

**SUMMARY MINUTES**  
**City-County Planning Commission of Warren County**  
**June 7, 2018 @ 6:00 p.m.**  
**City Hall - Commission Chambers**  
**3<sup>rd</sup> Floor, 1001 College Street, Bowling Green, KY**

**PRESENT:**

**Dean Warren**  
**Chuck Coppinger**  
**Doug Martens**  
**Tim Graham**  
**Christiaan Volkert**  
**Mary Belle Ballance**  
**Sandy Clark**  
**Eric Madison**  
**Albert Rich**  
**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 eleven (11) 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 17, 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 Warren that the minutes be approved, seconded by Commissioner Volkert, and agreed upon (10 yeas and 1 abstained) to approve the Summary Minutes of the May 17, 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 (June 7, 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, Rachel Hurt, Planner and Monica Ramsey, Planner be sworn as a witness 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. 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.

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

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

1. Reduce the performance bond on construction for Plano Estates Phase 2 from \$83,000.00 to \$42,000.00 from BCTA Properties, LLC.
2. Reduce the performance bond on construction for Plano Estates Phase 4 from \$71,000.00 to \$37,000.00 from BCTA Properties, LLC.

Chairman Runner asked if there were any questions. Being none, she asked for a motion. The motion was made by Commissioner Coppinger, seconded by Commissioner Clark, and agreed upon (11 yeas) to approve the above Letters of Credit and Performance Bonds.

**E. OLD BUSINESS**

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

**F. PUBLIC HEARINGS**

Chairman Runner went over the rules of conduct. She announced the first item on the Agenda described as:

**2018-01-RWC – Big EZ Investments, LLC & Edgar Mills** have filed an application to close approximately 0.09 acres or 3,900 square feet of right-of-way of Gorden's Alley located off of Clay Street. This right-of-way is located between 1169 and 1175 Clay Street.

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

Chairman Runner asked if there were any questions from the Commissioners. Being none, she asked if there were anyone in the audience with any questions or opposition. Being none, she asked for a motion.

**ACTION: Commissioner Warren made the motion, seconded by Commissioner Huston, to approve the Right-of-Way Closing, docket number 2018-01-RWC, with the following condition: 1) A plat must be recorded showing the right-of-way closure, as well as the utility easement requested by Atmos Energy and Charter Communications. My motion is 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 eleven (11) yeas, so recommendation for approval.**

Chairman Runner announced the next item on the agenda as:

**2018-07-DP – GTS Properties, LLC, Arina, LLC and Jason and Amanda Terrell** have filed an application to amend the Binding Elements/ General Development Plan on tracts of land containing approximately 21.79 acres located on the corner of Nashville Road and McLellan Road (bounded by Mitch McConnell Way and Century Street) and 6567 Nashville Road. This property is zoned GB (General Business), with a general development plan.

Mr. Ben Peterson stepped to the podium to present the staff report. *(Note: Staff reports available upon Open Records Request).* He stated there are new concept plan and revised development plan conditions at everyone's seat. 1) Fire Control: Water Service to the Property shall meet the existing fire flow requirements of the City of Bowling Green, including the installation of necessary fire hydrants. 2) Lighting: All lighting shall be focused inward and downward into the Property, and away from abutting residential uses. 3) Building Heights: Buildings and structures within 100 feet of McLellan Road shall be limited to thirty-five (35) feet in height. Buildings further than 100 feet from McLellan Road shall be limited to a maximum height of six stories or seventy (70) feet; provided that there shall be an additional one-foot setback from McLellan Road for each foot of building height over thirty-five (35) feet. 4) No metal buildings will be allowed. All buildings must have exteriors of architectural metal, brick, stone, Hardy Board, EFIS, vinyl or similar material. Any building facing McLellan Road shall have exteriors of brick, stone, Hardy Board, EFIS, or vinyl. 5) Interior Street: The Property may be served by an interior street system. 6) There shall be one (1) public entrance from US Highway 31W (in excess of the existing private entrances) which shall be through an internal street or frontage road. Public access shall be through dedicated streets spaced at intervals of not less than 1,100 feet along US Highway 31W. 7) Lot 3 shall be limited to one access point to McLellan Road, to be aligned with McGlocklin Way. The improvements to McLellan Road in this area shall be pre-funded by the developer in the amount of \$15,215.81 in order to widen the roadway to a width of three lanes as required by the Bowling Green Public Works Department, as well as providing minimal right-of-way for this improvement, if necessary. 8) Lot 4 shall be limited to two access points to McLellan Road, to be located along the northwest property line, which will be limited to passenger automobiles, passenger vehicles, and single axle trucks or trailers. Drive entrance widths and turning radius shall be designed to prevent use of public access to McLellan Road by heavy industrial vehicles, such as 18-wheel trucks or trailers. The improvements to McLellan Road shall be pre-funded by the developer in the amount of \$30,436.20, in order to widen the roadway from the intersection with Nashville Road (US 31W) through the above-mentioned ingress/egress easement to lot 5 to a width of three lanes to the entrance into the property as approved by the Bowling Green Public Works Department, as well as providing minimal right-of-way for this improvement, if necessary. 9) Properties abutting the Berry Farms property (currently owned by Jason and Amanda Terrell), shall have an earth berm built along the common property line (both sides of the property line) utilizing the topsoil removed from on site. The berms shall have mowable slopes of no steeper than 4H:1V. Additionally, there shall be a 6' tall pressure treated pine privacy fence constructed along the top of the berm. The cost of the berm and the fence shall be paid by the future property owners abutting the Berry Farms property, at the time of the construction of homes on said properties. There shall be a minimum of 2 trees per residential lot planted along the common line of the proposed single-family subdivision & the Berry Farm property, to be paid for by the residential property owner. 10) Sanitary Sewer Standards: The Property shall comply with the sanitary sewer standards of the City of Bowling Green and development shall be connected to the existing public sanitary sewer system. 11) Greenspace: All unimproved areas within the Property, as well as area not in use for building structures, parking, loading or unloading, driveway or access, shall be kept mowed, pastured, and/or landscaped adequately and attractively with lawns, trees, shrubs, and other plantings. Any lot adjacent to McLellan Road shall be bermed with earth to a height of at least 3' to 4' with a mowable slope along McLellan Road across from residential uses. Berms shall be landscaped with hardwood or evergreen trees planted on top of the berm with spacing of no more than 15' apart for buffering. 12) Prohibited Uses: No part of the Property shall be used as semi-truck fuel pumps, semi-truck weight scales, semi-truck maintenance facilities, overnight semi-truck parking, a bingo hall, pawn shop, tattoo parlor, stone quarry, air park, pet food processing

plant, poultry, beef or pork processing plant, fish farm or fish processing plant, explosives or acid manufacturing plant, salvage yard, junkyard, rendering plant, boiler works, smelting plant, coke oven, recycling facility, dairy facility, paving material manufacturer, concrete mixing plant, slaughterhouse or stockyard, forge plant, foundry, or any use which would emit detrimental or obnoxious smoke, odors, noxious gases, excessive noise or excessive vibrations beyond the confines of the Property. 13) The following Development Plan Conditions shall apply only to Lot 3: a. All foundations shall be constructed of either brick or stone. b. All new utilities shall be placed underground. c. No outdoor storage tanks shall be permitted. d. No outdoor clothesline shall be erected or placed on any lot. e. No storage building shall exceed 144 square feet. The design and materials of construction of any storage building must be approved by the Developer. Further, the exterior of any storage building shall match that of the home. f. No trailer, truck, motorcycle, commercial vehicle, camper trailer, camping vehicle or boat shall be parked or kept on any lot at any time unless housed in a garage or basement. g. All homes shall be single family homes with a minimum main roof pitch of 6/12. 14) Development Plan Condition XIII (and all subparts thereof) shall remain development plan conditions only until a subdivision plat or separate Declaration of Restrictions is recorded with respect to the Property, after which they shall no longer be development plan conditions.

Chairman Runner asked if there were any questions from the Commissioners. Commissioner Warren asked about the maximum height of 60 to 70 feet tall and what are they proposing to be that tall. Mr. Peterson stated they have nothing planned now and that it would be hard to get that tall with the restriction placed on that binding element. Commissioner Graham asked if condition number 4 goes with the commercial and residential or just the residential. Mr. Peterson stated it was for the commercial and the residential since there was nothing separating them either by a completely different set of conditions or noted on the current ones but the applicant might want to address that. Commissioner Ballance asked a condition to protect the historical element of the current home on the property. Mr. Peterson stated there is not a condition that states such but it is their intent to use the home as a residence and run a bed and breakfast as well. Commissioner Coppinger asked about the earth berm binding element requirement and how he had never seen it pushed off to the property owners of the new lots instead of a developer committing to construct it. Mr. Peterson stated that would best be addressed by the applicant. Commissioner Clark asked for Mr. Peterson to point out where the berm is being proposed. Mr. Peterson did. Commissioner Graham asked if there was a Conditional Use Permit being heard tonight for the event venue. Mr. Peterson stated no, it was approved by the Board of Adjustments in May. Commissioner Graham asked if there was a minimum size house listed for the residential portion. Mr. Peterson stated there was not one currently. Chairman Runner asked if there were any other questions from the Commissioners before hearing from the applicant. Being none, she asked for the applicant to come forward.

Mr. David Broderick, attorney for the applicant, came forward. Commissioner Graham asked if these structures could be 100% vinyl based on Condition number 4. Mr. Broderick stated yes. Commissioner Graham asked if the applicants would be willing to put a limit on that. Mr. Broderick stated they probably would and they could talk about that. He mentioned there will already be an amendment to Condition 4 to say no metal siding. **He stated in Condition 8 they need to delete "or trailers" on the third line.** Mr. Broderick stated there is a CUP approved to operate a bed and breakfast and event venue to use at the historical house. Commissioner Clark was asking about parking and the traffic flow for the event venue. Mrs. Rachel Hurt stated the CUP was heard by the Board of Adjustments in May and was approved with conditions of maximum capacity and the parking was reviewed to meet the Zoning Ordinance. Mr. Broderick

stated in order to amend that approved CUP; the property owner would have to go back to the Board of Adjustments for another public hearing. Commissioner Clark asked why the developer didn't want to go ahead and construct the berm instead of leaving that responsibility up to property owners. Mr. Broderick explained the two different berms. Commissioner Volkert asked about minimum square footage. Mr. Broderick stated given the size of the lots they haven't gotten to test the minimum square footage that would be doable on the lot. Commissioner Graham asked if he knew the intent of the cul-de-sac portion of the concept plan. Mr. Broderick stated they are not sure of what will be developed there yet but he stated there is a possibility of multi-family residential for consistency. Commissioner Graham stated the zoning and binding elements currently allow multi-family residential and asked if the reason for the amendment is to allow less than three acres lots. Mr. Broderick answered yes and they didn't want to build single family homes on three acre lots. Commissioner Clark stated there was discussion about a convenience store and asked if it will have gas pumps. Mr. Broderick stated it will have gas pumps but won't sell diesel or semi-truck fuel. Commissioner Rich asked if there is a certain company that is building the convenience store. Mr. Broderick stated the two gentlemen that are going to build the store and are the property owner are in the audience. Commissioner Clark asked if there will be a fence around the convenience store. Brian Shirley, 1136 South Park Drive, came forward and was sworn in. Mr. Patel came forward and was sworn in as well. Mr. Shirley stated they have not discussed a fence because the concept plan shows lots between the single family and the convenience store. He stated since they don't know what is exactly going up behind the store, could be another commercial development, they didn't feel comfortable committing to a fence. He further explained that if it was a residential property they will do the landscape buffering required by the Zoning Ordinance. Commissioner Coppinger asked Mr. Broderick if his client will be in agreement to put the responsibility on the developer to put the berm and fence in instead of the future property owner on condition number 9. Mr. Broderick stated they will agree in condition number 9 to say: .... "The cost of the berm and the fence shall be paid by the **Developer** abutting the Berry Farms property, ~~at the time of the construction of homes on said property.~~ There shall be a minimum of 2 trees per residential lot planted along the common line of the proposed single family subdivision & the Berry Farm Property, to be paid for by the **Developer.**" Mr. Greg Gary spoke his concerns from the audience. After discussion Condition 4 was changed to: "No metal buildings will be allowed. All buildings must have exteriors of architectural metal, brick, stone Hardy Board, EFIS, vinyl or similar material. Any **part of a building facing McLellan Road shall have exteriors of brick, stone, Hardy Board, EFIS or vinyl, no standing seam metal.**" Commissioner Volkert asked about Condition 7 & 8 with the amounts listed on the condition since they don't normally see actually hard numbers. Mr. Peterson stated the City of Bowling Green Public Works came up with an estimate for the overall project and came up with the number affecting these properties. Chairman Runner asked if there were any opposition or questions in the audience.

Mr. Greg Gary, 1100 Richpond Road, came forward and was sworn in. He stated the original binding elements was conducted between Greystone Development, Franklin Berry and the Industrial Foundation and realized they are 20 years old. He stated he represents Greystone Properties. He discussed that McLellan Road is the only entrance and exit from his development and that was why they were concerned about the berm and screening along McLellan Road. He stated that his concern was over the ecstic's and not allowing large trucks in the area. Mr. Peterson stated the improvements that the City is proposing on McLellan Road are not a public highway or Southwest Parkway that was planned some years back. He stated this is just road improvements. Ms. Julie Washer, 124 Sally Circle, came forward and was sworn in. She asked about the widening of McLellan Road and asked if they will be able to take away from their back

yard in order to make the improvements to three lanes. Mr. Peterson explained the appropriate people to ask is Bowling Green Public Works however he felt they already own enough right-of-way to make the proposed improvements since they bought the right-of-way for the Southwest Parkway. Mr. Shirley stated all the proposed widening is being done to the north because of a lot of utility easements to the south. Ms. Tina Tapp, 425 McIntyre Street, came forward and was sworn in. She discussed the drainage issue that is currently located where the concept plan shows the cul-de-sac commercial/multi-family area. She asked how the drainage issue will be addressed. Mr. Brian Shirley came forward to explain where the basin will be for the single family section and the commercial area. He stated when this is developed there should be less storm water. Ms. Tapp stated the “should” is concerning to her. Mr. Shirley explained that by law they couldn’t increase the water runoff that they have to contain the quantity and treat for quality. Mr. Greg Gary returned to the podium and stated these Conditions will replace the original set of Binding Elements and asked if there need to be some type of language stating that. Hon. Hamp Moore stated it isn’t necessary but could be added for clarification. Mr. Broderick stated that wasn’t a problem. Chairman Runner asked if there were any one further that has questions or comments. Being none, she asked for a motion

**ACTION: Commissioner Warren made the motion, seconded by Commissioner Coppinger, to approve the proposed General Development Plan amendment, docket number 2018-07-DP. Based upon the testimony and documents presented in this public hearing, the proposed General Development Plan 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, LU-2.3.1, NCR-2.4.1, HN-2.1, and HN-4. Further, I also find that there have been major changes of an economic, physical or social nature within the area of the property in question and I request that the findings of fact and recommendation include a summary of the evidence and testimony presented by the witnesses at this public hearing. The vote was eleven (11) yeas, so approved.**

Chairman Runner announced the next item on the agenda as:

**2018-23-Z-CO & BG – Greenhills Development Partners, LLC** has filed an application to rezone tracts of land containing approximately 1.64 acres located on 570 Lovers Lane and the corner of Lovers Lane and Frist Boulevard from R-E (Residential Estate) and PUD (Planned Unit Development), with a general development plan to HB (Highway Business), with a general development plan.

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

Chairman Runner asked if the Commissioners had any questions. Being none, she asked if there was anything the applicant would like to add. Mr. Tad Pardue, attorney for the applicant, came forward. He stated he has a member of the applicant company here today if there are any questions to answer. Chairman Runner asked if there were any questions for the applicant. Being none, she asked if there were any opposition for this applicant. Being none, she asked for a motion.

**ACTION: Commissioner Coppinger 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 2018-23-Z-BG/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-2.3.1, LU-2.8.1, TR-2.1, HN-1, ED-3. 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 eleven (11) yeas, so recommendation will be for approval.**

Chairman Runner announced the next item on the agenda as:

**2018-24-Z-BG – Magnolia Hills, LLC** has filed an application to rezone a portion of tracts of land containing approximately 48.69 acres located on Plano Road (Bounded by Scottsville Road, I-65 and William Natcher Parkway) from RS-1D (Single Family Residential), with a general development plan to PUD (Planned Unit Development), with a general development plan.

Mrs. Rachel Hurt stepped to the podium to present both staff reports. (*Note: Staff reports available upon Open Records Request*). She stated there were revised conditions and written narrative at everyone's desk. 1. All utilities will be located underground, and there will be uniform street lights. 2. The single family residential structures shall have a minimum of 1000 square feet heated/cooled living space, exclusive of garages/porches. The developer will comply with current building set-back requirements of 50 feet designated by the Kentucky Department of Highways. 3. Developer will comply with the Kentucky Transportation Cabinet and the Bowling Green Public Works Department to establish both a right-hand and a left-hand turn lane on Plano Road at each entrance to the development, with a minimum storage length specified by the Kentucky Transportation Cabinet. Developer will further comply with the construction of dedicated left and right-hand turn lanes on each access roadway intersecting with Plano Road to help address peak morning traffic. The length is to be determined by Bowling Green Public Works, but will be significant based on traffic volumes of access points and existing traffic along Plano Road. If additional improvements are required, the Applicants agree to install such improvements prior to the issuance of a certificate of occupancy as may be required by the Bowling Green Public Works Department or the Kentucky Transportation Cabinet. 4. Outdoor parking of trailers, campers, boats and recreational vehicles will be prohibited. 5. The exterior of all residences and other structures shall consist of brick, stone, dryvit, cement siding, man-made stone, vinyl, hardy or other modern masonry materials. At least 30% of the exterior shall be compromised of brick or hardiboard on the entire exterior. Brick, stone, man-made stone or split faced block shall extend to grade for residences constructed within the development. 6. The maximum number of residential lots will be 300. Each home shall have a minimum 1 car attached garage, and a driveway of at least 18 feet in width. 7. Each house shall have a minimum of 18 foot front yard set back. 8. All driveways shall be constructed of concrete. 9. The developer shall establish a neighborhood association for the subject residential properties. All lot owners within the property shall be required to join and participate financially in the homeowners association. 10. The developer shall be responsible for maintaining all common open space for the single family residences until at least (50%) of the lots have been developed and sold to third parties. At that time, the developer may transfer ownership and maintenance responsibility to the neighborhood association. 11. All trash/recycling receptacles shall be kept hidden from street view, with the exception of collection day(s). 12. Each drive way shall be a minimum of 23 feet in length, inclusive of that portion of drive way within the right of way. 13. Throughout the development, there shall be a 1 foot wide grass strip in between the edge of the roadway pavement and each sidewalk. 14. Binding elements 2, 4, 5, 8, 9, and 11 shall remain

Development Plan Conditions only until a subdivision plat or separate Declaration of Restrictions is recorded with respect to the Property, after which they shall no longer be Development Plan Conditions. 15. Previous Binding Elements recorded in Deed Book 1155, Page 49 of the Warren County Clerk are hereby replaced by these Development Plan Conditions. Commissioner Graham asked if this development has already been approved with the exception of the front yard setback. Mrs. Hurt answered yes. Chairman Runner asked if there were any further questions before hearing from the applicant. Being none, Mr. Broderick came forward as the attorney for the applicant. He explained the revision since the original plan and the hopes for a bigger back yard. Chairman Runner asked if there were any opposition or questions. Being none, she asked for a motion.

**ACTION: Commissioner Warren made the motion, seconded by Commissioner Martens, to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket number 2018-24-Z-BG. 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, LU-2.3.1, TR-2.1, NCR.-2.4.1, HN-2.1, HN-4. 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 eleven (11) yeas, so recommendation will be for approval.**

Chairman Runner announced the next item on the agenda as:

**2018-25-Z-CO – BCTA Properties, LLC** has filed an application to rezone a tract of land containing approximately 2.9304 acres located at 5893 Scottsville Road from GB (General Business), with a general development plan to PUD (Planned Unit Development), with a general development plan.

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

Chairman Runner asked if there were any questions from the Commissioners. Commissioner Clark asked about the layout of the property. Mrs. Hurt explained the front structure is a commercial building and the rest are all individual units. Commissioner Volkert asked if these structures can be sold off individually. Mrs. Hurt stated they couldn't be sold individually unless they were turned into condos. Chairman Runner asked if the Commissioners had any more questions for the staff. Being none, she asked to hear from the applicant. Mike Hymer, 2681 Dye Ford Road, came forward and was sworn in. Mr. Hymer explained the two and one car garage design. He explained he was getting nervous on the amount of apartments going up so he decided to switch to single structures. Commissioner Clark asked if the commercial structure will be an office. Mr. Hymer stated it will be a retail building for rent. Commissioner Coppinger thanked Mr. Hymer for putting the hydrant in suggested by the fire department. Chairman Runner asked if there were any other questions for the applicant. Being none, she asked if there were anyone in the audience with any questions or opposition. Being none, she asked for a motion

**ACTION: Commissioner Coppinger made the motion, seconded by Commissioner Martens, to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket number 2018-25-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, LU-2.1.4, LU-2.3.1, LU-2.5.3, LU-2.8, PR-1.7, TR-2.1, HN-1, HN-1.3, HN-2.1, HN-4 & ED-3. 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 eleven (11) yeas, so recommendation will be for approval.**

Chairman Runner announced the next item on the agenda as:

**2018-26-Z-CO – Mike and Evon Hymer** have filed an application to rezone tracts of land containing approximately 5.3948 acres located at the southeastern corner of Skees and Richpond Road and 571 Richpond Road from AG (Agriculture) to PUD (Planned Unit Development), with a general development plan.

Mr. Ben Peterson stepped to the podium to present both staff reports. (*Note: Staff reports available upon Open Records Request*).

Chairman Runner asked if there were any questions from the Commissioners for Mr. Peterson. Commissioner Volkert asked about percentage of exterior brick or masonry material. Mr. Peterson answered yes they have not committed to a certain percentage so currently, how they are written, it can all be vinyl. Commissioner Volkert asked if he stated in the staff report that most of the houses around are brick. Mr. Peterson answered yes there are a lot of typical 60's – 70's ranch style homes with brick. Commissioner Clark asked if this property will be connected to sewer. Mr. Peterson answered yes they will be required to connect. Chairman Runner asked if there were any other questions from the Commissioners for the staff. Being none, she called for the applicant. Mr. Mike Hymer, 2681 Dye Ford Road, came forward and was sworn in. He stated this was the same floor plan and concept as he is doing along Scottsville Road that was heard before this case. He stated adding garages to these single structures help the look of the neighborhood and helps keep stuff from being stored outside that is common for 4-plexes. Commissioner Volkert asked Mr. Hymer if he would be willing to change his condition to 70% brick, stone or hardiboard like he did for the other development. Mr. Hymer said yes. Hon. Hamp Moore proposed changing Condition number 7 adding a sentence: "A vinyl exterior should include at least 70% brick, stone, masonry or Hardiboard." Mr. Hymer agreed to the condition change. Chairman Runner asked for a show of hands for opposition. Hands were raised in the audience. She asked if there was a spokesperson.

Mr. Greg Reynolds, 457 Hickory Heights, came forward and was sworn in. He stated he is representing a few of the surrounding neighbors but there are others that will like a few minutes afterwards to speak on their own behalf. He presented a slide show (copy was not given of the slide show to the Planning Commission). He stated the proposed changes does not maintain the current character of the current neighborhood and explained how it doesn't fit with a PVA map of the properties surrounding the proposed location (labeled as "Exhibit A"). He stated it was a requirement in the past that all properties have at least one acre per home. "Exhibit B" was pictures of homes in the general vicinity including an the aerial from the staff report that he

stated was dated since it did not include the “Davenport” home that is adjacent to the proposed application. Commissioner Volkert asked if the one acre lots minimum in existence today is because sewer wasn’t available at that time. Mr. Reynolds stated yes. Mr. Peterson stated they are existing lots so they would not have to connect to sewer. Commissioner Graham asked if there was any restriction along Skees Road that requires the one acre lot. Mr. Reynolds stated that was a requirement set forward by Mr. Skees. Ms. Bell Rush, 180 Skees Road, came forward and was sworn in. She stated one of those houses, Davenport residence, was built after the sewer was available but did not connect. Commissioner Volkert asked if it didn’t require connecting to sewer because it was an existing lot of record. Mrs. Hurt stated yes, it is only when you create new lots or development with sewer available within 2000 feet do they have to connect. He showed on the slide show the end of Skees Road where this application is being proposed and where the entrance to the school was located. He stated a lot of improvements would need to be made in order for this to be safe. He brought forward a law enforcement officer to speak more on safety and traffic. Mr. Evan Scharlow, 381 Skees Road, came forward and was sworn in. He stated higher density areas create higher crime rates and quoted a study for his findings. He expressed his concerns about this application based on his experience and the study being close to the school and their homes. Hon. Hamp Moore explained that it would be improper for the board to discriminate against property used for rental purposes and can’t make land use decisions on that. Mr. Scharlow stated he had an argument about higher density. Hon. Hamp Moore stated he heard the argument about the density but since he began a discussion of rentals he wanted to explain their position before it got further. He stated he is more than welcome to continue to state what he wants to but advise his client on what they can consider and what they can’t consider. Mr. Scharlow expressed his concerns about traffic and asked if there will be a traffic light at the end of Skees Road since there will be at least 74 more cars pulling out in that area. He expressed concern about children walking and discussed the incident that happened two years ago on Gordon Ave where a little girl was hit by a car where there was no traffic light. Commissioner Volkert asked Mr. Scharlow if they shouldn’t do anything above 8 units an acre. Mr. Scharlow stated 7 units an acre is concerning and the study sites 8. He stated no one is against renting or more people coming from the school but this will create hazards that they need to protect their area from. Commissioner Rich asked if he raised this same concern for the apartments and single family rezoning on Nashville Road close to this property. Mr. Scharlow stated he is a police officer and he deals with people on their worst days with high crime, drugs, violence, rape and murder. He stated he has a kid that goes to the school across the street and one that will in the future. He felt he had a responsibility to speak on this application, especially because he lives on Skees Road. Commissioner Rich stated everyone knew that when they built the school and sewer that everyone would flock to that area and not everyone can afford a one acre lot for a single family home. Mr. Scharlow stated there are rental properties in the surrounding area already and he wasn’t arguing for people not to come and live in their area, he had a problem with the high density. Mr. Reynolds returned to the podium and stated the application and rezoning request does not fit this partial section of Richpond and Skees Road. He addressed some deed restriction, specifically on Deed 551, page 371, section 4 (**Exhibit “C”**). He referenced Deed 1150, page 328 (**Exhibit “D”**) as the deed where the applicant bought the property and referenced the third page of the deed where it reference the deed restriction. Mr. David Thoma, 127Skees Road, came forward and was sworn in. He stated he lives across the street from the proposed application and discussed current flooding and water holding problems. He discussed moving to the area from St. Louis because he liked the country setting with large lots. He had concern about property value since his home is brick and stone and doesn’t feel that the proposed application fits the rural community of Richpond. He expressed concerns that the proposed application does not have adequate landscaping buffer to preserve the quality and look of the surrounding

residential development along with the noise that comes with higher density development. Mr. Reynolds stated that is all they have currently and will be prepared for his closing statement at the end.

Ms. Florence Gorham, 640 Richpond Road, came forward and was sworn in. She passed out a handout of her concerns (**Exhibit "E"**). She stated Richpond Road is the only through street from Nashville Road to Three Springs Road. She explained the traffic that comes along Richpond Road. She stated the ball field brings traffic after school hours and summer as well. She stated it is a challenge to get her mail since her mailbox is across the street. She expressed her concern about putting heavy density in the location that is being proposed since it is surrounded by schools and single family residence.

Mr. Fred Alcott, 100 Augusta Ave, came forward and was sworn in. He stated that he was asked to speak by some property owners in the neighborhood. He stated he looked at Mr. Davenport's house that is behind this property over a year and a half ago because it rained and water came up pretty close to his house. Mr. Alcott stated he hoped he didn't get a 25 year flood. He stated he was called again lately because it came up on his driveway and came up to 50 feet from his house. He calculated that 1.3 feet and 15 inches it would be in his house after he shot it with his instrument. He explained Ms. Rose talked to him because she has water problems that run off the other lot and had to move out of their house a couple of days because of the water problem. He explained he walked the property over a year ago with someone that was looking at buying the property and it had a lot of standing water pockets everywhere. He was asked if you could build a house on it and he told them that he could do some land grading and possibly build one or maybe two. Mr. Alcott stated he has not seen the drainage plan. Mr. Mike Hymer stated anytime there is a development this would help with water problems because they will be required to do retention ponds and other water mediations required by the Planning and Zoning. He stated his engineer is here that could answer any questions. He pointed out where the retention ponds are being proposed currently. Mr. Alcott explained where there are current water problems.

Ms. Melissa Rose, 641 Richpond Road, came forward and was sworn in. She stated she owned the property for 18 years and at the beginning there were only puddles in her yard but as development started to happen on Skees Road, her property started having pond like water problems. She stated when the school came in she had to leave her property for two days because water almost got into her house which has a two foot foundation and she cannot utilize the building in the back yard that has a foot foundation because it constantly has water. Her primary concern was that her property will be even more flooded then it currently is.

Mr. Kevin Hood, 1319 Wintercress Court, came forward and was sworn in. He stated they currently live in Springfield Subdivision and has since bought 2 acres on Skees Road because since he lived in Springfield there has been apartments around them and storage buildings right across the street. He stated he paid high dollar for their land on Skees Road and bought it because there wasn't a subdivision around and surrounded by farm land. He expressed his concern about his property devalued.

Ms. Bell Rush came back forward. She asked what the square footage of the house will be. Mr. Hymer stated the blue ones would be around 1,200 square feet and the orange ones will be around 1,500 square feet. She stated that when they sold the land to Mr. Hymer he told her that they were going to build one nice home on those two acres. She stated she has realized there are deed restrictions on there that Greg discussed previously and she has consulted some lawyers

that state the covenants and restrictions are enforceable indefinitely unless all property owners that are subject to the restriction agree to the change. Mr. Hymer stated he did buy the 2 acre tract at auction but said he wasn't sure what he was going to do with it. Chairman Runner stated the discussions at closings have nothing to do with the decisions of the Board. Commissioner Volkert asked Hon. Hamp Moore if these deed restrictions have an effect on their decision tonight. Hon. Hamp Moore stated that deed restrictions do not affect the Board's decision from a land use planning stand point. He stated they may affect Mr. Hymer's right to develop the land.

Ronnie Rush, 180 Skees Road, came forward and was sworn in. He stated he lived around there in the last 30 years and described areas that flood in the area.

Don Costellow, 3653 Silver Sun Drive, came forward and was sworn in. He stated he was the principal of Richpond Elementary. He mentioned the traffic issue with concern of children that walk or ride a bike to school and crossing the road.

Mr. Greg Reynolds returned to the podium for his closing statement. He stated shoving this many houses on this little amount of land is a money ploy to make the most money possible. He stated he heard the attorney state that it was not up to the board to decide if it is legally acceptable to build on this lot or not but he would say to the Board, why approve a rezoning that could potential not be legal to build on the property. He asked for the Board to put themselves living on Skees Road with its one lane width or in the Richpond area with large lots and mainly brick home. He stated the application does not fit in with the neighborhood and is not compatible.

Mr. Mike Hymer returned to the podium for his closing statement. Commissioner Volkert asked if it would be possible to do fewer units than 40 to lower the density. Mr. Hymer stated he understood the funding has been approved to widen Richpond Road. He stated he wouldn't have a problem withdrawing the 2 acre tract of land and bringing it back at a later time to cut it up to 4 lots with four houses. He stated he is trying to keep everyone satisfied and make some happy. Commissioner Volkert stated he heard a main concern about density and asked if he would cut it down to 32 units maximum that would make the density down in the 5.9 dwelling units per acre range. Mr. Hymer stated he would do that. **Hon. Hamp Moore stated Condition number 2 would be amended to delete 40 and in its place add 32.** Mr. Hymer agreed. He stated once this is designed it should help the lady's property beside this with the water. Chairman Runner and Commissioner Coppinger asked if the total number of units is still keeping with both lots and the proposal to withdrawal is off the table now. Hon. Hamp Moore stated yes both lots with a maximum of 32 units all together and drops the density to 5.93. Chairman Runner asked if there were any other questions or comments before he called for a motion.

**ACTION: Commissioner Huston made the motion, seconded by Commissioner Clark, to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket number 2018-26-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, LU-2.1.1, LU-2.1.3, LU-2.1.4, LU-2.3.1, LU-2.5.2, LU-2.5.3, LU-2.9, PR-1.7, TR-2.1, TR-3, NCR-1.1.6, NCR-2.4, NCR-2.4.1, NCR-2.4.3, HN-1, HN-1.3, HN-2.1, HN-4. 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 six (6) yeas (Martens, Clark, Graham, Volkert, Huston and Runner) and five (5) nays (Rich, Ballance, Coppinger, Warren and Madison), so recommendation will be for approval.**

Chairman Runner called for a quick 5 min break. Meeting was reconvened after 9 minutes.

Chairman Runner called the next two items on the agenda as:

**2018-11-FLUM – Brian and Allison Mefford** have filed an application for a Future Land Use Map Amendment on a portion of a tract of land containing approximately 8.0389 acres located at 3538 Mt. Lebanon Road, from Agricultural to Rural Density Residential.

**2018-27-Z-CO – Brian and Allison Mefford** have filed an application to rezone a portion of a tract of land containing approximately 8.0389 acres located at 3538 Mt. Lebanon Road, from AG (Agriculture) to R-E (Residential Estate), with a general development plan.

Mrs. Monica Ramsey stepped to the podium to present both staff reports. (*Note: Staff reports available upon Open Records Request*). She stated they have an email after staff reports went out that this property actually does meet the fire control standards of Warren County so we can disregard that comment and condition in the staff report. She stated Condition number 9 can be omitted if the property owner agrees to it.

Chairman Runner asked if there were any questions from the Commissioners. Commissioner Graham asked if they could cut the property up a different way. Chairman Runner called forward the applicant. Mr. Brian Mefford, 3832 Mt. Lebanon Church Road, came forward and was sworn in. **Hon. Hamp Moore asked if he would be willing to delete Condition number 9 since there is evidence of adequate water flow. Mr. Mefford agreed.** Chairman Runner asked if there were any other questions for the applicant. Being none, she asked if there were anyone in the audience with any questions or opposition. Being none, she asked for a motion on the FLUM amendment first.

**ACTION: Commissioner Clark made the motion, seconded by Commissioner Martens, to approve the proposed Future Land Use Map Amendment, docket number 2018-11-FLUM. Based upon the testimony and documents presented in this public hearing, the proposed FLUM Amendment has met the directive to amend the FLUM as outlined in LU-1.1.4 in the 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 eleven (11) yeas, so recommendation for approval**

Chairman Runner asked for a motion on the Zoning Map Amendment:

**ACTION: Commissioner Warren made the motion, seconded by Commissioner Martens, to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket number 2018-27-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, NCR-2.4.1, HN-2.1, HN-4. 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 eleven (11) yeas, so recommendation will be for approval.**

Chairman Runner called the last item on the agenda:

**2018-28-Z-PS – LA Construction of Bowling Green, LLC** has filed an application to rezone a tract of land containing approximately 0.4837 acres located at 401 Stone Lane, Plum Springs from RS-1A (Single Family Residential), with a general development plan to RM-3 (Townhouse/Multi-Family Residential), with a general development plan.

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

Chairman Runner asked if the Commissioners had any questions for the staff. Commissioner Clark asked if the utilities will be underground since currently they are not. Mrs. Hurt answered yes. Commissioner Clark asked about lights on the property. Mrs. Hurt stated that would be a question for the applicant. She clarified that if they decide to do any lighting on the property they are required to go by the standards in their binding elements. Commissioner Clark asked if they are required to light the parking lot in multi-family. Mrs. Hurt stated no but there is a requirement for maximum foot candle at the property line but nothing that she recalls requiring parking lots to be lit. Chairman Runner asked if there were any other questions from the Commissioners. Being none, she called forward the applicant.

Dong Do, 552 Willow Oak Drive, came forward and was sworn in. He stated his application is only 55 to 60% coverage of the lot so he will not damage the surrounding area. He stated there is areas around this lot that is already zoned RM-3 to RM-4 and feels like his application will work will with the area. Mr. Do stated he will be able to provide more housing for people that work at the Transpark. Chairman Runner asked if there was opposition. Mr. David Chandler, 427 Stone Lane, came forward and was sworn in. He stated he lived in his single family home for 19 years and that side of the street is surrounded by single family. He asked for the Commission to not approve a multi-family development right by their home. Commissioner Clark asked the applicant if he realized that on both sides of the property is single family residence and he wants to put a multi-family building in the middle of them. Mr. Do stated he saw that but there is a lot of townhouses across the street and multi-family in the area. Commissioner Clark asked if he was going to take better care of the lot than it is today because there are weeds knee high and you can barely see the sign that the Planning Commission put out there. Mr. Do explained his design and stated he has a lot of landscape surrounding the development to a make it nice. Ms. Ngoc Nguyen, 552 Willow Oak Drive, came forward and was sworn in. She stated there will be someone hired to maintain the property when it is constructed but they were in development stage and with the rain last week, they will get someone out there to cut it. Commissioner Clark asked if they planned to light the facility. Ms. Nguyen stated there will not be a lamp post in the parking lot there will be a light on the rear wall to see to the cars. Chairman Runner asked if there were any other questions or opposition. Being none, she asked for a motion.

**ACTION: Commissioner Warren made the motion, seconded by Commissioner Martens, to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket number 2018-28-Z-PS. 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, LU-2.1.4, LU-2.3.1, LU-2.5.2, PR-1.7, NCR-1.1.6, NCR-2.4.1, HN-1, HN-1.3, HN-2.1, HN-4. 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 eight (8) yeas (Rich, Martens, Ballance, Graham, Volkert, Warren, Madison & Runner) and three (3) nays (Clark, Coppinger and Huston), so recommendation will be for approval.**

#### **G. NEW BUSINESS**

Chairman Runner asked if there were any new business. Mrs. Jessica Martin stated the Nominating Committee has been in contact for the election of the officers of the new Fiscal Year 18-19 and she believed they are ready to make a motion. **Commissioner Coppinger made a motion, seconded by Commissioner Volkert, to keep Velma Runner as Chairman and Tim Huston as Vice-Chairman. The vote was eleven (11) yeas, so approved.** Mr. Ben Peterson gave the Zoning Ordinance Amendment adoption update as well as an update on the CDR process that has begun. He stated the Zoning Compliance Officer position has been advertised and open until June 15. He stated the next meeting will be July 5 since there was lack of submittals for the June 21<sup>st</sup> submittal. They asked who would be out of town for potential quorum problems. Commissioner Volkert and Martens raised their hand that they won't be in town. Mr. Peterson stated that with the blessing of the Personnel Committee chair, they were going to have a personnel committee meeting but it will be moved to a later date. Chairman Runner asked if there were any other business. Being none, she moved to adjourn.

#### **H. ADJOURN**

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

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CHAIRMAN, VELMA RUNNER

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