

SUMMARY MINUTES
City-County Planning Commission of Warren County
August 2, 2018 @ 6:00 p.m.
City Hall - Commission Chambers
3rd Floor, 1001 College Street, Bowling Green, KY

PRESENT:
Mary Vitale
Chuck Coppinger
Tim Huston
Tim Graham
Gregory Gay
Mary Belle Ballance
Christiaan Volkert
Sandy Clark
Eric Madison
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 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 July 19, 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 Gay that the minutes be approved, seconded by Commissioner Volkert, and agreed upon (8 yeas and 2 abstained) to approve the Summary Minutes of the July 19, 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 (August 2, 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 & SITE DEVELOPMENT PLANS

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 was one letter of credit or performance bond on tonight's agenda.

1. Release the cash surety on construction for Blueberry Court in the amount of \$12,556.00 from Lanny Loague.

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 Volkert, and agreed upon (10 yeas) to approve the above Letters of Credit and Performance Bond.

E. OLD BUSINESS

Chairman Runner announced there was one item old business for tonight's agenda from the meeting held on July 19, 2018.

2018-34-Z-BG – Rose Valley Banquet Hall has filed an application to rezone a tract of land containing approximately 1.799 acres located at 140 Hunter Court from GB (General Business), with a general development plan to LI (Light Industrial), 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. Commissioner Clark asked if the outdoor storage will be fenced. Mrs. Ramsey stated that would be a question for the applicant. Brian Shirley, 1136 South Park Drive, and Bayram Ali, 3698 Woodbridge Lane came forward and was sworn in. Mr. Shirley stated the outdoor storage will be fenced/screened per the zoning ordinance landscaping requirement now. He stated they are preserving the tree line in the rear and would match the adjacent industrial property. Mr. Shirley stated the granite is pretty heavy so there is no chance of it being stolen. Commissioner Clark asked if they could fit semi-trucks through their travel way. Mr. Shirley stated they will be longer axel trucks. Chairman Runner asked if there were any further 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 Gay made the motion, seconded by Commissioner Coppinger, to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket number 2018-34-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-2.1.4, LU-2.3.1, LU-2.5.3, TR-2.1, PR-1.7, NCR-1.1.6, NCR-2.4.1 and 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.

F. PUBLIC HEARINGS

Chairman Runner announced the item on the Agenda described as:

2018-37-Z-CO - CPR Farms, LLC and Luke Williams have filed an application to rezone a portion of tracts of land containing approximately 256.39 acres located at 0 & 2520 Cumberland Trace Road & 0 Shaker Mill Road (with frontage on Shaker Bend Avenue and Shaker Mill

Road, bounded by I-65 and Drakes Creek) from AG (Agriculture) and F (Floodplain) to P (Public), RM-3 (Townhouse / Multi-Family Residential), RS-1A (Single Family Residential), RS-1C (Single Family Residential) and F (Floodplain), 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 were new concept plans and exhibits at everyone's seat including a memo provided by him about connectivity and a petition with attachments from neighbors (**EXHIBIT "A" - Opposition**). He stated some of the objectives have been addressed that were previously stated on the staff report as out of compliance. There was discussion about the memo that Mr. Peterson created in regards to connectivity. Hon. Hamp Moore read the Subdivision Regulation standards. There was some discussion about a possible gate if it was private, the reasons why it would be a good and/or bad idea of a gate and the decision/control that can be made by the Fiscal Court.

Chairman Runner asked if there were any questions from the Commissioners. Commissioner Clark asked if the City is contemplating on annexing the property in the City. Mr. Peterson stated there has been no paperwork filed at this time. Commissioner Clark asked if the school would be a City school if it was annexed. Mr. Peterson answered no, there is several county schools in the city limits and explained the school districts have their own separate boundary. Chairman Runner asked if there were any further questions for the staff. Being none, she asked if anyone in the audience has a question for Mr. Peterson regarding the staff report. Ms. Janet Perkins, 362 Shaker Mill Bend Road, came forward and was sworn in. She stated there was a conceptual drawing for the turn lanes and improvements onto Cumberland Trace but there was not a conceptual plan for how the connection will be to Shaker Mill Bend or how the traffic will get to Cemetery Road. She stated the road goes from a 24 foot wide road to 14-16 foot wide road. Mr. Peterson stated the County Public Works developer did review this project and didn't require any improvements to Shaker Mill Road. Ms. Perkins asked if the Board has been to the Shaker Mill Bend/Shaker Mill Road area. The board members answered yes. Chairman Runner asked if there were any other questions for the staff report. Being none, she asked to hear from the application after explaining the "Rules of Conduct".

Mr. Chris Davenport, attorney for the applicant, came forward. He stated that Mr. Brian Lowder and Scott Neighbors (president of Cumberland Ridge Homeowners Association) were present tonight. He stated that after his clients meet with them, they reached an agreement to remove/withdraw a portion of the rezoning that is not contiguous to the development (about 18 lots with a possibility of around 12 acres). Mr. Davenport traced the area he was describing on the concept plan and initialed for the recorded (**Exhibit "A" – Applicant**) and in his letter (**Exhibit "B" – Applicant**). Included in that letter was an addition to the Development Plan Conditions for the RS-1A & RS-1C of the application to include this Condition – "#16. The Developer shall take reasonable steps to maintain mature and healthy trees, having a caliper of no less than 8 inches. The Developer shall install a fifty (50) foot wide landscape buffer along the back of any lot that adjoins Cumberland Ridge Subdivision." He asked if that satisfies the request for the Cumberland Trace Subdivision, he would appreciate them to stand in support of the application. They stood and Mr. Davenport thanked them. Mr. Davenport stated the FLUM is Moderate Density but they are below the density that they could have in this area. He stated the design standards in this area are very high and include the items that the board is used to seeing here lately. He explained the multi-family is patio homes no more than 4 units a building and is in the middle of the development. Mr. Davenport stated they have talked to the State, County and City and have committed to doing any improvements that they have requested. Mr. Pardue was

present as the attorney for the School Board. Mr. Davenport explained that there is a separate review for the school perspective when it comes to traffic. He stated they have committed to keeping large healthy trees; there is walking trails to the school as well as play grounds and other open spaces the school will provide; and the development will not build in the floodplain or over sinkholes. He addressed these items due to the staff report stating it was insufficient but should be in compliance now with the new condition. Mr. Davenport stated his client is willing to make a connection, no connection, gate, etc. that is allowable to be done but the subdivision regulations states that it has to be connected. He mentioned that there is another avenue for this connection issue and that is Fiscal Court. He stated that Drakes Ridge Subdivision was approved with a connection and a road was closed by Fiscal Court in connection to Stage Coach Springs. Luke Williams, 1550 Westen, came forward and was sworn in. He stated he had a lot of pictures and video footage if anyone is interested in seeing it. He stated the subdivision is meant to mirror Cumberland Ridge Subdivision and felt the only issue tonight is the connection to Shaker Mill Bend. He stated he is willing to put a gate up on their end for them to have access to only and his subdivision will not but he didn't know if that would be allowed today. There was discussion about that not being able to be decided tonight. Chairman Runner voiced her opinion about having only one access for the entire subdivision to exit onto Cumberland Trace if this connection was not built or gated. Hon. Hamp Moore stated connection is not a question tonight; it is up to the Board to vote if this application is compatible with the surrounding development and compliant with the Comprehensive Plan and the Subdivision Regulations. There was discussion about Fiscal Court having the power to make the Shaker Mill Bend a private street for a gate or close the end of it. Hon. Hamp Moore stated the Development Plan Condition #1 should be amended to read the following since the removal of a portion of the rezoning: “#1- There shall be a no greater than ~~80~~ 62 RS-1A lots. There shall be no greater than 250 RS-1C lots. The portion of the property fronting Shaker Mill Road shall be limited to a maximum of 4 lots and shall not interconnect with the remaining portion of the development.” Mr. Williams agreed. He stated the lots proposed on Shaker Mill Road will be 1 acre lot minimum so there will only be three lots not four. Commissioner Coppinger asked if he was making any improvements on Shaker Mill Road. Mr. Williams stated no requirements were given to him by the road department to improve that road. Commissioner Coppinger asked if he was willing to sprinkle the multi-family units. Mr. Williams stated he would be willing to consider sprinkle and stated they are modeling this after Eagle Stone and stated there are 4 units connected that will be patio/condominium style that are 1 to 1.5 stories and stated there will be a firewall between them unlike apartment buildings. Mr. Williams stated they don't plan on building them but not opposed to sprinkling but wasn't sure if the water system or building code allows it. Commissioner Graham stated there are a lot of mechanical parts to this that could be a wet system or dry system. Hon. Hamp Moore asked if he agreed to the following language for #10 in the RM-3 Section: “10- If permitted by the Kentucky Building Code, the RM-3 structures will contain a sprinkle fire suppression system.” Mr. Williams agreed. He asked how the Drakes Ridge subdivision happened without the connection to Stage Coach Springs. Mr. Peterson stated this Board was advised that a connection was required, a recommendation was forwarded to Fiscal Court with the connection, and then the Fiscal Court acted upon the rezoning and closed that portion of the connection in a separate ordinance. Mr. Williams stated he would be in favor of that as well. Chairman Runner asked if there were any questions for the applicant.

Chuck Grant, 1307 Shaker Mill Road, came forward and was sworn in. He asked how come the road can't be taken from the “little square” all the way to Cemetery Road. Mr. Williams and the staff explained that he did not own any property that connects this property directly to Cemetery Road to be able to do that.

Mr. Jeremy Burris, 438 Shaker Mill Bend, came forward and was sworn in. He asked what the plans of separation from his property and his neighbor (Duff) property to the new subdivision. Mr. Williams stated he proposed for the whole development that if there is a mature tree they will maintain that tree if possible. He stated there is not a mature tree line on this property line, there is a crop line, and he would be willing to plant vegetation that is similar to what is in the area. Mr. Burris asked if he would be willing to a fence. Mr. Williams stated he would not be opposed to a fence. Mr. Burris asked why there wasn't a road connection on Shaker Mill Road. Mr. Williams stated the road doesn't meet the development standards and there is already a dead end connection to Shaker Mill Bend.

Christopher Cox, 1202 Shaker Mill Road, came forward and was sworn in. He asked about if the utilities, sewer and water for the 3-4 lots along Shaker Mill Road will be connected through the new development or will it be through Shaker Mill Road. Mr. Williams stated he would have to reference his engineers but was told depending on when these lots were built they could just be on septic but would have to connect to sewer if the development was built first.

Jonathan Hale, 1207 Shaker Mill Road, came forward and was sworn in. He stated that right behind his property is a vertical impression entrance to a cave where a lot is being proposed. Mr. Williams stated that it was just a conceptual drawing and as the drainage and other items are studied, that concept will change and he will not be able to build on caves, sinkholes or floodplain. Mr. Brian Shirley, 1136 South Park Drive, came forward and was sworn in. He stated there are methods to repair sinkholes but in residential they usually avoid those and leave the vegetation so they don't disturb the natural flow of the water. He asked if he would commit to keeping the trees on that lot. Mr. Williams stated they have already committed to keeping all trees with an 8 inch caliber on the whole single family development unless there is a road going down it. Mr. Davenport explained that the concept plan is not a subdivision plat yet. He stated when they get into the engineering work and the lot lines will shift and the concept plan will look different. He explained the FEMA is established already. Mr. Hale asked where exactly the walking trail would be. Mr. Williams stated since we don't know where the lots will be for sure (conceptually only), their idea would be a path to go towards the bottom of the flood plain and be like Cumberland Trace subdivision but there has been nothing in-design yet.

Michael Tanaro, 385 Wagon Trail, came forward and was sworn in. He pointed to a steep hill and marsh area in the tree line area that is along his property and Cumberland Trace. He was worried about the water being worse, getting on to his property or the tree line being taken out. Mr. Shirley stated they can't allow any more water to go off sight then there is today. He stated if they have water problems now, they can look at the engineering to make it better. Mr. Tanaro stated there is a creek bed there that collects all the water even from the highway and said he had a canoe on there once. Mr. Williams stated all water issues will be addressed at a later date and all mature trees will be kept.

Chairman Runner asked for a show of hands for opposition. Hands were raised. Chairman Runner asked for the spokesperson to come forward for opposition. Nichole Bennett, 277 Shaker Mill Bend, and was sworn in. She asked if everyone received the petition. She stated she lived on the road for 10 years now and was elected to be the spokesperson by the people that signed the petition. She stated they don't oppose the development; they oppose the traffic coming through their neighborhood for safety reasons. She stated the road adjoining the proposed development is 24 feet wide, but in order to get to Cemetery Road, you have to go on Shaker Mill Road and that road does not meet the subdivision regulations. She stated the staff could approve an exception

based on 5.7.S of the subdivision regulations. She stated they went to the magistrate to get the center yellow line installed on Shaker Mill Road but was told the road was 14-16 feet and couldn't be deemed a two lane road for a center line to be installed by Jerry Young. Ms. Bennett mentioned Exhibit A and 5.1 of the Subdivision regulations which is the width requirement and grade requirements. She stated these requirements/standards are not met currently which could be a reason for Planning and Zoning to grant an exception. She felt the traffic study should not have been waived and mentioned the waiver verbiage from the Planning Commission website. They felt a traffic study should be done and wished that Planning and Zoning will grant the exception. Ms. Bennett mentioned multi-family complexes on Cumberland Trace that only has one access in and out and they were not made to connect. She expressed her concern about safety, accidents, and Shaker Mill not meeting the current regulation standards.

Mr. Stephen Owen, 999 Shaker Mill Road, came forward and was sworn in. He explained his family history in the county and how he came about living on Shaker Mill Road. He stated Shaker Mill Road is about close as you get to living in the City without being in the City. He explained the road condition of Shaker Mill Road.

Mr. David Keown, 220 Shaker Mill Bend, came forward and was sworn in. He stated that by the creek where the bridge is solid ice forever during the winter and he has had a wreck there himself. He explained the drop off is dangerous and the road width is not very wide through there.

Mr. David Roemer, 294 Drakes Creek Street, came forward and was sworn in. He mentioned the county noted that there was no improvements needed on Shaker Mill Road yet construction traffic was excluded.

Ms. Traci Duff, 304 Shaker Mill Bend, came forward and was sworn in. She asked if there was a consideration to put an additional entrance on the other side of the "school" lot instead of the connection to Shaker Mill Bend Road. Mr. Williams came forward and said that no matter how many connections they had to Cumberland Trace Road, the Subdivision Regulations would require him to still connect to Shaker Mill Bend Road. He further explained the school traffic and school stacking is contained on their property (showing on the concept plan). Mr. Tad Pardue, attorney for the Warren County Board of Education, stated this school layout is in concept but it is very similar to the new Jennings Creek School which is designed so the stacking will all occur on the school premises. He stated they did not want another Briarwood situation. He stated they are working with the State Highway Department over their entrances/exits and improvements that will be required on Cumberland Trace.

Mr. Peterson wanted to address some of the items that were mentioned in the petition and testimony. He explained how possible exceptions are looked at by staff, City and County. He explained what a traffic impact study looks at and studies. He explained a study could come back and require less than what the developer has already promised to do. He explained the connection requirement. Mr. Peterson discussed grade measurements and stated the Public Works Director didn't find any grades that exceeded the standards. He further explained that the "waiver" that was mentioned is a separate application that goes to the Board of Adjustment but isn't the requirement for the TIS. He stated stub streets are not required between multi-family and single family connections due to incompatible use and this dead end was specifically built for future development connection.

Mr. Davenport came forward to give his closing statement. He explained the concern addressed is not about the development but the connectivity. He explained that he has reached out to all transportation agencies for their comments and improvement request. He further explained that the connectivity is not basis to deny this application since it is required by the Comprehensive Plan and Subdivision Regulations. He urged the motion to approve the application.

Hon. Hamp Moore asked if the opposition spoke person wanted to give a closing statement. Ms. Bennett returned to the podium and stated Mr. Peterson did answer a lot of the items they discussed. She stated she wished they would think about this differently and grant the exception due to Shaker Mill Road. She stated maybe their next step is Fiscal Court to try to close the road. Mr. Peterson stated when this was looked at by the County; it was felt that asking for improvements on Shaker Mill Road by the Developer would exceed the normal requirements. Ms. Bennett stated they have asked for improvements and was denied those by the county.

Hon. Hamp Moore asked for Mr. Williams to return to the podium. He stated Mr. Burris came up and he heard a promise of landscape or fence along his and Mr. Depp's property line. Mr. Williams stated yes, and he circled the map of those properties (**Exhibit C – Applicant**) and initialed those changes.

Chairman Runner asked for any further discussions from the Commissioners before she asked for a motion. Commissioner Coppinger stated his decision was not a simple yes or no, that it was a good development and appreciated the fact that Mr. Williams is willing to sprinkle his multi-family units since that was the first. He made note of the rotten 14 foot road and hoped that somebody in another capacity can address those concerns for that road.

ACTION: Commissioner Gay 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 2018-37-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-2.3.1, TR-2.1, CF-5.3, CF-6, CF-6.1, NCR-2.4.1, 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.

G. NEW BUSINESS

Chairman Runner asked if there were any new 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.



CHAIRMAN, VELMA RUNNER

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