the applicant. Mr. Steven Freeman, 5781 Cemetery Road, came forward and was sworn in. He stated the reason he didn't specify materials besides the foundation is because the area is a mix of homes. Mr. Freeman stated across the street was an all vinyl home with concrete block foundation, next door is a home that is built out of wood and down the road has a majority of vinyl siding and he wanted to be able to have flexibility. Commissioner Warren asked what he would be willing to commit to. Mr. Freeman stated he would like to keep it flexible because he didn't want to exceed the limitations of the market because of the mix of products that was all around. Commissioner Coppinger asked if he was selling the lots to anyone or family. Mr. Freeman stated it was a combination. Commissioner Coppinger asked if he knew how far he was from the nearest firehouse. Mr. Freeman stated no not exactly. Commissioner Clark asked if he anticipated six vinyl houses or better materials. Mr. Freeman stated he didn't anticipate six vinyl houses. Mr. Freeman stated across the street is a fully vinyl house and wasn't prepared to take vinyl completely out. Mr. Freeman stated he felt he worked with the Planning Commission staff to make the property compatible with the surrounding neighborhood and felt the property was great for development with a great view. Commissioner Graham asked if it was his intent to make the housing affordable by not limiting the exterior materials. Mr. Freeman answered yes. Chairman Runner asked for a motion.

ACTION: Commissioner Graham made the motion, seconded by Commissioner Volkert, to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket number 2018-22-Z-CO. Based upon the testimony and documents presented in this public hearing, the proposed Zoning Map Amendment is consistent with the adopted FOCUS 2030 Comprehensive Plan as demonstrated by its compliance with the following objectives and action items: LU-1.1.1, LU-1.1.2, LU-1.1.3, LU-2, LU-2.1.4, LU-2.3.1, CF-2.6, CF-5.3, PR-1.7 and NCR-2.4.1. Therefore, the proposed Zoning Map Amendment is in agreement with the adopted Comprehensive Plan. Further, I request that this motion include the summary of evidence and testimony presented by the witnesses at this public hearing. The vote was five (5) yeas and five (5) nays (Commissioner Rich, Clark, Coppinger, Warren and Huston), so tied.

Hon. Hamp Moore explained the vote was a tie and no recommendation action has been taken. Commissioner Volkert asked the applicant if he would be willing to put in 50% of the exterior to be hardboard, brick, or stone for the property. Mr. Freeman stated part of the reason why he didn't want to commit to any standard was his vision was more of an urban, contemporary looking product. He stated he would be willing to limit the vinyl siding. Hon. Hamp Moore stated it can be worded: "The exterior of any home built on the premises shall consist of no more than 50% vinyl." Mr. Freeman agreed to that binding element to be added on Binding Element #2. Commissioner Rich asked if he was intending to build a barn home. Mr. Freeman stated no. Chairman Runner asked for a new motion with those changes.

ACTION: Commissioner Graham made the motion, seconded by Commissioner Volkert, to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket number 2018-22-Z-CO. Based upon the testimony and documents presented in this public hearing, the proposed Zoning Map Amendment is consistent with the adopted FOCUS 2030 Comprehensive Plan as demonstrated by its compliance with the following objectives and action items: LU-1.1.1, LU-1.1.2, LU-1.1.3, LU-2, LU-2.1.4, LU-2.3.1, CF-2.6, CF-5.3, PR-1.7 and NCR-2.4.1. Therefore, the proposed Zoning Map Amendment is in agreement with the adopted Comprehensive Plan. Further, I request that this motion include the summary of evidence and testimony presented by the witnesses at this public hearing. The vote was nine (9) yeas and one (1) nay (Commissioner Coppinger), so recommendation will be for approval.

H. NEW BUSINESS

Chairman Runner asked if there were any new business. Mr. Peterson gave an update on the Zoning Ordinance amendment with dates for 1st and 2nd reading. Chairman Runner asked if there were any new business. Being none, she moved to adjourn.

I. ADJOURN

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

CHAIRMAN, VELMA RUNNER

** Video is available upon Open Records request. This concludes the Summary of Minutes.*