

SUMMARY MINUTES
City-County Planning Commission of Warren County
November 1, 2018 @ 6:00 p.m.
City Hall - Commission Chambers
3rd Floor, 1001 College Street, Bowling Green, KY

PRESENT:
Albert Rich
Mary Vitale
Mary Belle Ballance
Sandy Clark
Chuck Coppinger
Tim Graham
Christaan Volkert
Dean Warren
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 18, 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, with the noted corrections, seconded by Commissioner Vitale, and agreed upon (7 yeas, 2 abstentions) to approve the Summary Minutes of the October 18, 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 (November 1, 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; 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. 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 were two letters of credit or performance bonds on tonight's agenda.

1. Release the letter of credit for Pennyroyal Farms in the amount of \$81,000.00 and replace it with a cash bond in the amount of \$10,000.00 from Tim Poston.

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 (9 yeas) 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.

G. PUBLIC HEARINGS

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

2018-53-Z-CO – Southside Development, LLC and Mary Louise Smith Family Limited Partnership No. 1 have filed an application to rezone a portion of a tract of land containing approximately 16.5912 acres located at 377 McLellan Road from AG (Agriculture) to RS-1C (Single Family Residential), 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 Warren asked if the wetland complies LU-2.1.1, which encourages increased open space. Mrs. Hurt responded that open space refers to areas that are usable, so a drainage basin or something like that wouldn't be considered usable open space. She stated that some lots proposed may be larger than the minimum lot size in the proposed zone.

Chairman Runner asked if the commissioners had any more questions for Mrs. Hurt. Being none, Chairman Runner asked if the applicant would like to add anything. Mr. Kevin Brooks, attorney for the applicants, stepped up to the podium. He said they had nothing more to add.

Commissioner Clark asked if the applicants would consider more open space. Mr. Brooks said the site doesn't lend itself to that. Mrs. Hurt said that, although it won't count toward open space, the applicants committed to sidewalks on both sides of the street, when the Zoning Ordinance requires sidewalks on only one side of the street. Commissioner Graham said it looked like the applicants had the option to make the lots smaller and call part of the retention area open space or make the lots larger so everyone could have their own open space, which looks like that's what they've done. Mr. Brooks said that is correct. He said the open space requirement has a usability component but is also an aesthetic idea. Mr. Brooks said the proposed lots are larger than what they could have.

Commissioner Ballance asked what LP smart siding is. Mr. Brooks said it is a wood product. Commissioner Graham said it's a competitor to hardiplank. Commissioner Volkert said this was the same material the Commissioners struggled with a few weeks ago in a case on Three Springs

Road. Commissioner Clark asked if this material would look like a log cabin. Commissioner Graham stated that this product would look similar to hardiplank. He said that it looks like wood without the maintenance. Mr. Brooks said there's a good chance they may have seen it and thought it was hardiplank.

Commissioner Volkert asked if the applicants were stuck on 1,600 square feet for a minimum home area. Mr. Brooks stated they are. Commissioner Clark asked if they intended to keep the wooded area on the property. Mr. Brooks stated that they do not, but they intend to keep the perimeter. Commissioner Graham asked how sure the applicants were that the wetland is actually just an old farm pond. Mr. Brooks said they are certain.

Mrs. Hurt pointed out that the motion page had been reformatted to make making motions easier.

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 Graham 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 2018-53-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, TR-2.1, PR-1.7, NCR-1.1, NCR-1.3, NCR-1.1.6, NCR-2.4.1, HN-1, HN-1.3, HN-2.1 and HN-4. Therefore, the proposed Zoning Map Amendment is in agreement with the adopted Comprehensive Plan. Further, I request that this motion include the summary of evidence and testimony presented by the witnesses at this public hearing. The vote was nine (9) yeas, so recommendation will be for approval.

Chairman Runner called the next item.

2018-54-Z-BG – Providence Homes KY, LLC and Matthew Crabtree have filed an application to rezone a tract of land containing approximately 1.83 acres located at 3031 Nashville Road, from HI (Heavy Industrial) to GB (General Business), 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 if the applicants were proposing an addition on the property. Mrs. Ramsey said there is a small building at the back of the lot currently. Commissioner Graham said the concept plan seems to indicate an addition to the back of the building. Mrs. Ramsey said the applicants could probably speak more specifically about that. Commissioner Clark asked if there was a way to get onto the property without getting in the drive-through. Mrs. Ramsey said the concept plan showed two entrances and an exit, but the applicants could probably address that question. Chairman Runner asked if there were any more questions from the Commissioners. Being none, she asked if the applicants would like to add anything.

Liz Nelson, with Providence Homes KY, LLC, P.O. Box 51781, Bowling Green, Ky., stepped up to the podium and was sworn in. Commissioner Clark asked if there were two entrances on the property and if they were far enough apart. Mrs. Nelson said there's enough room for the drive-through and the entrance. She said there is an easement that they have the right to use. Commissioner Clark asked if they had an easement agreement. Mrs. Nelson said they did. Mrs. Hurt said the concept plan delineated the easement. Commissioner Graham asked if the easement is where the second entrance is depicted. Mrs. Nelson said, according to the highway department, they have another access on the left side of the property, so all traffic would go one way around the building. She said people would enter on the right and exit on the left.

Chairman Runner asked if the Commissioners had more questions. Being none, she asked if Mrs. Nelson had anything to add. Mrs. Nelson said the addition shown on the concept plan is a patio they intend to add on the back of the building.

Chairman Runner asked if there were any questions or comments from the audience. Joe Davis, 817 Cumberland Ridge Way, stepped up to the podium and was sworn in. Mr. Davis, who owns the property next door, asked about the easement between this property and his. He said they have had issues in the past with previous lessors using the easement for parking. Mr. Davis asked how the applicants would keep traffic moving so his property can still have egress. He added that he is concerned about traffic buildup coming through an "alley" in the back, which is not a designated alley, but a space between Mr. Davis' property line and the storage buildings (Overholt Storage) behind his property. Commissioner Clark asked how Mr. Davis' employees come out of his property. Mr. Davis said some of them back out and use the "alley" to get to Nashville Road, and some back out when the easement is clear and pull out onto Nashville Road. He stated that they have plenty of room with the easement when it is clear. Commissioner Clark asked if Mr. Davis' people use the same area where the applicants are showing a one-way area. Mr. Davis said his people would back into the easement, but that won't affect this property. Hon. Moore said the use of the easement is governed by the deed book where it is recorded and both owners should have that document. Mr. Davis said it's his understanding that there would be no parking in the easement. Hon. Moore said the use of the easement is beyond what the Planning Commission can decide. Mr. Davis said he just wants comfort that the easement would be honored, traffic will move, and the drive-through traffic is not in the easement.

Mrs. Nelson returned to the podium. She said they tried to design the site in such a way to keep traffic moving. Mr. Davis repeated that they had had issues with previous lessors parking on his property. Mrs. Nelson said the front door to this business will be in the back, so it makes more sense for people to park in the back, not on the side. Mr. Davis said that sounds good.

Commissioner Clark asked if there would be a left-hand turn from Nashville Road. Mrs. Nelson said KYTC told them they don't need a left turn lane.

Chairman Runner asked if there were any more questions or comments. Being none, she asked for a motion.

ACTION: Commissioner Graham 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 2018-54-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-2.5.3, TR-2.1, PR-1.7, NCR-1.1, NCR-1.1.6, NCR-1.3, NCR-2.4.1, NCR-2.5, NCR-2.5.3, HN-1, HN-1.3, 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 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. Mr. Peterson said the MPO is doing a transit study that is \$125,000. He said it would flow through the Planning Commission's budget and there would be zero net either way through our office. Mr. Peterson said it's grant money through the MPO, but \$11,000 in match will come from WKU and \$14,000 match will come from the City of Bowling Green. Mr. Peterson also showed the new Planning Commission website. He added that the new employee, Jacob Merriman, will start Monday.

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.*