

**SUMMARY MINUTES**  
**City-County Planning Commission of Warren County**  
**July 5, 2018 @ 6:00 p.m.**  
**City Hall - Commission Chambers**  
**3<sup>rd</sup> Floor, 1001 College Street, Bowling Green, KY**

**PRESENT:**  
**Albert Rich**  
**Sandy Clark**  
**Chuck Coppinger**  
**Tim Graham**  
**Dean Warren**  
**Gregory Gay**  
**Mary Vitale**  
**Mary Belle Ballance**  
**Tim Huston**  
**Velma Runner**

The City-County Planning Commission of Warren County was called to order by Chairman Velma Runner. The oath was administered to Ms. Mary Vitale by Hon. Hamp Moore.

**A. ROLL CALL:**

Chairman Runner requested Jessica Martin to conduct roll call in order to determine a quorum. A quorum was determined with ten (10) 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 June 7, 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 Huston, and agreed upon (9 yeas and 1 abstained) to approve the Summary Minutes of the June 7, 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 (July 5, 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 called forward Megan Mooney to go over the Fiscal Year 2019 budget. Mrs. Mooney stated the budget amendment is at everyone's seat and she went over the

amendments and the reason for it. Chairman Runner asked if there were any questions for Mrs. Mooney. Commissioner Clark asked if the operating reserves are in a savings account to gain interest on or if it was in a checking account. Mrs. Mooney stated it is held in a checking account but the Planning Commission does earn interest on that account. Commissioner Warren stated they have looked at problems with the building for the past couple of years and asked if 90K would satisfy the needs of the office. Mrs. Mooney stated it would not be enough if they were to renovate their current building but it could be enough if they moved to a different location and could go towards office furniture, etc. at a new building. She explained the problems that they have had and currently facing with the current building. Commissioner Clark asked if the equipment and software was up-to-date. Mrs. Mooney explained some recent purchases felt that they had all the equipment that is currently needed. She explained they may need a new plotter but they don't use it on a daily basis so they are doing ok for right now. Mr. Peterson stated they are currently paying 65K a year in lease money to the county and holding off on some of the technology stuff that they are interested in because they didn't want to spend the money and then have to pay and move it to a new building if they choose to move locations. Chairman Runner asked if there were any other questions. Being none, she asked for a motion. **The motion was made by Commissioner Clark to approve the Fiscal Year 2018-2019 Budget as presented, seconded by Commissioner Coppinger, and agreed upon with ten (10) yeas.**

#### **D. PRELIMINARY SUBDIVISION & SITE DEVELOPMENT PLANS APPROVALS**

Chairman Runner asked if there were any questions or comments on the Subdivision approvals. She stated there wasn't any Site Development Plans for this packet. 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 no letters of credit or performance bonds on tonight's agenda.

#### **F. OLD BUSINESS**

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

#### **G. PUBLIC HEARINGS**

Chairman Runner announced the first item on the Agenda described as:

**2018-02-RWC – Bowling Green Municipal Utilities** has filed an application to close approximately 0.147 acres or 6,396.79 square feet of right-of-way of Chestnut Street located off of US HWY 31W Bypass. This right-of-way is located between US HWY 31W Bypass and the Barren River.

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 to this request. 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 2018-02-RWC, with the following condition: 1) A plat consolidating the closed right-of-way with the adjacent properties, delineating the 15-foot drainage easement requested by the Bowling Green Public Works Department and outlining the electrical feed easement requested by Charter Communications must be submitted to the Planning Commission and recorded at the Warren County Courthouse, within 120 days of final approval of the right-of-way closure by the Bowling Green City Commission. 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 ten (10) yeas, so recommendation will be for approval.**

Chairman Runner called the next item on the Agenda:

**2018-29-Z-CO – Tuss & Lisa Taylor** has filed an application to rezone a portion of a tract of land containing approximately 1 acre located at 11501 Louisville Road from AG (Agriculture) to NB (Neighborhood 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 there were any questions from the Commissioners. Commissioner Graham asked about the adjoining property. Mrs. Ramsey explained how the new lot would be added to an existing adjoining lot and that he was only rezoning the 1 acre. Commissioner Graham asked if they had plans for the property. Mrs. Ramsey explained they plan to open it as commercial, which it was back in 2016 but they lost their non-conforming status after 12 months of not being used as commercial. Chairman Runner called forward the applicant. Mr. Tuss Taylor, 785 Aubrey Mills Road, came forward and was sworn in. He stated they purchased the property about four years ago. He stated the renovation took a while and found out that when they were finished and rent it out to a business that it will need to be rezoned. Hon. Hamp Moore asked if the property was being operated as a business since 1968 to the best of your knowledge. Mr. Taylor stated yes. Hon. Hamp Moore asked if he felt that the zoning map was in error since it wasn't labeled as commercial when county wide zoning was taken into effect. Mr. Taylor stated yes. Commissioner Coppinger asked about fire safety for the property since there isn't adequate water flow at the site. Mr. Taylor explained there is a well in the back but he hasn't gotten it tested yet. He stated the only other option is to set up a tank. Commissioner Clark asked if he was anticipating gas pumps at this site. Mr. Taylor stated no. Commissioner Clark asked about a fence along the property. Mr. Taylor stated there is one neighbor that resides in the rear but there is about 150 feet if not more distance between them and the building and have lived at that home since the 1970's when it was operated as a store. Mrs. Hurt explained that the non-conforming right ceased while the renovations were happening unbeknown to the applicant/property owner. Chairman Runner asked if there were any other questions from the Commissioners. Being none, she asked if there were anyone in the audience with any questions or opposition to this request. Mr. Thomas Brothers, 11251 Louisville Road, came forward and was sworn in. He asked about the portion that was being rezoned. Chairman Runner pointed out the red boundary that was being proposed to be rezoned. Mr. Brothers stated he believes the old gas tanks are still in the ground. No one was sure if that is correct or not. Chairman Runner asked if there were any further questions, comments or opposition. Being none, she asked for a motion.

**ACTION: Commissioner Graham made the motion, seconded by Commissioner Huston, to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket number 2018-29-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-1.1.4, LU-2.1.4, LU-2.3.1, LU-2.9, CF-2.6, PR-1.7, NCR-1.1.6, NCR-2.4 & 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 ten (10) yeas, so recommendation will be for approval.**

Chairman Runner called the next two items on the Agenda:

**2018-30-Z-CO – Montie Brown** has filed an application to rezone a tract of land containing approximately 2.5565 acres located at 8750 Nashville Road from AG (Agriculture) to GB (General Business), with a general development plan.

**2018-V-11 – Montie Brown** has applied for variances on the property located at 8750 Nashville Road. This property is currently zoned AG (Agriculture).

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 Warren asked if the building material requirement will be for new buildings or existing buildings. Mrs. Hurt stated it was her understanding that the requirement will be for only new construction but the applicant can clarify. Commissioner Clark asked about a sink hole and asked how close it was to this property. Mrs. Rachel stated the pre-app notes state the property sits on the edge of a sink hole but could not recall where it was located. Mr. Montie Brown, 8750 Nashville Road, came forward and was sworn in. He pointed out where the sinkhole was located. Commissioner Clark asked if that would cause any flooding for the back building. Mr. Brown stated no it is draining away from the building. Mr. Brown stated he has the intent to re-surface the existing building with brick or other masonry material to make it all match and be appealing to the eye. Commissioner Graham asked about the variance and asked if it was only needed because it was commercial. Mr. Brown stated yes. Chairman Runner asked if there were any further questions from the Commissioners. Being none, she asked if there were any questions or opposition in the audience. Being none, she asked for a motion on the Zoning Map Amendment first.

**ACTION: Commissioner Gay made the motion, seconded by Commissioner Vitale, to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket number 2018-30-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-2.1.3, LU-2.1.4, LU-2.3.1, LU-2.5.3, LU-2.9, TR-2.1, PR-1.7, PR-3, NCR-1.1.6, NCR-2.4.1 and HN-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 ten (10) yeas, so recommendation will be for approval.**

Chairman Runner asked for a motion on the variance.

**ACTION: Commissioner Gay made the motion, seconded by Commissioner Warren, to approve the request for variances at 8570 Nashville Road, Docket number 2018-V-11: 1) A variance of 26 feet from the 40-foot rear yard setback required between property zoned GB (General Business) and a residential district/use to allow the existing building located on the southeast corner of the property to be located 14 feet from the rear property line; 2) A variance of 6 feet from the 10-foot minimum landscape buffer between incompatible land uses to allow the landscape buffer to be 4 feet along the concrete apron to the east of the existing building; and 3) A variance of 4 feet from the 10-foot minimum landscape buffer between incompatible land uses to allow the landscape buffer to be 6 feet along the concrete apron to the south of the existing building. The testimony presented in this public hearing has shown that the granting of this variance will not adversely affect the public health, safety or welfare; will not alter the essential character of the general vicinity; will not cause a hazard or a nuisance to the public; and will not allow an unreasonable circumvention of the requirements of the zoning regulations. The vote was ten (10) yeas, so approved.**

Chairman Runner called the next item on the Agenda:

**2018-31-Z-BG – Gregg Reece and Dennis and Lori Causey** have filed an application to rezone a tract of land containing approximately 18.8426 acres located at the end of Sagittarius Avenue and the end of Iris Hill Street (bounded by the William Natcher Parkway) from AG (Agriculture) to RS-1D (Single 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 there were any questions from the Commissioners. Commissioner Warren stated that lately we have had developers commit to a percentage of modern exterior material but this application does not have that. Mrs. Rachel Hurt stated the applicant might want to speak to this but it was her understanding that the applicant's intent was to match the surrounding development and the majority of the homes in that area are mainly vinyl. Chairman Runner asked if there were any further questions for the staff from the Commissioners. Being none, she asked if there was anything the applicant would like to add. Nothing was added. Chairman Runner asked if there were any other questions or opposition in the audience. Melissa Willis, 577 Meridian Drive, came forward and was sworn in. She stated her property adjoins and lived there for 15 years. She stated she has contacted the former property owner about the overgrowth that has invaded the rear of her property. She presented pictures (**Exhibit A**) and stated she has lost 5-10 feet of her back yard because of the growth. She asked if the applicant would be cleaning this up since it is a problem that he inherited. Mr. Causey from the audience stated it could be something they discuss. Chairman Runner stated they can exchange numbers and talk about a solution. Ms. Willis asked if there was going to be any landscape buffering between properties. Mr. Lucas Slavey, 1015 Shive Lane, came forward and was sworn in. He stated they have committed to leaving the big trees on the lines that are not under the big TVA easement. He stated the TVA will dictate what can stay and go under their easement. There was discussion over who is in charge of maintaining the TVA easement. Mr. Slavey stated the

property couldn't get more density on the property because of the drop off in the rear and the TVA easement. Chairman Runner asked if there was any opposition to this request. Being none, she asked for a motion.

**ACTION: Commissioner Warren 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 2018-31-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-2.1.4, LU-2.3.1, LU-2.5.2, TR-2.1, PR-1.7, NCR-1.1.6, NCR-2.4.1, HN-1, HN-1.3, HN-2.1 and 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 ten (10) yeas, so recommendation will be for approval.**

Chairman Runner called the last item on the Agenda:

**2018-32-Z-SG – Seven Eleven Steeplechase, LLC & Kelly Dutton** have filed an application to rezone portions of tracts of land containing approximately 0.992 acres located at 0 & 103 Sunset Ave, Smiths Grove from RM-3 (Townhouse/Multi-Family Residential), GB (General Business) and HB (Highway Business), with a general development plan to RS-1C (Single Family Residential), 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 the staff. Commissioner Graham stated the square footage seems very small but they can put multi-family in this location right now. Mr. Peterson stated they could on a portion of the property but the majority is zoned Highway Business where multi-family would not be allowed but it could be a car wash. Mr. Peterson stated that is why they use the term down-zoning because it is a less intense use than what could be built on there now. Commissioner Ballance expressed her concern about two driveways being on that terrible curve and narrow road on First Street. She stated a lot of people hit the tree that was there. John Young, 338 Meadowdale Lane, came forward and was sworn in. He stated he built a home two years ago at 127 Sunset Avenue that is approximately 750 square foot. He stated it is affordable housing that is not really available currently in the county. Mr. Young pointed out where he felt he would put the driveways on the two lots in question. Commissioner Graham asked if the County would approve the line of sight for driveways. Mr. Peterson stated if it was in the county yes, but this was in the city of Smiths Grove and he wasn't sure if they have an agreement with the County or not. Commissioner Graham asked if they could assume the City of Smiths Grove will address the line of sight for the driveways. Hon. Hamp Moore stated if the minutes reflect that request he was sure it will be done. Commissioner Clark asked how the houses would face. Mr. Young answered her question. Commissioner Clark asked if the alley was going to be used. Mr. Young stated no that alley is the property of Smiths Grove and is right now is overgrowth not paved. Commissioner Rich asked if he was building the houses to sale. Mr. Young stated the two houses on lot 1 & 2 along First Street, he plans to own around 750 square feet like he built down Sunset Avenue and the other two lots he doesn't have plans for as of right now but felt he would go larger, around 1100

or more square feet since they are larger lots. Commissioner Clark asked what the frontage would be on Lot 1. Mrs. Hurt stated it was roughly around 69.44 feet wide. Commissioner Graham asked what the main concern is for the area. Commissioner Ballance felt that a vehicle would lose control like it has shown to in the past and not hit the house necessary but any vehicles that are in a driveway at that time. Mr. Young stated the driveway on Lot 1 would be located on the far right of the property, away from the curve. Chairman Runner stated there is drive already existing across the street. Hon. Hamp Moore asked Mr. Young if he agreed to the following addition to **Condition number 6 – “The driveway for lot 1 shall be constructed on the eastern boundary between Lot 1 and 2.”** Mr. Young agreed. Chairman Runner asked if there were any further questions from the Commissioners. Being none, she asked if there were any questions or opposition in the audience. Mr. Thomas Brothers, 11251 Louisville Road, came forward and was sworn in. He stated the tree was recently removed and had a concern about the development not being consistent with what is being built within a few blocks, meaning the size of the home and materials used. Chairman Runner asked if anyone else had a comment, question or opposition. Being none, she asked for a motion.

**ACTION: Commissioner Gay 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 2018-32-Z-SG. 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-2.8, LU-2.8.1, TR-2.1, PR-1.7, NCR-1.1.6, NCR-2.4.1, HN-1, HN-1.3, HN-2.1 and 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, one (1) nay (Commissioner Ballance) and one (1) abstained (Commissioner Rich) so recommendation will be for approval.**

#### **H. NEW BUSINESS**

Chairman Runner asked if there were any new business. Mr. Ben Peterson went over the new fee schedule. **Commissioner Clark made a motion, seconded by Commissioner Warren, to approve the amended fee schedule as presented to be effective July 5, 2018. The vote was ten (10) yeas, so approved.** Mr. Peterson stated there was a memo in the packet outlining the process that was taken to adopt the zoning ordinance. He stated the Census 2020 required a process to look at every address in the county and there was 43,000 edits/changes made but has been sent out. Commissioner Warren commended the staff on the job well done. Chairman Runner asked if there was any additional 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.*