

SUMMARY MINUTES
City-County Planning Commission of Warren County
February 21, 2019 @ 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
Christiaan Volkert
Gregory Gay
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 Jessica Martin to conduct roll call in order to determine a quorum. A quorum was determined with all 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 February 7, 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 Gay that the minutes be approved, seconded by Commissioner Vitale, and agreed upon (10 yeas and 2 abstained) to approve the Summary Minutes of the February 7, 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 (February 21, 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 January 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 no Letters of Credit and Performance Bonds.

F. OLD BUSINESS

Commissioner Graham and Ballance left the chambers.

Chairman Runner announced there were two continued items for old business for tonight's agenda:

2019-02-FLUM – Keystone Development Group, LLC has filed an application for a Future Land Use Map Amendment containing approximately 39.1132 acres located on tracts of land at 0 Veterans Memorial Lane and 0 Russellville Road (with frontage on Hickory Street and Walnut Street; located between Veterans Memorial Lane, Russellville Road, Stonehenge Avenue and Robin Avenue) from High Density Residential, Commercial and Mixed-Use/Residential to Commercial and High Density Residential.

2019-04-Z-BG – Keystone Development Group, LLC has filed an application to rezone tracts of land containing approximately 39.1132 acres located at 0 Veterans Memorial Lane and 0 Russellville Road (with frontage on Hickory Street and Walnut Street; located between Veterans Memorial Lane, Russellville Road, Stonehenge Avenue and Robin Avenue) from AG (Agriculture), RM-3 (Multi-Family Residential), HB (Highway Business) and F (Floodplain) to RM-4 (Multi-Family Residential), HB (Highway Business) and F (Floodplain), with a general development plan.

Hon. Hamp Moore stated this was a continue hearing that began at the last meeting, Feb. 7th where there was testimony taken. Because of that, only the commissioners that were present at the last meeting can participate and vote on tonight's hearing. Therefore Commissioner Rich, Graham and Ballance cannot participate in tonight's hearing.

Mrs. Rachel Hurt stepped to the podium to present the staff report. (*Note: Staff reports available upon Open Records Request*). She stated there are amended DPC for the multi-family portion of the application at everyone's seat along with a revised opposition letter from adjacent land owners. Mrs. Hurt stated there was an updated Traffic Signal Warrants Study per the request of KYTC, but even after the revision the warrant analysis still finds that the proposed development still meets the signal warrants. She stated there was a memo in everyone's packet that was mailed out. She stated the staff reached out to the City Public Works regarding the connections to the neighboring subdivision and they concluded that they were in support of these connections and further concur with the signal warrant study findings that more traffic will be coming through the new development than would be headed back through Springhill and other adjacent neighborhoods, given the convenience and ease of access to Veterans' and do not expect traffic

levels to raise above what would be seen for a normal residential street for the Springhill neighborhood. Mrs. Hurt stated the Conditions for the Commercial set did not change. The following conditions are the ones amended from the staff report: 2) The Property may be developed into a maximum of six hundred twenty-four (624) dwelling units. (The previous set stated 662. The new proposed density is 18.61 instead of 19.74 dwelling units per acre that was proposed previously). 7) New structures constructed on the property will not exceed three (3) stories in height, exclusive of basement garages and/or storage areas. (The previous set had four (4) stories.) The next three conditions are new conditions: 11) The developer shall establish a neighborhood association for the subject properties. All lot owners within the property shall be required to join and participate financially in the neighborhood association. 13) The developer and neighborhood association (NA) will specify a uniform color scheme for all buildings, so as to allow uniformity in appearance (no more than two (2) brick colors that blend in style and color, no more than one (1) roof color, no more than one (1) trim color, no more than three (3) colors of cement board plank siding that blend in style and color with all other exterior building products and color schemes). In addition, the subject properties shall have uniform plans with consistent and/or complimentary roof lines and architectural details (columns, gable brackets, railings, etc.). Finally, the subject properties shall have uniform signage. 14). No buildings (excluding garages or storage buildings) constructed to the east of the extension of Hickory Street (said area consisting of approximately 17.31 acres as depicted on the attached Exhibit "A") shall consist of fewer than 4 dwelling units, nor more than 8 dwelling units. Moreover, there shall be no more than three(3) building plans allowed for eight (8) unit buildings and no more than two (2) building plans for allowed for four (4) unit buildings to be constructed upon the area described in this Development Plan Condition.

Mrs. Hurt stated in the last staff report the noted concerns about parking and heights of the building which should be addressed now with the reduction of the number of units being limited to 8 units per building and condition of three stories in height excluding basement garages and storage units. She stated they had concerns about the number of units shown on the concept plan exceeding the number of units allowed by the development plan conditions and stated that is no longer a concern with the new conditions.

Chairman Runner asked if the Commissioners had any questions for the staff. Commissioner Volkert asked how going down 40 units makes up for the 300+ parking spots that they were short last meeting. Mrs. Hurt stated the number of units shown on the plan is not the number of units allowed in the Development Plan Conditions. She stated the buildings in black are 8-plex on the concept plan there is around 272 units plus the 288 units shown on the left for the apartment complex would total 560 units and the parking that is shown would not be an issue. Commissioner Volkert asked if we allowed the full 624 units would there be a parking problem. Mrs. Hurt stated she doesn't know if they would be able to fit that many units but if they did they would review it at the time of the CDR and make sure they meet the parking standard. Commissioner Volkert asked if they constructed 624 would they meet the parking standard. Mrs. Hurt stated not on this concept plan but felt they used the 624 number because that is what was used on the traffic signal warrant analysis. Commissioner Warren asked for clarification on #14. She stated those only address to the black buildings on the concept plan and stated the applicants could further explain if necessary. She showed the renderings provided for the large apartment complex and club house. Commissioner Volkert asked if they would all be the same size and height. Mrs. Hurt explained the 4-plex will have two building footprints to choose from and the 8-plex would have 3 according to the condition number 14. Commissioner Clark asked if we had a rendering for those described in number 14. The applicant answered yes in the audience.

Commissioner Clark asked about the “L” that sticks out and what was on them. Mrs. Hurt stated according to #14 they could be 4 or 8-plexes. Chairman Runner asked if there were any other questions for the staff. Being none, she asked to hear from the applicant.

Mr. Chris Davenport, attorney for the applicants, came forward. He stated he was not present at the last meeting and has been hired to try and smooth out some of the issues and concerns from the first time and he felt they have done that. Mr. Davenport presented posted boards with layouts of sample building for the right side. He stated these were done prior to the condition of number 13 which he calls the “uniformity condition”. He stated that DPC stated the entire property will be uniform in color and materials. He stated the different plans are for 3 bedrooms, 2 bedrooms, and 1 bedroom plans. Commissioner Volkert stated the issue from two weeks ago was having a complex where all the buildings look the same and in the last two years he has seen this community go to same color, same size buildings even if they were owned by 40 different owners but it all looks the same. Mr. Davenport stated besides the size the three building plans for the 8-plex will not look different from the outside, just a different mix of bedrooms on the inside. He stated obviously the 4-plex will not be the same size as an 8-plex. He stated his understanding from the first hearing was major concern about the right hand side of the development which prior to the amended DPC could have been a mixture of 12-plexes, 4-plexes, or 8-plexes and have since narrowed it down to just 8 or 4-plexes. He stated they will be the same building heights and the same stories. He felt they have brought the spectrum in a lot tighter than what was presented to the Commissioners last time. Mr. Davenport stated the plan is primarily 8-plexes and ideally every lot will have them. He stated the balance between bringing something to the Planning Commission and created DPC are certainty verses some flexibility. Mr. Davenport stated financially speaking if it all works out with the parking and land configuration they will all be 8-plexes on the right side but where the flexibility comes in is if the lot configuration or sizes necessitates the odd 4-plex. He stated from the roof line there will be no difference between the 4-plex and 8-plex. Mr. Davenport stated when he spoke to staff that Mrs. Hurt stated the condition of the building plans would be helpful and since they already knew what floor plans they were going to use they condition it to 3 plans for the 8-plex and 2 plans for the 4-plex with the only difference being the number of bedrooms in each. Commissioner Volkert asked if he bought one of the lots would he get an 8-plex plan stamped and everything. Mr. Davenport stated they would have to and the reason the DPC are so important is that when they pull a permit they have to be in compliance with the conditions approve prior to that permit being approved. Commissioner Volkert asked if they would be willing to limit it to one color. Mr. Davenport stated that not everyone likes the monotone, one color look. Commissioner Volkert stated one of their concerns was a mixture of colors. Mr. Davenport stated that from the staff he received two previously approved DPCs and he has fewer numbers in his DPCs then those. He stated DPCs are suggested by staff and he tried to narrow it down even more. Commissioner Clark stated that their biggest concern was that someone would buy a lot and put up a green building then the next would buy a lot and put up a red building. She continued to say they wanted a development that matched in scheme and color. Mr. Davenport stated that is what number 13 has done. Mr. Peterson stated that at the permit level they would have a confirmation from the development or homeowners association that there was an approval of a color. Hon. Hamp Moore stated number 13 did not mention the entirety of the property. Mr. Davenport added to the end of the 13: “This DPC applies to the entire development.”

Mr. Davenport stated the number of units chosen for the DPC was to match the traffic signal study. Commissioner Volkert asked if they would consider lowering that number to 560. Mr. Davenport stated they could possible not build beyond 560 but they want to merit the study and

felt the traffic light would benefit everyone. He further explained that they are not asking for a parking variance. Commissioner Volkert asked why not go to the 560. Mr. Davenport stated because of the signal study. Commissioner Volkert felt they should go to 560. Mr. Davenport expressed his concern about the application not matching the study and the DOT might come back and not allow the signal at some point. Commissioner Clark stated the Exhibit "A" would not be exact if we are recording the exhibit with the conditions. She stated it would be showing too many units. Mr. Davenport stated it does not and the way the parking was calculated last time was assuming the units would be 12-plexes which now has been eliminated. Mrs. Hurt said her calculations showed the concept plan being around 20 spaces short but that was based on 2 bedroom 8-plexes on the right hand side which they could be okay with the mixture of bedroom sizes could make up the difference. Commissioner Volkert asked if they would have to determine that before selling off the lots. Mrs. Hurt stated as each lot would be reviewed individually to make sure it met the Zoning Ordinance requirements. Commissioner Volkert asked if they could keep the right side as RM-3. Mr. Davenport stated the height and number of units is RM-3 except for the lot sizes which are different in RM-4. He stated it is basically an RM-3 development on RM-4 lots. Commissioner Volkert asked if Rachel or Ben was good with that. Mr. Peterson stated it is the Planning Commissioners decision. He stated he would not agree that you have RM-3 development on RM-4 lots because the restrictions work together per zoning. He stated the units that are constructed will be known by the state per our CDR process no matter what so he didn't know how much it really matters that the numbers had to match the signal warrant study but not what they can build. Mr. Davenport stated in the last week he worked with the staff to address unity and looked at other development that has been approved in the county recently since this wasn't the first that they have seen. He stated they tried to get this development out of the context of the area that is out there now and address the uniformity. He asked if Ben and Rachel would agree. Mr. Peterson stated he would agree that they helped him do the best he could with the information he gave the staff that morning and we received the DPCs at 4:00 and had that amount of time to look at it. Commissioner Volkert stated he agreed that in that area there is a problem and that is what they are trying to fix. Mr. Davenport explained how they have fixed by limiting the number and how his DPCs are the same ones that have been used in rezoning cases in the last year. Mr. Davenport stated that the DPC number 7 is the intent to exclude basement garages and storage areas. He stated in the left hand side there is a topographical issue to make the rooflines match they will build a basement of some type for storage area or garages. Hon. Hamp Moore asked if there would be any living quarters in the basement. Mr. Davenport stated if there were it wouldn't qualify as a basement garage or storage area and would not be excluded for the stories calculations. Commissioner Volkert asked if there would be two story buildings next to three story buildings. Mr. Davenport stated it's possible. Chairman Runner asked if there were any other questions for the applicant. Being none, she asked for opposition.

Mr. Craig Patterson, 139 Springhill Avenue, came forward and was sworn in. He stated he attends the church to the left and asked about an easement and thought they would be losing some of their property. Mrs. Rachel Hurt stated there is a platted right-of-way that is existing for the cul-de-sac shown. Mr. Patterson asked if they thought about a round-about so traffic wouldn't fly through there. Mrs. Hurt stated that would be a question for the applicant since she is unaware of the design for that portion of construction. Mr. Patterson stated the parking is a concern for him if parking is on the side of the road during holidays. Mrs. Hurt stated there are parking requirements in the zoning ordinance that assumes visitor parking ratio and not just for the residence. Mr. Patterson asked if there was a stormwater plan for this property. Mrs. Hurt stated they would have to defer to the applicant but ultimately there would have to be approved

stormwater plans through the city.

Ms. Catherine Lowe, 314 Robin Ave, came forward and was sworn in. She discussed water problems in the area. She stated you can only put so many people on a piece of land. She was questioning if there was enough space with the buildings, amenities, and parking if the travelways will accommodate much larger vehicles like buses, moving trucks, etc. She stated there will be multiple buses for city and county schools. She stated they will have to have some navigation room for the buses that come twice a day. Mrs. Hurt stated there are regulations on travelway widths and parking spaces. Chairman Runner asked if there were any other questions or statements from the audience. Being none, she asked if the applicant would like to add anything.

Mr. Davenport came forward and stated after speaking with his client they would like to revise some DPCs. First revision will be condition number 2 to read: **The property may be developed into a maximum of six hundred (600) dwelling units.** Commissioner Volkert asked why not go to 560 units. Mr. Davenport stated that would give the developers an 8% difference in the total shown that they may be able to have more than what is shown on the concept plan if they have adequate parking and hopefully that it is close enough to 624 that the traffic light issue will not become a problem. He amended number 8 to add the sentence: All residential buildings in the large complex shall be three stories in height exclusive of basement garages and/or storage areas. He further stated to add the following sentence to number 14: All residential buildings shall be two stories in height. Hon. Hamp Moore stated there will be no structure taller than two stories east of Hickory Street. Mr. Davenport answered correct and that all the buildings to the west will be three stories excluding basement garages and/or storage areas. Commissioner Volkert asked again if they would limit the buildings to one color. Mr. Davenport stated he spoke to his client about that and they think it is a difference in the eye of the builder and the applicant feels that architecturally speaking it would be appealing to have the two brick colors matching each other. Commissioner Clark asked for clarification on condition 8. Mr. Davenport explained the location of the three story buildings and location of the two story buildings. Mr. Davenport further explained that the unity has been addressed by having three stories one side, two stories on the other side, rooflines matching throughout, and uniformity in building plans and size. He hoped that addressed the Commissioners concerns. Mr. Davenport stated this property represents a hole in the development in the city and is a huge infill opportunity. He stated today at the Commissions office they pulled back on the aerial and across Veterans Memorial is a highly populated and dense area. Mr. Davenport hoped he has addressed the issues of uniformity with the color palette and building plans to choose from that is consistent with large scale multi-family development that has been rezoned lately which is where they pulled their Development Plan Conditions from. He urged the Commissioners to approve the applications. Hon. Hamp Moore asked Mr. Davenport to confirm the following changes in the Development Plan Conditions: **New sentence to number 8: "All residential structures west of Hickory Street shall be three stories in height, exclusive of basement garages and/or storage areas."** **Delete Number 7 because of this addition.** **New sentence to number 14: All residential structures east of Hickory Street shall be no more than two stories in height."** Commissioner Clark asked if they could connect to the church to minimize the traffic into the subdivision. Mr. Peterson stated the access for the Church is private on Veterans Memorial. Commissioner Clark asked about the out on Russellville Road. Mr. Peterson stated it was his understanding that they still have a connection with the Whabah property that has access onto Russellville Road. Mr. Davenport stated Mrs. Hurt's statement earlier that the traffic will be mainly coming out of the subdivision through this development to get to the light. Mrs. Lowe came forward stated she was given a copy of the

letter from the Johnson family and asked if anything was discussed about putting a buffer between the developments. Mrs. Hurt stated the Condition #10 stated the applicants are proposing to maintain all existing trees along the property line adjacent to Springhill Subdivision which have a caliper of 12 inches or greater and which are located within 10 feet of the property line. She stated the Zoning Ordinance also requires a specific number of trees and plantings per linear feet. Mrs. Lowe stated she went through this when the church was rezoned and they agreed to plant some trees which have now died. Mrs. Hurt stated she was not here when the church was rezoned and can't speak about that case but the Zoning Ordinance contains a maintenance requirement for landscaping. Hon. Hamp Moore stated there are 9 Commissioners eligible to vote and would take 5 affirmative votes to take action. Chairman Runner asked for a motion on the Future Land Use Map first.

ACTION: Commissioner Gay made the motion, seconded by Commissioner Huston, to approve the proposed Future Land Use Map Amendment, docket number 2019-02-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 five (5) yeas (Vitale, Gay, Madison, Huston, Runner) and four (4) nays (Clark, Coppinger, Volkert, Warren), so approved.

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

ACTION: Commissioner Gay made the motion, seconded by Commissioner Huston to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket number 2019-04-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 five (5) yeas (Vitale, Gay, Madison, Huston, Runner) and four (4) nays (Clark, Coppinger, Volkert, Warren), so recommendation will be for approval.

G. PUBLIC HEARINGS

Commissioner Graham and Ballance returned to the chambers.

Chairman Runner called the first item:

2019-05-Z-BG – B & B Cleaning, Inc. has filed an application to rezone a portion of a tract of land containing approximately 0.2763 acres located on 0 Memphis Junction Road (bounded by Russellville Road and Maple Lane) from RS-1A (Single Family Residential) to GB (General Business), 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*).

Hon. Hamp Moore stated the previous Binding Elements stated there will be Multi-Family units. Mr. Peterson showed on the concept plan where they will be located in connection to the commercial portion of the building. He explained nothing has changed from the previous hearing this is an addition to the existing lot. Chairman Runner asked if there were any questions from the Commissioners. 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 Coppinger, to the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket number 2019-05-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 twelve (12) yeas, so recommendation will be for approval.

Chairman Runner called the first item:

2019-06-Z-BG – Elijah Properties, LLC has filed an application to rezone a tract of land containing approximately 0.7002 acres located at 3885 Old Nashville Road Loop # 1 from HB (Highway Business) to RM-4 (Multi-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)*. She stated there was revised DPCs at everyone's seat since they were not copied correctly on the staff report.

Chairman Runner asked if there were any questions from the Commissioners. Commissioner Graham asked about the density around the neighborhood. Mrs. Hurt stated the density shown on the density map range from 0.61 – 4.18 dwelling units per acre but addition to the map, the red property on the land use map has a density is 9.57 dwelling unit per acre. Commissioner Clark asked if they were going to tear down the existing structure and build one building. Mrs. Hurt stated yes that was her understanding. Chairman Runner asked if there were anything further questions for the staff. Being none, she asked if the applicant would like to add anything.

Mr. David Witty, 561 Linkside Lane, came forward and was sworn in. He stated the structure that is currently there is an older home and is need of several improvements and is not appealing to the eye at all. He is trying to build some affordable housing that work in the southern industrial park area with mainly one bedroom and a few two bedroom units. He stated it would be an improvement for the neighborhood and more appealing to the eye than what is there now. Commissioner Clark asked if he spoke to any of the neighbors around the property. Mr. Witty stated he made an attempt to speak to Mr. Crabtree who he believes is present tonight but did not catch him at home. Chairman Runner asked if there were any further questions for the applicant. Being none, she asked if there were anyone in the audience with any questions or opposition to this request.

Mr. Mathew Crabtree, 3865 Old Nashville Road (also owns 3851), came forward and was sworn in. He stated there is not enough room to put that amount of units on that size of lot. He stated

the current house takes up the whole yard now and a semi can't turn around on the current road and has to back out. He stated he has apartments across the street that he currently has problems with. Mr. Crabtree stated one has a flood light shining into his home. He stated the sound and problems he will have with this development will be near impossible to take care of. He asked for a privacy fence if this is passed. Commissioner Clark asked what Mr. Witty proposed to put between these properties. Mr. Witty stated he would agree to a privacy fence. Commissioner Graham asked if the staff made sure the parking was adequate. Mrs. Hurt stated she did and just noticed that the revised layout didn't make the packet showing the correct amount of parking but she did get that prior to the meeting. Commissioner Warren asked if he was willing to construct a wood fence. Mr. Witty stated he was open to suggestions. Hon. Hamp Moore stated new binding element 11 will read: "Developer agrees to construct a wooden privacy fence no less than 6 feet in height along the north property line." Mrs. Hurt stated the Zoning Ordinance does not allow a 6 foot tall fence up past the front property line. Mr. Witty agreed. 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 Gay, to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket number 2019-06-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 twelve (12) yeas, so recommendation will be for approval.

Chairman Runner called the first item:

2019-07-Z-BG – Arcadia of Bowling Green and Propero II Bowling Green, LLC have filed an application to rezone a tract of land containing approximately 6.50 acres located at 618 Lovers Lane from GB (General Business), with a general development plan to PUD (Planned Unit Development), 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 there were any questions from the Commissioners. Commissioner Clark asked when they would go before the Design Review Board. Mrs. Jessica Martin stated the application was applied for March meeting and there will be a condition that they would not be able to begin until they receive final approval with the City. Chairman Runner asked if there were any further questions. 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 Coppinger, to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket number 2019-07-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 twelve (12) yeas, so recommendation will be for approval.

Chairman Runner called the last item:

2019-08-Z-BG – Nine Seventy Nine, LLC and Tommy Hunt have filed an application to rezone a tract of land containing approximately 14.20 acres located on 0 Nashville Road (bounded by McLellan Road and Mitch McConnell Way) from HB (Highway Business), with a general development plan 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 Warren asked if there were turn lanes being proposed on Nashville Road. Mr. Peterson stated there have been several meetings in regards to this property and the KYTC has coordinated all the access points and they have decided all improvements for the entire length of the Franklin Berry Property but was unsure of what was decided for this property. He stated the applicant may be able to address it further. Chairman Runner asked to hear from the applicant.

Mr. Kevin Brooks, attorney representing the applicant. Mr. Brooks isn't sure this property will warrant a right hand turn lane but there is a center turn lane. Mr. Peterson explained as the permits come in and the uses are determined for these properties, the State will review and could require additional improvements and will have full control of that decision. Chairman Runner asked if there were any further questions from the Commissioners. Being none, she asked if there were anyone in the audience with any questions or opposition to this request.

Dr. Raphael Nwanguma, 908 Threewood Circle, came forward and was sworn in. He stated he owned adjoining property and being asked to pay 1/3 of the cost to build the road and was afraid of semi-trucks ruining the road he will have to pay for as well as there not being a traffic light for semi-trucks to leave the sight. He also expressed his property value declining. Mr. Kevin Brooks stated the cost sharing is a contract that the gentleman entered into. Mr. Brooks further explained that in order for the City to accept the road it would have to be built to their standards and handle the truck traffic. Mr. Brooks stated in general this use would generate less traffic than the Highway Business use. Commissioner Gay asked if the road would be a public road. Mr. Brooks answered yes. Commissioner Gay stated they would not be in charge of the upkeep of the road after the City accepts it. Mr. Brooks answered that was correct. Commissioner Graham asked if he could give more details on the cost sharing. Mr. Brooks stated the three different property owners that would benefit from that road have an agreement to cost share the public street. Chairman Runner asked if there were any further questions.

Mr. Travis Ayers, 2502 Hobby Road, Franklin, came forward and was sworn in. Mr. Ayers asked if the right turn lane becomes a requirement, would it take some of Dr. Nwanguma's property. Mr. Peterson stated there are assumptions at this point since he doesn't know what has been discussed with KYTC but Mr. Shirley with ACES may know if there is enough right-of-way existing for the turn lane if required. He stated he couldn't answer if the City would accept it as a public road. Mr. Peterson stated the street would have to be at least a private street in order

to subdivide lots which would have to be built to the highest standard. Mr. Ayers asked about the binding elements for the neighboring property and if they had a height requirement since this is proposing a maximum of 75 feet. Mr. Peterson stated he was unsure about the neighboring property but stated the Zoning Ordinance allows a maximum height of 100 feet in Light Industrial. Mr. Brooks stated they have not surveyed for an additional lane but they feel like there is enough right-of-way if the State requires it. Chairman Runner asked if there were any further questions or comments. Being none, she asked for a motion.

ACTION: Commissioner Graham made the motion, seconded by Commissioner Vitale, to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket number 2019-08-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 twelve (12) 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.



CHAIRMAN, VELMA RUNNER

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