

SUMMARY MINUTES
City-County Planning Commission of Warren County
July 19, 2018 @ 6:00 p.m.
City Hall - Commission Chambers
3rd Floor, 1001 College Street, Bowling Green, KY

PRESENT:
Albert Rich
Mary Vitale
Sandy Clark
Tim Graham
Christiaan Volkert
Gregory Gay
Dean Warren
Eric Madison
Tim Huston
Velma Runner

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

A. ROLL CALL:

Chairman Runner requested Jessica Martin to conduct roll call in order to determine a quorum. A quorum was determined with 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 5, 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 (8 yeas and 2 abstained) to approve the Summary Minutes of the July 5, 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 19, 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 PLAN APPROVALS

Chairman Runner asked if there were any questions or comments on the Subdivision approvals. She stated that one (Kingstone Pointe) is being held out for individual review by a neighbor and asked for Mr. Peterson to speak on that. Mr. Peterson stated in the packet is the letter from Mr. Dewayne Thompson as well as his response back. He stated he will be happy to address any questions on his response.

Chairman Runner called for Mr. Dewayne Thompson, 2735 Plano Road, to come forward to be sworn in. He stated he has 35 acres beside the subdivision that is being built. He stated that during the rezoning of that subdivision, Mr. Slavey stated to the Board that there will be two 9 foot deep ponds that will hold three 100 year storm floods back to back and not one drop of water will come onto his property. Mr. Thompson stated the fences around the ponds are under water and there is water on his property. He stated he checked with WKU meteorology department and they stated they haven't had a 100 year storm yet this year but there is still water on his property. He stated the pipe being proposed on the plat revision might make it worse. He stated they came to Planning and Zoning about no stormwater mailbox or porta potty put up and he had human waste on his property. He stated they finally came and put these things up but he has never seen a silk fence. Mr. Thompson stated a neighbor asked Mr. Cherry where the water would go if the ponds were full and Mr. Cherry said the storm drains. He stated the night of the rezoning it was said the storm drains were paid for by public funds and couldn't be touched by private development. He stated the Plano Elementary school just had a sinkhole fall in behind the school and doesn't know if this water issue has a direct effect to that. He is concerned because he doesn't need any more water and has pictures of the houses that are built so high that the water will run off onto him and he has had concrete trucks rinse out their trucks onto his property. He stated he hasn't seen any sidewalks that were promised. Mr. Thompson stated he is asking for help and guidance and he has already been to Fiscal Court for help in regards to the water problem.

Mr. Lucas Slavey, 1015 Shive Lane, came forward and was sworn in. He stated the pipe that is being discussed today is because of the current property owner did not want to cut the trees down to do an open swale and needed to re-plate the drainage easement to revise where the pipe actually is. He stated this plat is not proposing any additional water. Mr. Slavey felt the pictures being presented was during February when construction in the subdivision was being done and there was no grass to impede water flow. He stated everything is piped away from Mr. Thompson property and they still accept his water onto them. Commissioner Volkert asked if the pipe for the plat revision will help with the water in the pictures that they are looking at today. Mr. Slavey stated it will not have any negative or positive effect on the water, the reason for the pipe is to save the trees. Hon. Hamp Moore read KRS 100.277 and KRS 100.281 in regards to the Subdivision plat. He stated plats are submitted and Planning Commission staff approves them based on the criteria in the statue and that process has occurred for this plat. He stated the Planning Commission has the authority to reverse the determination of approval on a plat if they so choose but the staff have certified that the plat revision as prepared by Mr. Slavey meets the requirements of the statue. He stated if the water issue exist as Mr. Thompson states, his remedy is against the engineer that has certified this development wouldn't increase the stormwater runoff that existed prior to the development of the subdivision. Chairman Runner asked if there were any questions or comments. Hon. Hamp Moore stated this does not require any action but the board can if

they feel necessary. Chairman Runner asked if there were any questions or comments before they closed the matter. Being none, she moved to the next item on the agenda.

D. LETTERS OF CREDIT AND PERFORMANCE BONDS

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

1. Renew and reduce the letter of credit for Brentwood Place, Phase 3 and 4 from \$137,000.00 to \$86,000.00 from Cook and Davenport, LLC.
2. Release the cash bond on Greenhills Development in the amount of \$70,000.00 from Greenhills Development Partners.
3. Renew the letter of credit on Greenhills Development in the amount of \$150,000.00 from Greenhills Development Partners.
4. Reduce and replace letter of credit for Springwater Subdivision in the amount of \$206,000.00 to \$120,000.00 and replace with a cash bond from Pin Oak Estates, LLC.

Chairman Runner asked if there were any questions. Being none, she asked for a motion. The motion was made by Commissioner Volkert, seconded by Commissioner Gay, and agreed upon (10 years) 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 announced the first item on the Agenda described as:

2018-33-Z-CO – Skees Development Group, LLC has filed an application to rezone a portion of tract of land containing approximately 28.53 acres located at the end of Skees Road from AG (Agriculture) to RS-1C (Single Family Residential), with a general development plan.

Hon. Hamp Moore stated the applicants have asked for this application to be tabled and reconvened in this room on August 16, 2018 meeting at 6:00 p.m. He stated the reason for the request is the applicant has requested for the variance to be heard on August 9th at the Board of Adjustments meeting prior to the zoning map amendment. Chairman Runner asked if there was anyone opposed to the tabling of this case. Being none, she asked for a motion.

ACTION: Commissioner Volkert made the motion, seconded by Commissioner Gay, to table this hearing and reconvened in this room on August 16, 2018 meeting at 6:00 p.m. The vote was ten (10) yeas, so tabled.

Chairman Runner announced the next item on the agenda as:

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 but was told by Mr. Brian Shirley that the property owner was not present. Hon. Hamp Moore explained what the zoning ordinance states in this case. Brian Shirley came forward and was sworn in. He stated we tried to reach the applicant but haven't heard back from them but knows they want to proceed with the rezoning. Mr. Shirley asked if it could be tabled and reconvened at the next meeting. Hon. Hamp

Moore asked if Mr. Shirley if he represented the consulting engineering firm for the applicant. Mr. Shirley stated yes and he requested it to be moved to the next meeting which is August 2nd. Chairman Runner asked if there was any opposition to this request. Being none, she asked for a motion.

ACTION: Commissioner Volkert made the motion, seconded by Commissioner Gay, to table this hearing and reconvened in this room on August 2, 2018 meeting at 6:00 p.m. The vote was ten (10) yeas, so tabled.

Chairman Runner announced the next item on the agenda as:

2018-35-Z-BG – Sandra Franklin has filed an application to rezone a portion of a tract of land containing approximately 2.01 acres located at the end of Vinewood Drive (known as 0 Greenview Lane) from RS-1A (Single Family Residential) and AG (Agriculture) to RS-1A (Single Family Residential), 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*).

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 proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket number 2018-35-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, LU-2.5.2, PR-1.7, NCR-1.1, NCR-1.1.6, NCR-1.3, NCR-2.4.1, HN-1, HN-1.3 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 announced the last item on the agenda as:

2018-36-Z-CO – Burr & Jones, LLC and Donna Kinser Whitis have filed an application to rezone tracts of land containing approximately 33.1675 acres located at 0 & 9053 Twin Bridges Road from AG (Agriculture) and F (Floodplain) to RS-1B (Single Family Residential) and F (Floodplain), with a general development plan.

Mrs. Rachel Hurt stepped to the podium to present the staff report. (*Note: Staff reports available upon Open Records Request*). She stated there was a new concept plan at their seat since packets went out. She stated there needs to be a revision to condition number 13 to be 2, 6, 11 & 12 to be plat notes.

Chairman Runner asked if there were any questions from the Commissioners. Commissioner Volkert asked if the maximum number is to the lots or homes. Mrs. Hurt stated the maximum number of lots will be 60. Commissioner Graham asked for a clarification on Twin homes. Mrs. Hurt explained they were two family units that are attached with a common wall but platted on their own individual lots. Hon. Hamp Moore asked if the density that is in the staff report represents the density with the existence of twin homes. Mrs. Hurt answered yes it is based on 60 lots whether they are twin home lots or regular single family lots. Chairman Runner asked to hear from the applicant.

Mr. David Broderick, attorney for the applicants, came forward. He stated they failed to include that they will comply with the fire department recommendation and can amend the binding elements to include the amendment to number 13 as Mrs. Hurt stated. Mr. Broderick stated they are using the sinkholes for their stormwater management. Commissioner Warren asked Mr. Lucas Slavey how the sinkholes will be utilized for stormwater. Mr. Lucas Slavey, 1015 Shive Lane, came forward and was sworn in. He explained how the sinkholes would be used and maintained with the guidelines that are in place today. Commissioner Graham stated there was no retention basin dedicated on the concept plan. Mr. Slavey stated they are not that far along on the development and drainage plan yet. Commissioner Graham asked about the access road. Mr. Slavey explained the access point onto Scottsville Road. Commissioner Graham asked about open space. Mrs. Hurt stated it was not depicted where the open space will be and they did not commit to open space. Mr. Slavey stated there is no dedicated common open space but they are restricted by their lot coverage per lot and everything outside of that will be open space. Commissioner Volkert asked if there was something being built around the sinkholes for safety reason. Mr. Broderick stated yes. He called forward Bennie Jones, P.O. Box 51594 Bowling Green, came forward and was sworn in. Mr. Broderick asked if he would amend condition number 13 to read: "Development Plan Conditions numbered 2, 6, 11 and 12 shall be included as development plan conditions only until such a time as the plat is filed and recorded and then shall be made plat restrictions." Mr. Jones answered yes. Mr. Broderick asked if he would agree to Condition number 14 to read: "the developer will comply with the recommendations of the Alvaton Fire Department contained in an email from Mason Hamilton dated July 3rd, 2018, regarding the number and placement of fire hydrants placed within the development." Mr. Jones agreed. He stated they are developing the property right next door to this property and both developments will be very similar. Chairman Runner asked if there were any comments or 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 Clark, to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket number 2018-36-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-2.1.4, LU-2.3.1, LU-2.8, TR-2.1, PR-1.7, NCR-1.1, NCR-1.1.6, NCR-1.3, 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. Mr. Ben Peterson explained the open position at the Planning Commission and James Heady is who they recommend for the Zoning Compliance officer to begin on July 23rd. Chairman Runner asked if there were any questions. Being none, she asked for a motion. **Commissioner Huston made a motion, seconded by Commissioner Volkert, to approve the hiring of James Heady for the Zoning Compliance Officer to begin on July 23rd. The vote was ten (10) yeas, so approved.** Chairman Runner asked if there was any further business. Commissioner Huston made a motion, seconded by Commissioner Volkert, to go into closed session for the purpose of Personnel items. All Commissioners agreed and approved the closed session.

THE COMMISSION WENT INTO CLOSED SESSION AND ALL OTHER PEOPLE LEFT THE COMMISSION CHAMBERS.

Chairman Runner reconvened the meeting after the closed session. Hon. Hamp Moore asked that the record reflect that no action was taken during the closed session, and during closed session the Commission only considered the matters contained in the Motion to go into closed session. During the session, the record reflects that Commissioner Huston moved that the Commission come back into open session and Commissioner Volkert seconded the Motion. All Commissioners approved the Motion unanimously to reconvene.

ACTION: Commissioner Volkert made the Motion, seconded by Commissioner Clark, to accept Mr. Ben Peterson evaluation as presented by the Personnel Committee and extend a 3% raise to him. The vote was ten (10) yeas, so approved.

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.



CHAIRMAN, VELMA RUNNER

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