

**SUMMARY MINUTES**  
**City-County Planning Commission of Warren County**  
**October 18, 2018 @ 6:00 p.m.**  
**City Hall - Commission Chambers**  
**3<sup>rd</sup> Floor, 1001 College Street, Bowling Green, KY**

**PRESENT:**  
**Mary Vitale**  
**Mary Belle Ballance**  
**Sandy Clark**  
**Tim Graham**  
**Christaan Volkert**  
**Greg Gay**  
**Dean Warren**  
**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 nine (9) 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 October 4, 2018 in their packets. Chairman Runner asked if there were any corrections to the minutes. Commissioner Vitale stated that the motion for 2018-48-Z-CO should read “approve” instead of “deny.” The correction was noted. Commissioner Ballance stated that “Leon Benson” should be “Deon Benson” in 2018-13-FLUM. The correction was noted. Chairman Runner asked if there were further corrections. Being none, she asked for a motion. The Motion was made by Commissioner Gay that the minutes be approved, with the noted corrections, seconded by Commissioner Volkert, and agreed upon (9 yeas) to approve the Summary Minutes of the October 4, 2018 meeting as corrected.

Hampton 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 (October 18, 2018) be introduced as exhibits for each of tonight’s hearings. He further requested the Chairman order that the Staff Reports, with all attachments together, along with the Commission’s entire file for the applications be likewise introduced as exhibits. Mr. Moore asked that the Oath be administered to Ben Peterson, Executive Director; Rachel Hurt, Planner; Karissa Lemon, Planner and Monica Ramsey, Planner, and they 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 stated that the September Financial Report was in the packets. She asked if there were any questions or comments. Being none, she moved to the next item on the agenda.

### **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 two letters of credit or performance bonds on tonight's agenda.

1. Release the letter of credit for Northridge 9 in the amount of \$86,400.00 from J. Allen Builders.
2. Reduce the cash bond for Brianna Court from \$167,000 to \$33,500 for Gary Westpark, Inc.

Chairman Runner asked if there were any questions. Being none, she asked for a motion. The motion was made by Commissioner Gay, seconded by Commissioner Vitale, and agreed upon (9 years) to approve the above Letters of Credit and Performance Bonds.

### **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:

**The City-County Planning Commission will hold a public hearing to consider adoption of the Plano Focal Point Plan.** This plan is proposed for adoption as an amendment to the FOCUS 2030 Comprehensive Plan. This focal point plan does not propose amendments to the goals and objectives of the comprehensive plan.

Mr. Peterson stepped up to the podium to present what the plan included. (*Note: Plano Focal Point Plan available at [www.warrenpc.org](http://www.warrenpc.org) and at 1141 State Street upon request.*)

Chairman Runner asked if there were any questions for Mr. Peterson from the Commissioners. Being none, Mrs. Hurt stepped up to the podium to present the plan's recommendations. Chairman Runner asked if there were any questions for Mrs. Hurt from the Commissioners. Being none, Mrs. Lemon stepped up to the podium to present the transportation recommendations of the plan. Chairman Runner asked if there were any questions for Mrs. Lemon from the Commissioners. Being none, Chairman Runner asked if there were any questions or comments from the audience. Being none, she asked for a motion.

**ACTION: Commissioner Warren made the motion, seconded by Commissioner Clark, to adopt the Plano Focal Point Plan as part of the Focus 2030 Comprehensive Plan including all the policies and recommendations found therein. Based upon the testimony and documents presented**

**in this public hearing, the Plano Focal Point Plan is in agreement and consistent with the FOCUS 2030 Comprehensive Plan as demonstrated by its compliance with the goals, objectives and action items presented in the staff memo. 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, so approved.**

Commissioner Volkert left the Chambers, leaving a total number of eight (8) Commissioners present for the next item.

Chairman Runner called the next item.

**2018-09-DP – Chandler Residential, LLC and the Medical Center and American Bank and Trust** have filed an application to amend the General Development Plan / Development Plan Conditions on tracts of land containing approximately 49.03 +/- acres located at 0 Lovers Lane, and 0 and 494 Hub Boulevard. These properties are zoned HB (Highway Business), with a general development plan.

Mrs. 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. Commissioner Ballance asked why the applicants didn't address existing vegetation and natural features. Mrs. Hurt stated that the original rezoning of the property was not evaluated under the current format in which applicable items of the Comprehensive Plan are pointed out. She said the applicants would have been asked to address existing vegetation and natural features if the application had been reviewed under the current format.

Commissioner Clark asked when the applicants would go before the Design Review Board. Mrs. Hurt stated that some of the development has already received approval from the DRB, and that two applications before that board were conditional upon this application being approved. She said that development would be considered on a property-to-property basis.

Chairman Runner asked if the applicant would like to add anything. Julie Shadoan, Pierce & Shadoan law firm, stepped up to the podium. Mrs. Shadoan said they had nothing to add. Commissioner Clark asked if the applicants would keep any trees. Mr. Brian Shirley, 1136 South Park Drive, stepped up to the podium and was sworn in. Mr. Shirley stated that they were keeping trees adjacent to the Lovers Lane Soccer Complex. He showed on the concept plan where some space in the multi-family residential portion would be a dog park. Mr. Shirley also said they intended to preserve vegetation along the southern side, but other than that, there is not much left currently.

Chairman Runner asked if there were any questions or comments from the audience. There were none. Chairman Runner asked if there were further questions from the commissioners. Being none, she asked for a motion.

**ACTION: Commissioner Gay made the motion, seconded by Commissioner Vitale, to APPROVE proposed General Development Plan amendment, docket number 2018-09-DP. Based upon the testimony and documents presented in this public hearing, the proposed General Development Plan amendment is consistent with the adopted FOCUS 2030 Comprehensive Plan as demonstrated by its compliance with the following objectives and**

**action items: LU-1.1.1, LU-1.1.2, LU-1.1.3, LU-2, LU-2.1.3, LU-2.3.1, LU-2.8, LU-2.8.1, TR-2.1, NCR-2.4.1, ED-1 and ED-1.8. 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 eight (8) yeas, so approved.**

Commissioner Volkert returned to the Chambers and Commissioner Ballance left the Chambers, leaving a total number of eight (8) Commissioners present for the next case.

Chairman Runner called the next items.

**2018-44-Z-SG – Speedway, LLC, McBride Dale Clarion and TBJK, LLC and Marilyn Kemble and Billy Webb** have filed an application to rezone a tract of land containing approximately 5.06 acres located at 0, 604, 610, & 618 Main Street South, Smiths Grove (bounded by Main Street South, Vincent Street and Interstate 65), from HB (Highway Business) to LI (Light Industrial) with a general development plan.

**2018-V-21 – Speedway, LLC, McBride Dale Clarion and TBJK, LLC and Marilyn Kemble and Billy Webb** have applied for variances / waivers on the property located at 0, 604, 610, & 618 Main Street South, Smiths Grove. This property is zoned HB (Highway Business).

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

During the presentation, Commissioner Volkert asked if 35 feet was the maximum or the minimum width for the improvements proposed to Vincent Street. Mr. Peterson stated that it was the minimum proposed. After the presentation of the staff report, Chairman Runner asked if there were any questions for the staff from the Commissioners. Being none, she asked if the applicants would like to add anything.

Mr. Rob Sweet with McBride Dale Clarion, 5721 Dragon Way, Suite 300, Cincinnati, Ohio, stepped up to the podium and was sworn in. Mr. Sweet stated that they had looked at other locations on the site for the truck fueling canopy to avoid asking for the variance, but all other options seemed to create traffic problems. He added that they also tried to keep the structures on site spaced about 250 feet apart.

Commissioner Clark asked how patrons will turn left from Vincent Street onto Main Street with no stop light to get back on the interstate. Mr. Sweet stated they would do it just as they do in any rural area, which would be to come out of the exit, turn left onto Vincent Street and left onto Main Street where there is a stop sign. He said the Kentucky Transportation Cabinet told them the site didn't warrant a traffic light. Commissioner Clark asked Mr. Sweet if he foresees a problem with people turning left. Mr. Sweet said he does not anticipate any problems. He said they could always revisit the options after the store is open and operating.

Chairman Runner asked if there were further questions from the Commissioners, Being none, she asked if there were any questions from the audience. Vick Darbar, 605 S. Main Street, stepped up to the podium and was sworn in. Mr. Darbar asked if this proposal would be a truck stop or an in-and-out business. Mr. Peterson stated that the Warren County Zoning Ordinance classifies this use as a truck stop because trucks would be parking and fueling there. Mr. Darbar

asked how people can put more truck stops in Warren County. Mr. Peterson said by zoning, which is what the applicants are requesting tonight. He clarified that this property is in the city limits of Smiths Grove and not in the County. Mr. Darbar stated that at a Smiths Grove City Commission meeting on July 23, he understood that this would be an in-and-out business. He asked why the site needs so much parking if it will just be an in-and-out business. Mr. Darbar asked who would police overnight parking. He also asked if anyone had studied the traffic on Main Street. Mr. Peterson stated that the applicants did a traffic impact study. Mr. Darbar said it looks like the exit is too narrow and the area is too congested. Mr. Sweet returned to the podium. Mr. Sweet said the parking is primarily for short-term so, for example, truckers can park their truck and go get something to eat. He said they had done a traffic impact study and there is additional right-of-way along Main Street if future widening needs to occur. Mr. Sweet said signage and the operations department would police the parking to ensure there is no long-term parking. Mr. Darbar returned to the podium. He said he was not satisfied with Mr. Sweet's answer because once people start parking there, it will become an issue.

Chairman Runner asked, by a show of hands, who in the audience was there in opposition of this request. There were none. Chairman Runner asked if there were any other questions or comments. Being none, she asked for a motion.

**ACTION: Commissioner Warren 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 2018-44-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-2.1.4, LU-2.3.1, LU-2.5.3, LU-2.8, LU-2.8.1, LU-2.9, TR-2.1, PR-1.7, NCR-1.1.6, NCR-2.4.1, HN-1, HN-3, and ED-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 seven (7) yeas, one nay (1), so recommendation will be for approval.**

Chairman Runner called for a motion for the next item.

**ACTION: Commissioner Warren made the motion, seconded by Commissioner Gay, to APPROVE the request for a variance at 604, 610 and 618 South Main Street, Docket number 2018-V-21: a variance of 467 feet from the required distance of 500 feet from any residential structure, use or district. 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 seven (7) yeas, one nay (1), so approved.**

Commissioner Ballance returned to the Chambers, bringing the total number of Commissioners to nine (9) for the remainder of the hearing.

Chairman Runner called the next item.

**2018-49-Z-CO – Bradley Harper and Lorie (Harper) Smith** have filed an application to rezone a tract of land containing approximately 2.9752 acres located at 1000 North Hewitt Road from AG (Agriculture) to RR (Rural Residential), with a general development plan.

Mrs. 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 for the staff from the Commissioners. Commissioner Graham asked why the applicants needed to rezone at all since nothing was really changing. Mrs. Ramsey stated that any new AG (Agriculture) lot has to be at least five acres. Because the applicants want to reduce their AG-zoned lot to two acres, they have to rezone. Chairman Runner asked if there were any more questions or comments. Being none, she asked for a motion.

**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 2018-49-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, LU-2.3.1, CF-2.6, CF-5.3 and NCR-2.4.1. 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 nine (9) yeas, so recommendation will be for approval.**

Chairman Runner called the next item.

**2018-50-Z-CO – Jason Mills** has filed an application to rezone a tract of land containing approximately 2.5183 acres located at 9877 Nashville Road from AG (Agriculture) to RR (Rural Residential), with a general development plan.

Mrs. 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. Being none, she asked if there were any questions or comments from the audience. Rodney McGaughey of Van Meter & Slavey, LLC, 2053 Dye Ford Road, stepped up to the podium and was sworn in. He stated that he wanted to clarify that they had addressed preservation of trees. Mrs. Hurt said Mrs. Ramsey had read that into the record. She said when the staff report was finalized, staff had not yet received that development plan condition, and it was overlooked in the Future Land Use Map and Category Review when revising the report. Chairman Runner asked if there were further questions or comments. Being none, she asked for a motion.

**ACTION: Commissioner Volkert made the motion, seconded by Commissioner Gay, to APPROVE the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket number 2018-49-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, TR-2.1, CF-2.6, CF-5.3, PR-1.7, NCR-1.1.6, NCR-2.4 and NCR-2.4.1. 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 nine (9) yeas, so recommendation will be for approval.**

Chairman Runner called the next item.

**2018-51-Z-CO – Barrett Hammer and Carolyn Clark** have filed an application to rezone a tract of land containing approximately 16.1783 acres located at 687 and 701 Carter Sims Road from AG (Agriculture) to RS-1C (Single Family Residential), with a general development plan.

Mrs. Hurt stepped up 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 Warren asked if this subdivision would have sidewalks. Mrs. Hurt stated that sidewalks would be required on at least one side of the street. Commissioner Warren asked if the garages would be one- or two-car. Mrs. Hurt stated that they would be two-car garages. Commissioner Clark asked what nearby was as dense as this proposal. Mrs. Hurt stated that Kingston Pointe was the most dense, at 2.42 du/ac. She added that the Vinings subdivision, though not shown on the density map, has a density of 3.81 du/ac, and that the single family portion of Magnolia Hills farther north on Plano Road will have a maximum density of 6.16 du/ac. Chairman Runner asked if anyone had more questions for staff. Being none, she invited the applicant to speak.

Attorney Kevin Brooks – of Bell, Orr, Ayers & Moore – stepped up to the podium. He stated they had nothing to add but would be happy to answer questions. Commissioner Warren asked if coordination with the Plano Volunteer Fire Department regarding fire hydrants had been taken care of. Mr. Brooks said they didn't do a development plan condition for that, but they certainly will do it because the fire department will tell them where to put hydrants. Chairman Runner asked if there were further questions or comments from the Commissioners or the audience. Being none, she asked for a motion.

**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 2018-49-Z-CO. Based upon the testimony and documents presented in this public hearing, the proposed Zoning Map Amendment is consistent with the adopted FOCUS 2030 Comprehensive Plan as demonstrated by its compliance with the following objectives and action items: LU-1.1.1, LU-1.1.2, LU-1.1.3, LU-2, LU-2.1, LU-2.1.4, LU-2.3.1, LU-2.5.3, LU-2.8, LU-2.8.1, TR-2.1, PR-1.7, NCR-1.1, NCR-1.3, 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 nine (9) yeas, so recommendation will be for approval.**

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

Chairman Runner asked if there were any new business. Mr. Peterson stepped up to the podium and said there was a personnel matter. He said there was a personnel committee meeting before this meeting and there is a recommendation for a candidate for construction coordinator with a

start date of November 5. Because this person is well qualified, Mr. Peterson said part of the recommendation tonight is a request to amend the starting salary to match the person's qualifications. He stated that this person will replace Chuck Phillips, who is retiring.

The Motion was made by Commissioner Volkert that the personnel recommendation be approved, seconded by Commissioner Gay, and agreed upon (9 yeas).

Chairman Runner asked if there was any more 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.*