

SUMMARY MINUTES
City-County Planning Commission of Warren County
September 20, 2018 @ 6:00 p.m.
City Hall - Commission Chambers
3rd Floor, 1001 College Street, Bowling Green, KY

PRESENT:
Albert Rich
Mary Vitale
Chuck Coppinger
Mary Belle Ballance
Christiaan Volkert
Greg Gay
Sandy Clark
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 Monica Ramsey 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 September 6, 2018 in their packets. Chairman Runner asked if there were any corrections to the minutes. Being none, she asked for a motion. The Motion was made by Commissioner Rich that the minutes be approved, seconded by Commissioner Clark, and agreed upon (9 yeas and 1 abstained) to approve the Summary Minutes of the September 6, 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 (September 20, 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. FINANCIAL

Commissioner Volkert entered the chambers. Chairman Runner stated that the August Financial Report was in the packets. She asked if there were any questions or comments. There were none. Mr. Peterson mentioned the memorandum at the commissioners' seats that detailed a collaborative GIS software and server license sharing with the City of Bowling Green. Commissioner Clark asked if the cost would go down if the County contributed. Mr. Peterson said the Planning Commission contribution would remain the same, regardless. Chairman Runner asked if there were further questions. Being none, she asked for a motion. The motion was made by Commissioner Gay, seconded by Commissioner Clark, and agreed upon (11 yeas) to approve the expenditure.

D. 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.

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 the one item of old business for tonight's agenda.

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 that the applicants have requested further postponement because of continued dealings with the cell tower company. Hon. Moore said postponement is the commissioners' decision, but his concern is for people who may continue showing up for the case. Chairman Runner asked if there was anyone here for this case. One person raised her hand. Mr. Chris Davenport, attorney for the applicant came forward. He stated that the cell tower company, as the easement holder, controls the proceedings and it is out of his clients' hands. Commissioner Warren asked when it would be resolved. Mr. Davenport said he thought it would have happened by today, but asked for the case to be heard at the October 18, 2018 meeting. Chairman Runner asked if there were any questions or comments from the audience. Being none, she asked if there were questions or comments from the commissioners. Being none, she asked for a motion.

ACTION: Commissioner Clark made the motion, seconded by Commissioner Warren, to postpone docket number 2018-33-Z-CO and reconvene in this room on October 18, 2018, at 6 p.m. The vote was ten (10) yeas and one (1) nay, so the case will be postponed until October 18, 2018.

G. PUBLIC HEARINGS

Commissioner Gay left the chambers leaving a total number of Commissioners to ten (10) present for this case.

Chairman Runner announced the first two items on the Agenda described as:

2018-15-FLUM – Sevenplus, LLC & Morgantown Bank & Trust have filed an application

for a Future Land Use Map Amendment containing approximately 10.62 acres located at 0 & 1848 Morgantown Road (bounded by Morgantown Road and Walnut Creek Drive) from Mixed-Use/Residential to Commercial.

2018-08-DP – Sevenplus, LLC & Morgantown Bank & Trust have filed an application to amend the General Development Plan / Development Plan Conditions on tracts of land containing approximately 10.62 acres located at 0 & 1848 Morgantown Road (bounded by Morgantown Road and Walnut Creek Drive). This property is zoned PUD (Planned Unit Development), 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*).

Chairman Runner asked if there were any questions for the staff from the Commissioners. Being none, she asked if the applicant would like to add anything. Mr. Sam Reynolds, 635 Sherwood Drive, came forward and was sworn in. Mr. Reynolds stated that he had nothing to add to the staff report. Commissioner Clark asked if the multi-family will be located in the back. Mr. Reynolds said yes. Commissioner Clark asked if the multi-family would be duplexes or fourplexes. Mr. Reynolds stated that there would be two (2) twenty-four (24) unit buildings at the top right of the lot. Commissioner Clark asked about lighting. She said it is a dangerous area and that her daughter used to live there and they had to move her out because it was so dangerous. Mr. Reynolds stated that the buildings would be pulled forward from the existing Jennings Creek apartments with the parking lot as a buffer and with lighting and video systems.

Commissioner Coppinger asked if the buildings would be three stories because of the plan to annex and get fire protection from the City of Bowling Green. Mr. Reynolds said yes. Commissioner Coppinger asked if there was some kind of commitment from the City that annexation would happen. Thad Lucas, 555 Dunbarton Avenue, stepped forward and was sworn in. He said that annexation is underway. Commissioner Coppinger asked why the bank would not be annexed. Mr. Reynolds said he didn't know.

Chairman Runner asked if there were any more questions from the commissioners. Being none, she asked if there were any questions or comments from the audience. Being none, she asked for a motion on the Future Land Use Map Amendment first.

ACTION: Commissioner Warren made the motion, seconded by Commissioner Coppinger, to approve the proposed Future Land Use Map Amendment, docket number 2018-15-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 approved.

Chairman Runner asked for a motion on the General Development Plan / Development Plan Conditions Amendment.

ACTION: Commissioner Warren made the motion, seconded by Commissioner Coppinger, to approve the proposed General Development Plan Amendment, docket number 2018-08-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 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, TR-2.1, PR-1.7, NCR-1.1.6, NCR-2.4.1, HN-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.

Commissioner Gay returned to the Chambers leaving the total number of Commissioners to eleven (11) for the remainder of the meeting.

Chairman Runner called the next item.

2018-45-Z-CO – Alvaton Land Partners, LLC have filed an application to rezone a tract of land containing approximately 29.8469 acres located at 0 Old Scottsville Road (located between Horace Johnson Road and Isbell Road), from AG (Agriculture) to RS-1B (Single Family Residential), 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*).

Chairman Runner asked if there were any questions for the staff from the Commissioners. Being none, she asked if there was anything the applicant would like to add. Larry Hinton, attorney for the applicants, stepped up to the podium. Mr. Hinton said that the proposal is consistent with the Comprehensive Plan and that the homes would be around \$250,000 to \$300,000. Chairman Runner asked if there were any questions from the commissioners for the applicant. Being none, she asked by a show of hands if there was anyone present in opposition to the request. A few people raised their hands. Chairman Runner stated that if they had a spokesperson, that person could come up and speak. Otherwise, they could come up one at a time and get three minutes to speak.

Stacy Sailings, 6546 Old Scottsville Road, stepped up to the podium and was sworn in. Mrs. Sailings stated that she was concerned about the right-turn lane into the development. Lucas Slavey, 1015 Shive Lane, stepped up to the podium and was sworn in. Mrs. Sailings showed a sketch she had received in her mailbox that showed a different concept plan from what was presented tonight. Her concern was that, in this concept she received, the right-turn lane appeared to come through her property. Mr. Slavey explained that the sketch she received was an early sketch before any field work was done. Mr. Slavey said that the right-turn lane would be built in the right-of-way and would taper about 100 feet, the turn lane would be 75 feet and 12 feet wide.

Mrs. Monica Woods, 350 Isbell Road, stepped up to the podium and was sworn in. Mrs. Woods said she has lived in Alvaton for most of her life and doesn't think the proposed development is in keeping with the history or character of the area. She said the development is too large and there's nothing comparable to it nearby. She said the volume of homes was too high because it would increase traffic dangers, and added that people picking up and dropping off their kids at Alvaton Elementary School back up past where the development is proposed. Mrs. Woods became emotional and said she knows change is inevitable, but her children cry over the wildlife

that will be affected and her family's privacy will be affected. She said that just because something can be done doesn't mean it should be done. The chambers erupted in applause. Commissioner Clark asked if someone could show where Mrs. Woods' home is located.

Mr. Ryan Holton, 324 Isbell Road, stepped up to the podium and was sworn in. Mr. Peterson helped Mr. Holton show where Mrs. Woods' home is located on the aerial map. Mr. Holton said he agreed with Mrs. Woods. He said he was given the same concept plan Mrs. Woods received and said it is very disconcerting to be shown two different concepts. Mr. Holton said Mr. Bennie Jones spoke with Mr. Holton's wife and discussed having more screening besides screening along Old Scottsville Road. Mr. Holton said the density is unprecedented in their area. He said he would like both those items addressed. Chairman Runner asked if anyone else would like to make a statement.

Mrs. Ann Combs, Combs James Road, stepped up to the podium and was sworn in. Mrs. Combs asked where all these people are coming from that are living in these new houses. She also wanted to know where all these people are working. She said it's like a runaway train. Mrs. Combs said there has been a lot of housing built in the area, and we don't want to end up with a bunch of empty houses. She added that the traffic is dangerous and will be more dangerous with more houses. She said she thinks people are buying up property and developing it to make money without thinking about who they affect. The chambers erupted into applause.

Chairman Runner asked if anyone would want to give additional information and that the density issue had been addressed. Mr. Robert Tucker, 239 Isbell Road stepped up to the podium and was sworn in. He said that from his house he can see the cars backed up at AES. He asked about screening and said he'll have six houses backing up to his property. Mr. Tucker then became emotional when he mentioned the deer he feeds behind his house won't have a home anymore. The chambers erupted into applause.

Mr. Robert Donoho stepped up to the podium and was sworn in. He stated that he wanted to know if the development would be built in phases if it was approved. Mr. Bennie Jones, P.O. Box 51594, was sworn in. Mr. Jones said the development would be done in two phases. He said the first phase would be closest to Old Scottsville Road, then they would work their way back. Mr. Slavey said they would probably go about halfway back to work with the sewer. Mr. Donoho asked if it wouldn't be done all at one time. Mr. Jones said no, they didn't want to flood the market.

Chairman Runner asked if there were any other questions for the applicant. Mr. Jones said Alvaton Land Partners did their due diligence by checking with all agencies. He said they want to build a neighborhood where kids have a place to play. Mr. Jones said that he's putting his name on it and it will be done right, and they will be good neighbors to the people in the area.

Chairman Runner asked if there were questions from the commissioners. Commissioner Coppinger asked if there was a question to change a development plan condition to change the landscaping coverage. Mr. Jones stated there was never a discussion to have coverage of the entire property. Commissioner Coppinger asked if Mr. Jones could address the question that had been asked. Mr. Jones said they would do more landscaping with evergreen screening closer than 25 feet. He said they don't have a landscaping plan, and asked if he needed to put another tree in between the space. Mr. Jones said they can do one every 15 feet. Hon. Hamp Moore asked if the intent of development plan condition #7 was for the evergreen tree landscaping to also run along

Isbell Road. Mr. Jones said yes. Hon. Hamp Moore asked Mr. Jones to agree to amend condition #7 to read: "The proposed buildings along Old Scottsville Road and Isbell Road will be screened with one (1) evergreen tree per twenty-five (25) feet of side or rear façade facing Old Scottsville Road or Isbell Road." Commissioner Clark asked if Mr. Jones had agreed to fifteen (15) instead of twenty-five (25). Mr. Jones said he did. Someone from the audience called out twelve (12) feet. Hon. Moore stated anyone could come up and ask the developer a question, but this didn't need to be an auction. Commissioner Warren asked Mr. Jones if he agreed to fifteen (15) feet. Mr. Jones said yes. Commissioner Warren asked if it was along Old Scottsville Road and Isbell Road. Mr. Jones said yes. Hon. Moore asked Mr. Jones to agree to amend condition #7 to read: "The proposed buildings along Old Scottsville Road and Isbell Road will be screened with one (1) evergreen tree per fifteen (15) feet of side or rear façade facing Old Scottsville Road or Isbell Road." Mr. Jones agreed.

Chairman Runner asked if Mrs. Woods would like to give a closing statement for the opposition. Mrs. Woods stepped up to the podium. She said she would appreciate if the commissioners would truly consider what the opposition had said and that this not be something that has already been decided. There was applause from the audience.

Chairman Runner asked if the commissioners had further questions. Being none, he asked for a motion.

ACTION: Commissioner Gay made the motion, seconded by Commissioner Warren, to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket number 2018-45-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, LU-2.9, LU-2.9.1, TR-2.1, TR-3, TR-3.3, PR-1.7, NCR-1.1, NRC-1.1.6, NCR-1.3, NCR-2.4, NCR-2.4.1, NCR-2.4.3, 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 nine (9) yeas, two (2) nays, so recommendation will be for approval.

Chairman Runner called the next two items.

2018-14-FLUM – C & T Properties, LLC has filed an application for a Future Land use Map Amendment containing approximately 3.0 acres located at 3850 Hunts Bend Road (approximately 120' South of Porter Pike) from Agricultural to Rural Density Residential.

2018-46-Z-CO – C & T Properties, LLC has filed an application to rezone a tract of land containing approximately 3.0 acres located at 3850 Hunts Bend Road ((approximately 120' South of Porter Pike) from AG (Agriculture) to R-E (Residential Estate), 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 the commissioners had any questions for staff. Commissioner Warren asked about building material percentage. Mrs. Ramsey said the applicant was here and could address that. Mr. Chris Gravit, 2796 Hunts Bend Road, stepped up to the podium and was sworn in. He stated that they had not determined percentage of building materials yet. He also said that, although the property doesn't have adequate water flow and pressure to meet the fire control standards, the water district has assured him there is enough water and the property is located 0.7 of a mile from the Gott Volunteer Fire Department. Commissioner Warren asked Mr. Gravit if he would be willing to commit to a percentage of brick or modern masonry materials. Mr. Gravit said they had talked about it and had agreed to no split-faced block, but he would not want to commit to no vinyl because he wasn't sure what the anticipated homes are yet. Commissioner Warren said the Commission often sees a commitment to a certain percentage of building materials. Mr. Gravit said his own home is metal, pole-barn style, and he doesn't know going into it what the future home owner will want. He said he sees a lot of homes being built that are not affordable and that people are paying more for smaller homes because of the lack of lots, and that committing to a certain percentage of brick or modern masonry could drive the price up, which he doesn't want to do if he can help it.

Chairman Runner asked if there were further questions for the applicant. Being none, she asked for a show of hands for anyone opposed to the request. Being none, she asked if anyone had a question for the applicant. Being none, she asked for a motion on the Future Land Use Map Amendment first.

ACTION: Commissioner Gay made the motion, seconded by Commissioner Vitale, to approve the proposed Future Land Use Map Amendment, docket number 2018-14-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 approved.

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

ACTION: Commissioner Gay made the motion, seconded by Commissioner Warren, to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket number 2018-46-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, LU-2.9, CF-2.6, CF-5.3, PR-1.7, NCR-1.1.6, 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 eleven (11) yeas, so recommendation will be for approval.

During the vote, Commissioner Coppinger addressed Mr. Gravit and told him he would get two yes votes from him because, even though the property doesn't have adequate water, the property is located 0.7 mile from a fire department.

Chairman Runner called the next item.

2018-47-Z-CO Lanny Loague and Mike Harris, C/O West Wind Farms, Inc. have filed an application to rezone a tract of land containing approximately 59.92 acres located on a portion of 0 Three Springs Road (bounded by Neal Howell Road, Three Springs Road and adjacent to Windhaven Drive) from AG (Agriculture) to RS-1B (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*). Mr. Peterson stated that correspondence from concerned citizens, as well as some photos submitted by a citizen, were at everyone's seat. He asked Mr. Brian Shirley to pass out new exhibits to the commissioners. Mr. Peterson said the width of Neal Howell Road should actually be shown as eighteen (18) feet. He also explained that the prospective density of the remainder of Hidden River was calculated in the surrounding density. Mr. Peterson mentioned connectivity and that the connections shown on the exhibit are required by the Subdivision Regulations. Mr. Peterson also mentioned that the Kentucky Transportation Cabinet made a request for additional right-of-way for the additional widening of Three Springs Road. He said the applicants hadn't committed to that request at this time, but it had been kind of short notice from the transportation cabinet. Mr. Peterson told the commissioners they had a memo regarding connectivity at their seats.

Chairman Runner asked if the commissioners had any questions for Mr. Peterson. Commissioner Volkert asked Mr. Peterson if it was correct that the conditions committed to a maximum of 200 lots, but the exhibit shows about 170. Mr. Peterson said he would have to defer to the applicant. Commissioner Coppinger asked Mr. Peterson if Hidden River has a current density of 2.3 du/ac or if it could in the future. Mr. Peterson said the density map shows a best guess. He said staff estimated somewhere between 1.5 and 2.3 du/ac, but no more than 3 du/ac as a whole. The already developed piece is 1.79 du/ac, he said.

Commissioner Warren said it's interesting that the traffic impact study was said to may not be necessary, because that question will come up tonight. Ben said staff asked the transportation cabinet for comments, and KYTC said Three Springs Road is adequate to serve the development. He said KYTC also has plans for a future widening, but that project is not in the funded plan.

Mr. Lanny Loague stepped up to the podium and was sworn in. Chairman Runner asked if the commissioners had any questions. Commissioner Volkert asked if the maximum number was 170 now instead of 200. Mr. Loague said that was correct, and that 200 was never the number, but they had to set a maximum. Hon. Hamp Moore asked Mr. Loague if he agreed to amend development plan condition #2 to read: "The property will be developed with a maximum of 170 lots." Mr. Loague agreed. Mr. Peterson said that would bring the proposed density down to 2.84 du/ac.

Commissioner Volkert asked if the homes would be 1,500 square feet on the first floor. Mr. Loague said yes. Commissioner Volkert said he didn't have a problem with that. Hon. Moore said he was also confused by that condition (#4). He asked Mr. Loague if that meant that a one-story home could have only 1,500 square feet. Mr. Loague said that was correct. Commissioner Volkert asked Mr. Loague if he would be willing to raise that. Mr. Loague said he could go to 1,700 square feet if that would please the commissioners and the community. Mr. Loague said they would not do any two and a half-story homes, but any two-story home would have 1,300 square feet for the first floor, with the minimum of the entire home being 1,700 square feet. He

said he thought it was compatible with the surrounding area. There was unrest and scoffing from the audience. Hon. Moore asked if Mr. Loague spoke on behalf of Mr. Mike Harris as well. Mr. Loague said Mr. Harris could come up. While Mr. Harris was coming to the podium, Chairman Runner clarified that development plan condition #3 would also specify that homes would be a maximum of two (2) stories.

Mr. Harris, 445 Long Road, was sworn in. Hon. Moore asked if Mr. Harris also agreed to the amendment for condition #2. Mr. Harris agreed. Hon. Moore asked Mr. Harris if he agreed to amend condition #3 to read: "Maximum height shall not exceed two (2) stories." Mr. Harris agreed. Hon. Moore asked Mr. Harris if he agreed to amend condition #4 to read: "Minimum floor area (excluding garage) shall be 1,700 sf. If a home has two stories, the first floor square footage shall be at least 1,300 square feet (also excluding garage)." Mr. Harris agreed.

Chairman Runner asked, by a show of hands, who was opposed to this request. Almost everyone in the audience raised their hands. Chairman Runner asked if there were any questions from the opposition for the applicant. There were none. Mr. Loague added that they had talked to KYTC and have committed to the right-of-way the state requested along Three Springs Road. He said they will also put in a right-hand turn lane off of Three Springs Road.

Commissioner Rich said when the road is widened and there will be a lot of cars on the road, in addition to vehicles coming from the proposed development and the existing homes, he wanted to know how everyone was going to get out of the subdivision. Mr. Loague stated that there are other ways to get out and get to Scottsville Road and Nashville Road, such as Neal Howell Road and Elrod Road. There was scoffing from the audience. Commissioner Rich asked Mr. Loague if he was aware how many vehicles 170 lots would put on the road. Mr. Loague said he did, and that KYTC and the County road department agreed the roads were adequate.

Commissioner Coppinger asked if Mr. Loague would be willing to decrease the density, maybe to 2.4 du/ac. Mr. Loague said continuing to drop the density, with the cost of the development, would make the project impossible. There was applause from the audience. Mr. Loague said urban sprawl is happening. Commissioner Coppinger said he was asking because of the lower densities of all the other subdivisions in the area. Mr. Loague said he doesn't currently see that being an option. He said he wants to hear the opposition's comments, other than that it's just a change.

Hon. Moore said it sounded like there was a new condition. Hon. Moore asked Mr. Loague and Mr. Harris if they would agree to add condition #21 to read: "The applicant agrees to construct a right-hand turn lane into the development at its expense from Three Springs Road." They agreed.

Chairman Runner said there has been a request for a break before the opposition makes its case. There was a ten-minute break.

Chairman Runner called the meeting back to order. Mr. Chris Davenport, attorney for the residents in Windhaven, stepped up to the podium. Mr. Davenport said he doesn't represent everyone in the room, but he will point out what is important to his clients. He said he was glad to hear concessions made this evening, but he said the issue is compatibility. Single family development should be compatible in design and density, he said. Mr. Davenport said he would go through his clients' requests for how the conditions should be amended. First, he said the density should be close to 2.0 du/ac. Mr. Davenport suggested that condition #5 state that

outbuildings should be constructed of materials similar to the primary structures. Mr. Davenport suggested that #6 not allow wood as an exterior material and should prohibit split-faced block. Mr. Davenport suggested that #11 state that the landscape buffer be fifteen (15) feet wide and the developer maintain all trees in that fifteen (15) feet with a caliper of at least eight (8) inches. Mr. Davenport suggested that condition #15 stipulate that only conditions #13 and #14 revert to plat restrictions. He said he had not seen square footage reduced to a plat restriction, and it's a dangerous proposition because only home owners can enforce plat restrictions. Mr. Davenport asked to add a new condition that any lot adjoining Windhaven be a minimum of half an acre and any home on those lots have a minimum of 2,000 square feet. Mr. Davenport addressed the connection to Windhaven and said neither his clients nor the developer cared for the connection. He said he understood that the Planning Commission's counsel advised them that they cannot prohibit connectivity. Mr. Davenport requested a condition in #19 that said if Windhaven is closed, there would be two access points on Neal Howell Road to be approved by the County. He said he wanted that contingency in the conditions so that, if Fiscal Court did close the road, they wouldn't do it and feel like they'd done something adversely to what the Planning Commission recommended, because he knows the Fiscal Court takes what the Planning Commission says to heart. Mr. Davenport asked Mr. Peterson about the revised conditions he received. Mr. Peterson said the applicants withdrew them. Mr. Davenport asked if they were consistent with his own suggestions. Mr. Peterson said he didn't remember them word for word and would have to go back through them.

Commissioner Clark asked Mr. Davenport how his clients had access into their subdivision. Mr. Davenport showed on the map that it is at the confluence of Neal Howell Road and Dillard Road. Commissioner Clark said wouldn't it be easier for an emergency vehicle to get to some of the proposed interior lots with the connection, rather than going all the way down to Three Springs Road. Mr. Davenport said if there were two accesses onto Neal Howell, you would still get the redundancy of connectivity to not overuse one site of infrastructure.

Commissioner Volkert asked if the commission should ask the applicants if they would be willing to address Mr. Davenport's suggestions and comments. Chairman Runner affirmed and invited Mr. Loague back to the podium. Hon. Moore began to read through the suggestions. He added that a density of 2.0 du/ac would be 120 lots. Mr. Loague said he can't change the density, and the proposed density meets the FLUM. Mr. Loague agreed to amend condition #5 to read: "Only one outbuilding shall be allowed per lot for a detached garage or storage building. An outbuilding other than a detached garage may not be larger than two hundred (200) square feet. Maximum height of any outbuilding shall be limited to one (1) story. Outbuildings will have the same materials as primary structures." Hon. Moore asked if Mr. Loague would agree to prohibit wood structures. Mr. Loague said the wood construction product isn't wood, but a byproduct of wood with a 50-year warranty, so he did not want to prohibit wood. Hon. Moore asked if Mr. Loague agreed to a prohibition of split-faced block as a foundation. Mr. Loague agreed to amend condition #6 to read: "All structures in the subdivision shall be constructed of modern architectural material such as wood or fiber content board. At least seventy-five (75) percent of the residences shall be constructed of brick, stone or other masonry materials. Aluminum and/or vinyl siding shall be limited for trim, soffits, and dormers. In no case shall asbestos siding, asphalt siding or other similar material be used in any part of the structure. Plain-faced block shall not be permitted as a visible finished material. Split-faced block shall be prohibited for foundations." Hon. Moore asked if Mr. Loague agreed to amend condition #11 to read: "A minimum 15' landscape buffer is to be preserved along the western property line, and all trees greater than 8 inches in caliper will remain." Mr. Loague agreed. Hon. Moore asked if Mr.

Loague would be willing to amend condition #15 to leave conditions #4, #5, #6, #7, #10 and #12 as conditions. Mr. Loague said he would defer to the Planning Commission staff. Mrs. Hurt said that it is common for conditions dealing with square footage or design to be converted to plat restrictions. Otherwise, all building permits submitted would have to show detailed elevations, material percentages and detailed floor plans, which has not been common practice. Hon. Moore asked Mrs. Hurt if the condition could still be added. Mrs. Hurt said it could, but all building permits would have to provide supplementary materials that would not normally be submitted with a building permit. Hon. Moore asked Mr. Loague if he agreed to add condition #21 to read: "Any lot which adjoins Windhaven Subdivision shall be at least one-half acre in size and shall contain a primary structure of at least 2,000 square feet." Mr. Loague agreed. Hon. Moore asked Mr. Loague if he would be willing to add the condition: "In the event that Windhaven is closed by the Fiscal Court, there will be an additional access onto Neal Howell Road, subject to the approval of the Warren County Public Works Department." Mr. Loague agreed.

Commissioner Volkert asked Hon. Moore if the Planning Commission was opening itself up to issues by saying it is okay with shutting off roads when they don't have the ability to make those decisions. Commissioner Volkert said he wanted everyone to understand that closing roads is not up to this body and that the commission deals with this question often. Hon. Moore said the Comprehensive Plan and the Subdivision Regulations require connectivity. Mr. Davenport returned to the podium and said he didn't suggest that condition to insinuate that the Planning Commission impose its will on Fiscal Court. Mr. Davenport said when he goes to Fiscal Court and asks them to close the road, they may ask why he wants to limit the access, and then he would have to ask the Fiscal Court to monkey in the application to add another access onto Neal Howell Road. He wants the language in there so Fiscal Court can do what they want to do. Commissioner Volkert said Mr. Davenport had said earlier that Fiscal Court takes what Planning Commission says to heart, and that if they put that language in there, the Fiscal Court will think the commission is okay with it. He said they have to think of future applications. Mr. Peterson said that in the one instance he's aware of that Fiscal Court closed a road, staff considers that Binding Element being met, since Fiscal Court has the power to close the road. He suggested changing condition #19 by allowing two access points onto Neal Howell Road. Hon. Moore read the amended condition #19 as follows: "A traffic impact study has been waived by the Kentucky Department of Transportation for Three Springs Road and Warren County Public Works for Neal Howell Road. The development may have up to two access points from Neal Howell Road and a single access point from Three Springs Road, subject to approval by the Warren County Public Works Department. A right turn lane into the development will be required from Three Springs Road and is to be coordinated with the Kentucky Department of Transportation. Construction traffic shall not be permitted to access the development from Windhaven Drive."

Chairman Runner opened the floor to the opposition, reminding them not to be repetitive once someone has addressed a certain item, and that they have a three-minute time limit.

Mrs. Judy Waddell, 2586 Dillard Road, stepped up to the podium and was sworn in. Mrs. Waddell said when Southwind and Windhaven were proposed, the developer proposed 30-something houses, and they came to that Planning Commission meeting because of density concerns. At that time, a resident brought up water problems, and the number of lots was reduced. Mrs. Waddell said the area flooded badly in 2010 and the water problems need to be addressed and she does not see water retention on the concept. The audience applauded.

Mr. Doug McKinney, 290 Sweepstakes Court, stepped up to the podium and was sworn in. Mr. McKinney said the roadways in that area are dangerous and congested. Mr. McKinney also mentioned water problems. He added that a volunteer fire department is inadequate for this many houses in an area. Mr. McKinney said he doesn't know where the sewer lines are, but that will have to be built. He also said that the proposed development isn't compatible with the area. The audience applauded.

Mr. John Inman, 2581 Dillard Road, stepped up to the podium and was sworn in. Mr. Inman said people may be happier with 170 lots, but it's still too many. He also said the square footage of the homes and the size of the lots are too small. Mr. Inman mentioned traffic, people running the stop sign and water problems. The audience applauded.

Mr. Brian Beil, 316 Roseberry Circle, stepped up to the podium and was sworn in. Mr. Beale said the schools are already full and wanted to know where all the kids in the proposed homes would go to school. The audience applauded.

Mrs. Kay Haley, 338 Neal Howell Road, stepped up to the podium and was sworn in. Mrs. Haley wanted to know if the county had ever done a traffic impact study on Neal Howell Road. Mr. Peterson said he was not aware of one, but that would be a question for the Warren County Public Works Department, and no one was present to speak for them. Mrs. Haley said the road has a lot of traffic and is dangerous and she has to be careful when getting her mail from her mailbox. The audience applauded.

Commissioner Gay encouraged the audience to not be repetitive and that the commissioners had already heard about traffic, water and density.

Mrs. Brenda Parsley, 3328 Nugget Drive, stepped up to the podium and was sworn in. Mrs. Parsley said she is a country girl and grew up on a farm. She said development takes farmland, which is where our food comes from. She said we do need houses, but she sees houses for sale all the time. She said we need to think about leaving farmland for our children. The audience applauded.

Mr. Thomas Krohn, 180 Sweepstakes Court, stepped up to the podium and was sworn in. Mr. Krohn said he is the assistant fire chief for the Woodburn Volunteer Fire Department but is speaking for himself and not in an official capacity for the fire department. Mr. Krohn said he was concerned about the water pressure and flow and doesn't think it is adequate. Mrs. Hurt clarified that the staff report showed that property meets the minimum requirement for fire protection, but that doesn't necessarily mean that is exactly what the pressure and flow are. Commissioner Clark asked Mr. Krohn where the Woodburn VFD is and how they would get to the site. Mr. Krohn said multiple different VFDs would respond to a structure fire or a medical call, so people would come from various directions. He said he didn't believe the connection to Windhaven would help because, if he was driving the truck, in his opinion, he would want to stay on the main roads for as long as he could. The audience applauded.

Mrs. Cinda Painter, 615 Neal Howell Road, stepped up to the podium and was sworn in. Mrs. Painter talked about the surrounding densities and acreage. She said a half-acre tract is not compatible with other lots on Neal Howell Road. The audience applauded.

Chairman Runner asked if there was additional information and that they had addressed density and water.

Mr. John Kalen, 153 Farmer Lane, stepped up to the podium and was sworn in. Mr. Kalen voiced a concern about water problems and said he doesn't see water retention shown on the concept plan. The audience applauded.

Mrs. Lisa Pendley, 117 Long Road, stepped up to the podium and was sworn in. Mrs. Pendley mentioned traffic. She said the intersection with Three Springs Road is dangerous and school buses and trucks with trailers drive that road. Mrs. Penley got emotional and said she is afraid someone will get killed on the road, and she hopes it's not her child. The audience applauded.

Commissioner Volkert said he wanted to hear from the applicant about how they'll address water. Mr. Brian Shirley, 1136 South Park Drive, stepped up to the podium and was sworn in. He said they haven't done a full study yet, but they will have to. By law, he said, they can't dump additional water onto any other property. Mr. Shirley said Josh Moore, director of the Warren County Public Works Department, said he will work with them on two accesses onto Neal Howell Road. Commissioner Warren asked if the number of lots may be reduced after the water calculations are done. Mr. Shirley said that is possible, but their current focus is land use and they won't know what the exact number will be yet. Commissioner Warren said he recalled that concepts Arnold Consulting Engineering Services has brought before the Planning Commission in the past have shown water retention. Mr. Shirley said they have shown areas where water retention might be, but they don't usually do the exact calculations until they have been through the zoning.

Chairman Runner asked if there were other questions before she asked for closing statements. Commissioner Clark asked where the photos were from that the commissioners received at their seats. Mrs. Kim Griffith, 373 Southwind Drive, stepped up to the podium and was sworn in. Mrs. Griffith said she got those pictures from another resident – whose backyard is shown in the photos – and she did not live in the subdivision when the flooding occurred. Mrs. Griffith showed on the map where the flooding in the pictures was. Mr. Peterson told the commissioners that they have the Windhaven subdivision plat that shows where the drainage is. Mrs. Griffith said where her house is, it still floods during the rain.

Commissioner Volkert asked again about the density, if there was any willingness to change it. Mr. Loague stepped up to the podium and said that until the drainage is calculated, they are asking for 170 lots, but he is confident that number will come down. He said the proposal still meets the Low Density Residential FLUM category range of 4.5 du/ac maximum. Commissioner Volkert said he agreed the proposal is within the range, but that doesn't necessarily mean it is compatible. Mr. Loague said they did not intend to do 200 lots and maybe should have set the maximum at 170 lots. He added that he knows no one wants to see farmland developed, but he thinks everyone in the room lives on land that was once farmland.

Commissioner Rich mentioned that no one has said a word about the cemetery on the property. The audience applauded. Mr. Loague stepped up to the podium and said, with all due respect, that they did address it. Commissioner Rich said he was not talking about the applicants.

Mr. Davenport stepped up to the podium. He said he agreed with Commissioner Volkert that falling within the Low Density Residential FLUM category range isn't the point, that the density

of the proposal isn't compatible. Mr. Davenport reiterated his clients' concern about the wood construction material. He told Hon. Moore that he wasn't sure if the applicant had conceded to the condition about access. The audience applauded.

Hon. Moore told Mr. Loague he would let him address that condition amendment to #19. Mr. Loague stepped up to the podium. Hon. Moore repeated that the amended condition #19 permitted him two access points onto Neal Howell Road, subject to the Warren County Public Works Department. Mr. Loague agreed. Mr. Loague said he believes the proposal meets the FLUM and is compatible. He said Mr. Harris' grandfather bought the land years ago as an investment, and he and Mr. Harris have been friends for years and they do not want to do anything that would shame Mr. Harris' grandfather, Jules Bettersworth. He added that he cannot promise where the density will fall, and they cannot put water onto other people's property. He said this is a legacy to Mr. Bettersworth.

Chairman Runner asked if there were further questions from the commissioners. Being none, she asked for a motion.

ACTION: Commissioner Warren made the motion, seconded by Commissioner Coppinger, to deny the proposed Zoning Map Amendment, docket number 2018-47-Z-CO. Based upon the testimony and documents presented in this public hearing, the proposed Zoning Map Amendment is not consistent with the adopted FOCUS 2030 Comprehensive Plan as demonstrated by its noncompliance with the following objectives and action items: LU-1.1.3, LU-2 and HN-2.1. Therefore, the proposed Zoning Map Amendment is not in agreement with the adopted Comprehensive Plan. Further, I request that this motion include the summary of evidence and testimony presented by the witnesses at this public hearing. The vote was nine (9) yeas, one (1) nay and one (1) abstention so recommendation will be for denial.

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.*