

SUMMARY MINUTES
City-County Planning Commission of Warren County
January 3, 2019 @ 6:00 p.m.
City Hall - Commission Chambers
3rd Floor, 1001 College Street, Bowling Green, KY

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

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

A. ROLL CALL:

Chairman Runner requested Jessica Martin to conduct roll call in order to determine a quorum. A quorum was determined with eleven (11) 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 December 22, 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 Huston, and agreed upon (10 yeas and 1 abstained) to approve the Summary Minutes of the December 22, 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 (January 3, 2019) be introduced as exhibits for each of tonight's hearings. He further requested the Chairman order that the Staff Report, with all attachments together, along with the Commission's entire file for the applications be likewise introduced as exhibits. Hon. Hamp Moore asked that the Oath be administered to Ben Peterson, Executive Director, Rachel Hurt, Planner and Monica Ramsey, Planner be sworn as a witness before the Planning Commission and that their oath and qualifications be reflected in the record for tonight's hearing. Chairman Runner so ordered and swore in the witnesses.

C. PRELIMINARY SUBDIVISION & SITE DEVELOPMENT PLANS

Chairman Runner asked if there were any questions or comments on the Subdivision approvals. Being no questions or comments, she proceeded to the next item on the agenda.

D. LETTERS OF CREDIT AND PERFORMANCE BONDS

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

1. Reduce the letter of credit for construction on Scottish Manor, Phase 2 from \$196,000.00 to \$75,000.00 from Legacy Built Homes, LLC.
2. Reduce the performance bond for construction on Drakes Ridge, Phase 1 from \$685,000.00 to \$235,000.00 from Alvaton Partners, LLC.

Chairman Runner asked if there were any questions. Being none, she asked for a motion. The motion was made by Commissioner Warren, seconded by Commissioner Gay, and agreed upon (11 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 item on the Agenda described as:

2019-01-Z-BG – Bale of Kentucky Family Limited Partnership and Menard, Inc. have filed an application to rezone a portion of a tract of land containing approximately 39.71 acres located on Campbell Lane and Eastland Street (bounded by Highland Way, McIntosh Street and Merrick Place Court) from RS-1A (Single Family Residential), RM-4 (Multi-Family Residential), HB (Highway Business) and GB (General Business) to HB (Highway Business), 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 opposition emails at everyone's desk. She mentioned that number 2 condition in the Staff Report had a typo and it should be 15% not 5%. Also the last sentence in Condition number 9 should be removed and was not included in the last set or conditions. She stated the "off-premise advertising sign" is directed more to billboard signs; the applicant would like a shopping center sign.

Chairman Runner asked if there were any questions from the Commissioners. Being none, she asked to hear from the applicant after explaining the "Rules of Conduct". Rodney Wekkins, with Menard Inc. 5101 Menard Drive, WI, came forward and was sworn in. He explained what Menards was, the beginnings and how they are different from other home improvement stores. He explained how the store would be laid out. He stated the rear lumber yard would be surrounded by 14 foot tall 2x8 treated lumber fence. He was anticipating 128 employees. He explained why they did not want to commit to all buildings facing internal streets (the main Menards would be facing Campbell Lane and not the internal street as well as one or two possible strip centers). Mr. Wekkins explained why they did not commit to the 8 foot high fence like in Gary Farm (they were constructing a 14 foot tall fence around the lumber yard already) and why they chose to do the berm option. He also explained that they do not have any exterior lighting along the exterior of the building in the rear, they would have cut off luminaries that would shine light into the lumber yard so guest and team members can see what they are doing. Commissioner Warren stated majority of the people here tonight would ask for the same wall be

constructed along Eastland like they have currently and asked Mr. Wekkins if he would consider it. Mr. Wekkins stated they would consider it if necessary. Commissioner Graham asked why he chose to go with the berm option. Mr. Wekkins explained that he was asked why build a fence to screen a fence. He also stated the building is about a football field away and the landscaping would have a more pleasant appearance. Brian Shirley, 1136 South Park Drive, came forward and was sworn in. He explained the rezoning along Gary Farms had two types of buffers, the fence on one area and the berm on the other side. He explained how the berm would be laid out and it would look. Commissioner Warren asked if continuing the fence would make the neighbors have uniformity for their neighborhood. Commissioner Volkert asked who would be in charge of the RS-1A portion of the property. Mr. Shirley stated the Menards will be buying the whole property. Commissioner Volkert stated they were talking about a fence going half way along the rear (where the zoning line stops for this application). Mrs. Hurt stated that is worth clarifying, everything in green on the concept plan is what is subject for rezoning today and are enforceable with tonight's agreed upon development plan conditions. The remainder of the RS-1A and RM-3 section is not part of today's application and will not be enforceable for today's condition and if RS-1A was built back there, there is nothing to make them build a fence. Commissioner Volkert stated so we are discussing building a half fence for the neighborhood. Commissioner Graham asked if Mr. Shirley felt that the neighbors didn't know the rear would be surrounded by the 14 foot tall fence. Mr. Shirley stated that was a huge possibility since they did not have a neighborhood meeting. He explained how the basin would be gradually sloping. Commissioner Graham asked if the majority of the neighbors are still in favor of a fence they would consider it even though they explained the fence. Mr. Wekkins stated that was correct but wanted to explain why they chose the berm. Commissioner Huston asked if Home Depot had a tall chain link fence around their outside storage and still put the fence along Eastland Park. Mr. Shirley stated he hasn't been behind Home Depot in a while but believes they put a fence around their basin. Chairman Runner asked if there were any other questions for the applicant from the Commissioners.

Being none, Chairman Runner asked if there were any questions for the applicant from the audience. Mr. Brian Ragenhoward, 9201 Bunsen Parkway, Louisville, KY 40220, came forward and was sworn in. He stated they owned property in connection to this property and asked if they could get an easement to the access road they are proposing behind their property. Mr. Wekkins came forward and stated they could look at whatever they have in mind but without seeing how it flows he couldn't answer that today but would be happy to discuss it later with him.

Brian Elliott, 1914 Harvey Ave, came forward and was sworn in. He stated as they are talking about the fence in the back of the property, he stated isn't that the back of the wooded shed itself. Mr. Wekkins came forward and pointed out the fence and storage shed. He stated they are asking for a fence not something that collects mosquitos. Mr. Wekkins stated they build the rear as all one structure. Mr. Elliott stated more than half of that will be the back of a building so they can quit calling it a fence since it is a majority of a building.

Ms. Becky Bridgeman, 1600 Eastland Street, came forward and was sworn in. She asked if the drainage would have standing water. Mr. Wekkins came forward and stated it would be drainage area but it hasn't been designed at this point. Ms. Bridgeman stated the concept plan has "possible drainage" and asked what would happen if it wasn't located there, would the building be pushed further back. Mr. Wekkins stated they plan for that to be drainage but they want to be as close to Campbell Lane as possible and wouldn't consider moving the building further back.

Ms. Maribeth Wilson, 1833 Price Ave, came forward and was sworn in. She asked what was to stop foot traffic, bicycles and motorcycles coming over the berm. Mr. Wekkins stated the sidewalks will be along the road but they felt the storm water and berm would be deter and traffic in the rear. Ms. Wilson stated they mentioned the drainage area would be shallow and asked how shallow would it be. Mr. Brian Shirley came forward and stated they have not gotten to the design yet but felt it would be less than 7 or 8 feet with a general role and it would be a dry basin.

J.B. Bridgeman, 1600 Eastland Street, came forward and was sworn in. He asked if the city would close Eastland off. Mr. Shirley pointed out where Eastland terminates off and stated they made a Development Plan Commitment that they would not allow a connection to Eastland.

Mr. Kristopher Bates, 1504 Eastland, came forward and was sworn in. He stated he has been management with Meijers for over 20 years and stated he works and lives near this property. He explained there is still "POLO" (People On Look Out) along the fence along Eastland. He stated the fence does deter easy foot traffic. He understood that there will be a partial fence but it would still deter the easy foot traffic. He asked if the 14 foot fence was modified or has it always been 14 foot. Mr. Wekkins stated that is our typical fence that we put around the lumberyard in all our locations.

Ms. Jennifer Hanley – 1404 Harvey Ave, came forward and was sworn in. She stated she was not convinced that a three foot berm would stop traffic from coming through if someone is lost or tries to cut through Eastland and wanted to know how they would deter that traffic from coming down Eastland. She felt without a fence there would be more confusion. Mr. Wekkins stated they are committed to not allow a vehicle connection. Ms. Hanley felt that the berm would not be enough still and the fence is the best option.

Ms. T.J. Hunt – 1323 Bybee Avenue, came forward and was sworn in. She asked if construction traffic was allowed to come through Eastland Street as a cut through. She explained they have children, people who walk, and animals in their neighborhood that she is concerned about. She also stated she was confused that one person said they were not far enough along in the design of the basin to say what it would be and then another gentleman stated it would be a dry pond and asked for clarification. She asked if there would be a fence around it as well. Mr. Shirley stated the basin would be a dry basin and would hold water only during a rain and drain out at the current rate that is there today. He stated he feels like all construction traffic would be coming from Campbell Lane because there is no vehicle connection. Commissioner Clark asked if farm machinery or anything comes through there now. Ms. Hunt stated no. Mr. Shirley stated that the Public Works would not allow construction traffic through a residential neighborhood to the extent that they would need it since there is connection along Campbell Lane. Ms. Hunt asked what they could do now to work on a fence for the RS-1A portion. Commissioner Volkert stated those neighbors could build and continue the fence. Mr. Peterson stated it is currently zoned RS-1A and could build single family homes now with no requirements to continue the fence and there is nothing they can require them to do that portion tonight. If they wanted to construct anything other than single family RS-1A on that portion of the property, they would have to come forward and ask for rezoning like they are tonight with notifications given to the adjoining property owners.

Stephen Carrico - 1511 Woodhurst Street, came forward and was sworn in. He asked if there would be an outdoor intercom system and the hours of operation. Mr. Wekkin stated they do not

have an outdoor system since their employees have the ear piece system and the hours of operation would be 6 a.m. to 10 p.m. Mr. Carrico asked if that includes delivery. Mr. Wekkins believed so since there would be no employees there after 10 to unload/accept delivery.

Mr. James Miller, 1931 Price Street, came forward and was sworn in. BGMU uses an easement in the rear of these houses and wanted to know if there was a gate or something that could open the gate so they could work on the electric when they need to work on it. Commissioner Graham asked to locate where he is referring to. Mr. Shirley explained how BGMU would get to their easement from the cul-de-sac. He explained that easements on the property will have to be attainable by the utility companies.

Ida Jo Bowling, 1915 Kay Avenue, came forward and was sworn in. She stated she was there before when they had a problem with this cut through. She stated they have a lot of elderly, children and animals. She stated everyone was there tonight in favor of a fence and asked for a show of hands for a fence.

Wayne Lawson, living in Crossridge Subdivision, came forward and was sworn in. He stated his concern is traffic on Campbell Lane and stated it is already bad. Mr. Wekkin pointed out the entrances on Campbell Lane and the location of the traffic signal that they will install. Mr. Lawson stated this would be the 5th traffic light and between 3 and 6 this section is a traffic nightmare. Mrs. Hurt stated they noted in the staff report that directly out of the Traffic Impact Study that if the signal is retimed along Campbell Lane with the new signal that traffic could be better.

Mark Evans, 2101 Kaymoore Street, came forward and was sworn in. He asked how it would be connected to Menards. Mr. Wekkin stated it would be connected by a private street. Mr. Evans stated he represents CED, the neighboring property, and asked for access to the access road. Mr. Wekkins stated he would be happy to discuss it with the land owner.

Chairman Runner asked if there were any further questions for the applicant. Commission Volkert asked the applicant if he would go ahead and commit to the fence. Mr. Wekkin stated why they don't go ahead and commit to the fence. Hon. Hamp Moore asked Mr. Wekkin if he agreed to the following changes: Condition number 3 to read: 3) The eastern property line adjacent to Eastland Park Subdivision will be developed with an eight (8) foot high wood fence with masonry columns, with all externally exposed areas of the columns to be constructed entirely of brick, spaced sixty (60) to seventy (70) feet apart. Mr. Wekkin stated yes and would still do the landscaping required by the Zoning Ordinance. Condition number 13: All first tier lots along Campbell Lane shall face Campbell Lane. Condition number 18: There will be no exterior east facing lighting. Condition number 19: There will be no outdoor speaker or intercom system. Mr. Wekkin agreed to all changed and additions.

Commissioner Huston asked for clarification of how the façade will be for Menards. Mr. Wekkin explained. Commissioner Huston asked why they wouldn't put a sign on the façade facing the internal street for when the land across the street will be developed. Mr. Wekkin stated facing towards the out lot and traffic coming up the internal street and visible from Campbell Lane is their main focus. Chairman Runner asked if there were any further questions or opposition from the audience.

David Reynold, 1915 Bybee Avenue, came forward and was sworn in. He stated a lot of the points were covered tonight. He asked if the fence could be constructed prior to any construction on the property. Mr. Wekkin came forward and stated there would be grading and didn't want to rule it out but hard to determine if he installed the fence and then would have to reconstruct it. Chairman Runner asked if there were anything further from the Commissioners or 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 2019-01-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 objectives and action items presented in the staff report. 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.

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.*