

SUMMARY MINUTES
City-County Planning Commission of Warren County
January 17, 2019 @ 6:00 p.m.
City Hall - Commission Chambers
3rd Floor, 1001 College Street, Bowling Green, KY

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

The City-County Planning Commission of Warren County was called to order by Chairman Velma Runner. Chairman Runner announced that the items 2 on tonight's agenda: 2019-02-Z-CO – Johnny Britt, et. al. & James E. Cook rezoning application at 2071 Goshen Church South Road has been postponed to a later date and will be re-advertised.

A. ROLL CALL:

Chairman Runner requested Jessica Martin to conduct roll call in order to determine a quorum. A quorum was determined with ten (10) of the twelve (12) Commissioners present at the time of the roll call.

B. APPROVAL OF MINUTES:

Chairman Runner stated all Commissioners had received the Minutes of the meeting held on January 3, 2019 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 January 3, 2019 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 17, 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, Monica Ramsey, Planner, and Rachel Hurt, Planner 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 the December 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 SUBDIVISIONS & SITE DEVELOPMENT PLANS

Chairman Runner asked if there were any questions or comments on the Subdivision and/or Site Development Plan 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 three letters of credit or performance bonds on tonight's agenda.

1. Replace the cash bond with a letter of credit for construction on Hardcastle Estates, Phase 1 in the amount of \$43,000.00 from H&A Development, LLC.
2. Release the performance bond for construction on Summit Subdivision, Section 4 in the amount of \$727,920.00 from Summit Partners, Inc.
3. Release the letter of credit for construction on Upton Farms in the amount of \$134,800.00 and replace with a performance bond in the amount of \$422,000.00 from Gator Development/Jody Allen.

Chairman Runner asked if there were any questions. Commissioner Warren asked about the release for the Summit Subdivision. Mr. Peterson explained that particular section of Summit has been completed and that is for Section 4 only so they requested a release for that bond. He mentioned that there are still outstanding items in other sections. Chairman Runner asked if there were any further questions. Being none, she asked for a motion. The motion was made by Commissioner Coppinger, seconded by Commissioner Clark, and agreed upon (10 years) to approve the above Letters of Credit and Performance Bonds.

F. OLD BUSINESS

Chairman Runner announced there was one item for old business for tonight's agenda:

2018-57-Z-BG – Sandra Stewart and Buckhead Kitchen & Bar c/o Caitlin Davis have filed an application to rezone a portion of a tract of land containing approximately 0.29 Acres located at 0 Campbell Lane, (southeast corner of Campbell Lane and Thoroughbred Drive) from RM-4 (Multi-Family Residential), with a general development plan to GB (General 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*).

Chairman Runner asked if the Commissioners had any questions for the staff. Commissioner Warren asked about the setback along the road. Mrs. Hurt explained that if they were to build a building on this property they would have to adhere to the setbacks of the General Business zone but the Food Trucks do not since they are not a permanent structure. Commissioner Graham asked if Condition #4 would allow them to construct a building in the future that consist of 75% wood. Mrs. Hurt answered yes. Commissioner Gay asked how many food trucks where the applicants proposing. Mrs. Hurt stated the preliminary concept plan shows three but that could be clarified by the applicant. Commissioner Clark asked if they were anticipating mostly foot traffic. Mrs. Hurt stated that would be a question for the applicant but there are sidewalks and

residence nearby but there is also a lot of vehicle traffic along Campbell Lane. Commissioner Graham asked if there were parking requirements for food trucks. Mrs. Hurt stated no there isn't, that is why the use is described as a commercial parking lot since that is generally where food trucks are found and they are parked in a parking lot. Commissioner Coppinger asked if there are any setback requirements for the food trucks. Mrs. Hurt stated the only setback requirement that comes into play is the landscaping requirement between the pavement for parking and the right-of-way but that is less than a building setback requirement. Chairman Runner asked if there were any further questions for staff. Being none, she asked to hear from the applicant.

Caitlin Davis, 820 Rockwood Drive, came forward and was sworn in. She explained they did receive approval from public works on their access, she explained their idea and the economic factor the food trucks will give to Bowling Green. She stated they are proposing a 25 foot setback for the food trucks and they would have a max of 4 food trucks but really aiming for 3. Commissioner Graham asked how the parking would be for the food trucks. Ms. Davis stated the concept plan shows the proposing parking and they currently show 13 on the plan. Commissioner Clark asked if she was anticipating foot traffic. Ms. Davis stated yes because of the apartment living, housing and local business since there are sidewalks but also anticipate driving as well. Commissioner Clark stated she had a major concern about safety and stated there were over 500 calls to the police (including shootings) in a six month period to College Suites when her daughter lived there. Commissioner Clark asked if they were going to light the parking lot. Ms. Davis stated yes there would be lights above the trucks with operating hours no later than 9 p.m. and large lights for the parking area. Commissioner Clark asked if there would be security there and if the trucks would be going home at night. Ms. Davis stated they would have cameras and the trucks would stay there all night. Commissioner Clark asked if the trucks would be going out to venues. Ms. Davis explained they would have the opportunity to do that if it is for a particular event but they would not be driving back in during busy hours like lunch time. Commissioner Clark asked if they would prevent the junior high students from crossing over Campbell Lane. Commissioner Warren stated they could not leave school. Commissioner Coppinger stated there are kids that walk from his neighborhood to school so there could be kids that walk after hours and during athletic activities. Ms. Davis stated she didn't feel they could regulate when kids would walk to the food trucks if they wanted to but she would have the same concern about any other business that is existing now that they might be walking to. Commissioner Coppinger asked if they checked with the Junior High to see if they were in opposition or had conflicts or concerns with the application. Ms. Davis stated she had not spoken with them. Commissioner Coppinger stated he had and they do not approve. He felt that it was irresponsible to put what she is proposing in the location it is being proposed. He stated he didn't understand why she wouldn't put the food trucks in an already existing parking lot or an area where there already is foot traffic instead of a location where the foot traffic would mainly be junior high students and residents in the area. He stated he was from Dallas and their food trucks are near commercial and business areas, not school and residential areas. Commissioner Coppinger agreed that food trucks are probably the next wave of dining and applaud her for her idea but felt they picked the wrong spot. Ms. Davis stated there are not a lot of commercial spots that are walkable in Bowling Green and there is always going to be a safety factor of anything that is built at this location are in close proximity. Commissioner Graham stated the material standard is a little broad. He asked if she would agree to remove the wood and metal panels and put in LP Smart Siding or engineer wood. Ms. Davis agreed. Hon. Hamp Moore stated that condition number 4 would read: Improvements on the property shall be constructed of at least 75% brick, masonry, LP smart siding or engineer wood, stone, glass stucco or modern construction materials such as fiber cement board or split face block. Plain face block shall not

be a permitted visible surface material. Ms. Davis agreed. Commissioner Madison asked if there would be any structures that would be cover for bad weather. Ms. Davis stated the food trucks would have a pull out cover and they could possibly have tables with umbrellas but mostly food trucks are take-out type out food so there would be no structures. Ms. Davis stated they would have a max of 4 food trucks but they are really looking at 3. Commissioner Madison asked if the food trucks would be rotating all the time. Ms. Davis stated there would be a lease agreement with the food trucks for a certain amount of time so they could change at some point but it wouldn't rotate daily. Commissioner Rich asked if the only parking would be for the food truck purposes only. Ms. Davis stated yes. Chairman Runner asked if there were any more questions from the Commissioners for the applicants. Being none, she asked for opposition or questions from the audience.

Ms. Karil Ann Lowdermilk, 2516 Thoroughbred Drive, came forward and was sworn in. She stated she owned her home since 1998 and the house next door where her mother lives. She stated she loves food trucks but does not love the idea of the location. She expressed her worry about security and stated last time she was at a Planning Commission meeting she ran the police records from 2009 to July 2017 and in that time period there was over 7,200 police calls from either Regency Apartments or College Suites and stated last week there was 6 shots fired at College Suites. She expressed the ongoing problem with security at the apartments. She stated she is unsure that this would add any value to her property and there are very limited places in Bowling Green that has houses that middle income people can afford. She expressed concerns about increase traffic and felt there would be more car traffic than foot traffic because of the nature of our community. She asked for the Commissioners to consider the impact on the residential neighborhood close by in regards to property value, security and traffic safety. Commissioner Graham asked if she would have an objection if this was something other than food trucks, like a restaurant. Ms. Lowdermilk stated she would have the same objection but what she wouldn't have an objection to is another Morning Side where there is limited traffic going in and out and better safety. Chairman Runner asked if there were any further question, opposition or comments. Mrs. Hurt stated there was an email opposition at the commissioner's seat. Chairman Runner asked if there were anything further. Being none, she 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 2018-57-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 eight (8) yeas and two (2) nays (Commissioner Coppinger and Clark), so recommendation will be for approval.

G. PUBLIC HEARINGS

Commissioner Vitale left chambers making a total of nine (9) Commissioners present.

Chairman Runner called the first item:

2019-01-DP – Bishop Land Sales, LLC has filed an application to amend the General Development Plan / Development Plan Conditions on a tract of land containing approximately

1.12 acres located at 275 Collett Road. This property is zoned RS-1D (Single Family Residential), with a general development plan.

Ms. Monica 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. Commissioner Graham asked if the only change was if there would be a shared driveway or not. Mrs. Ramsey stated yes, the only change would be the maximum number of driveways allowed. Commissioner Graham thought there was a restriction on shared driveways. Mr. Peterson stated they are permitted and sometimes required but not in this case. Commissioner Graham asked if they agreed to consult with someone about sight distance. Mrs. Ramsey stated Warren County Public Works will review and approval all driveways including sight distance. Chairman Runner asked if there were any further questions for the staff. Being none, she asked to hear from the applicant.

Mr. Kevin Brooks, attorney for the applicant, came forward. He stated they are asking to be able to work with Public Works on how many driveways they will be allowed. They have not gotten reassurance that they will be able to have all four yet but they feel they will be able to have at least three. Commissioner Graham asked about the structures on the property. Mr. Brooks stated they are already gone. Commissioner Huston asked what the opposition would be with just two accesses. Mr. Brooks stated that there are issues with shared driveways and can cause confrontation. He felt it would be best for the property owner and values to have their own driveway if possible. Commissioner Clark asked if Public Works had any concern about the safety issue by adding four driveways instead of two. Mr. Brooks stated they haven't agreed to four and that he talked to Mr. Moore and he said that he was pretty sure that three would work and that he would have to go back out there to verify the conditions. Commissioner Rich asked if he wants approval for something that he isn't sure he will be able to get. Mr. Brooks stated yes in a way but he is asking for the condition to state what most new cases state which is leaving the access to the approval of public works and not the staff. Chairman Runner asked if there were any further questions for the applicant. Commissioner Clark asked for clarification of the address since some items say 225 and others say 275. Mrs. Jessica Martin stated that it is 275, that there is a typo in the brief summary and it was verified and changed after the submittal. Chairman Runner asked if there were anything further. Being none, she asked if there were anyone in the audience with any questions or opposition to this request. Being none, she asked for a motion.

ACTION: Commissioner Gay made the motion, seconded by Commissioner Graham, to approve the proposed General Development Plan amendment, docket number 2019-01-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 objectives and action items presented in the staff report. 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 and one (1) nay (Commissioner Clark), so approved.

Chairman Runner called the last two items on the Agenda:

2019-01-FLUM – Golden Flower, LLC and Christian Life Center have filed an application

for a Future Land Use Map Amendment containing approximately 9.9035 acres located on a tract of land at 0 Three Springs Road (bounded by Sutherland Drive, Silver Springs Avenue and I-65) from Mixed-Use/Residential to Mixed-Use/Commercial.

2019-03-Z-BG – Golden Flower, LLC and Christian Life Center have filed an application to rezone a tract of land containing approximately 9.9035 acres located at 0 Three Springs Road (bounded by Sutherland Drive, Silver Springs Avenue and I-65) from AG (Agriculture) to LI (Light Industrial), with a general development plan.

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

Chairman Runner asked if there were any questions from the Commissioners. Commissioner Graham asked about vegetation along the perimeter of the property. Mr. Peterson stated there is a landscape requirement in the Zoning Ordinance with particular plantings and heights but they are allowed to supplement with existing vegetation. Chairman Runner asked if there were any further questions for staff. Being none, she asked to hear from the applicant. Mr. Richard Feldman came forward and was sworn in. He stated they need more space and his business has been there for a long time. He stated they plan on staging the construction out and not building it all at once. Mr. Feldman stated they would comply with all requirements at all times. Commissioner Graham asked when the landscaping buffer would be approved. Mr. Peterson stated it would be enforced as it is developed. Mr. Feldman stated he plans on doing the landscaping up front and expensing it all at once. He explained that they will drive a customer to this location if they would like to view a trailer. Being none, she asked if there were any questions or opposition in the audience. Being none, she asked for a motion on the Future Land Use Map first.

ACTION: Commissioner Warren made the motion, seconded by Commissioner Gay, to approve the proposed Future Land Use Map Amendment, docket number 2019-01-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 nine (9) yeas, so approved.

Chairman Runner asked for a motion on the zone change application.

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 2019-03-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 nine (9) yeas, so recommendation will be for approval.

H. NEW BUSINESS

Chairman Runner asked if there were any new business. Being none, she moved to adjourn.

I. ADJOURN

Chairman Runner stated there was no additional business to come before the Commission; the meeting was adjourned.

A handwritten signature in black ink, appearing to read "Velma K. Runner", written over a horizontal line.

CHAIRMAN, VELMA RUNNER

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