

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

PRESENT:

Albert Rich
Mary Belle Ballance
Sandy Clark
Chuck Coppinger
Tim Graham
Dean Warren
Eric Madison
Tim Huston

The City-County Planning Commission of Warren County was called to order by Vice-Chairman Tim Huston.

A. ROLL CALL:

Vice-Chairman Huston requested Jessica Martin to conduct roll call in order to determine a quorum. A quorum was determined with eight (8) of the twelve (12) Commissioners present at the time of the roll call.

B. APPROVAL OF MINUTES:

Vice-Chairman Huston stated all Commissioners had received the Minutes of the meeting held on May 16, 2019 in their packets. Vice-Chairman Huston asked if there were any corrections to the minutes. Being none, he asked for a motion. The Motion was made by Commissioner Warren that the minutes be approved, seconded by Commissioner Coppinger, and agreed upon (7 years and 1 abstained) to approve the Summary Minutes of the May 16, 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 (June 6, 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. Vice-Chairman Huston so ordered and swore in the witnesses.

C. PRELIMINARY SUBDIVISIONS & SITE DEVELOPMENT PLANS

Vice-Chairman Huston asked if there were any questions or comments on the Subdivision and/or Site Development Plan approvals. Being no questions or comments, he proceeded to the next item on the agenda.

D. LETTERS OF CREDIT AND PERFORMANCE BONDS

Vice-Chairman Huston stated there were six letters of credit or performance bonds on tonight's agenda.

1. Renew the letter of credit for construction on Buhr Rock in the amount of \$119,000.00 from Buhr Rock Development, Inc.
2. Release the letter of credit for construction on Buhr Rock in the amount of \$68,000.00 from Buhr Rock Development, Inc.
3. Renew the letter of credit for construction on Scottish Manor, Phase 2 in the amount of \$75,000.00 from Legacy Built Homes, LLC.
4. Release the performance bond for construction Plano Estate Phase 1 in the amount of \$76,000.00 for BCTA Properties, LLC.
5. Release the performance bond for construction Plano Estate Phase 2 in the amount of \$42,000.00 for BCTA Properties, LLC.
6. Release the performance bond for construction Plano Estate Phase 4 in the amount of \$37,000.00 for BCTA Properties, LLC.

Vice-Chairman Huston asked if there were any questions. Being none, he asked for a motion. The motion was made by Commissioner Coppinger, seconded by Commissioner Clark, and agreed upon (8 yeas) to approve the above Letters of Credit and Performance Bonds.

E. OLD BUSINESS

Vice-Chairman Huston announced there was no old business for tonight's agenda.

F. PUBLIC HEARINGS

Vice-Chairman Huston called the first item:

2019-03-DP – Magnolia Lane Investments, LLC has filed an application to amend the General Development Plan / Development Plan Conditions on tracts of land containing approximately 3.459 acres located at 0 Cumberland Trace Road and 165 Old Scottsville Road. This property is zoned HB (Highway Business), 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*).

Vice-Chairman Huston asked if there were any questions from the Commissioners. Commissioner Clark asked if the building will be facing I-65. Mr. Peterson stated he believes so but the applicant can verify. Commissioner Warren stated the narrative talks about the cost of building materials and he would like to hear why this is being proposed because of that. Vice-Chairman Huston asked for the applicant. Mr. Mike Holland, 1807 Bent Tree Court, came forward and was sworn in. He explained he only is proposing to change one item from the original application and explained the front façade facing I-65. He stated they were working with another builder at the time of the rezoning and was quoted a price that was doable but since then realized they were in contact with the wrong builder to do that type of building. While working with the current building they have scaled back the building and are working with materials they can afford to build. Commissioner Clark asked what percentage of the building would be metal now. Mr. Holland stated the side facing Old Scottsville Road will be about 77% metal and the other two sides will be about 95% metal. Commissioner Clark stated a majority will be metal but it says something about a lodge type feel. Mr. Holland stated in the original design they were hoping to do that. Commissioner Graham asked if the metal was an exposed fastener metal. Mr. Holland stated it was an exposed fastener metal. Commissioner Graham explained what he saw

on the attached rendering, stated he understood the cost concern, and asked if he would consider a compromise bricking all the front elevation up to the EFIS and on the left elevation bricking to the entrance. Mr. Holland stated he would be willing to look at it and see what the cost implications of the changes would be. Commissioner Graham asked if that would have to be confirmed tonight in order to be agreeable. Mr. Peterson stated yes and explained that this application could be recessed and reconvened at a later time if need be. Mr. Holland explained that he is hoping to expand when they can. Commissioner Graham asked if he could make a commitment tonight or will he need to discuss with his builders. Mr. Holland stated when they looked at conceal fastener metal there was a \$30,000 impact. He stated they are developing the property and own the business that is highly competitive and the margins are pretty thin. He felt if the cost was too much for the building he would be afraid he will not be able to move his business there. Commissioner Graham stated some of the surrounding properties have incorporated metal with brick. Mr. Holland stated he was using a stacked stone type material. Commissioner Warren stated most of the buildings going down or close to Old Scottsville Road do not have any metal and it is a residential type setting. Commissioner Graham stated he can't speak for the other Planning Commissioners but he wanted Mr. Holland to know his options and expressed the adding of more brick/stone tonight or postpone the case and see if it is an option. There was discussion of where the advised addition of stone on the "left side elevation" would be. There was a highlighted version of the change that was shown to Commissioner Graham and Mr. Holland to see if it was agreeable. It was passed around for the Commissioners to see. Commissioner Clark expressed concerns about seeing all the metal when driving towards his building. Mr. Holland stated they would have landscaping to help with that. Commissioner Clark asked if there would be a fence. Mr. Holland stated they may have some outside storage in the very back corner that might be fenced in for protection but the parking lot will not be fenced in just landscaped. Commissioner Clark asked if you would just be seeing metal if you were on the patio of the neighboring restaurant eating. Mr. Holland stated there would be landscaping on that side and the metal building would be behind it. Commissioner Clark asked about lighting. Mr. Holland stated LED Flood lights for security in the back portion of the property and then regular pole lighting you see in most parking areas. Commissioner Clark asked if the signage will be all on the building or will there be a separate one as well. Mr. Holland stated they will be having a monument style sign and described the location where that will be. Hon. Hamp Moore showed Mr. Holland the exhibit that was made to change the elevation for additional brick or stone veneer. Mr. Holland stated yes and signed and dated the exhibit. Vice-Chairman Huston asked if there were anything further from the Commissioners. Being none, he asked if there were anyone in the audience with any questions or opposition to this request.

Mr. John Ross, 7 Chestnut Hill Court, came forward and was sworn in. He stated he can appreciate the concerns of cost of construction but he expressed his concerns about this area being a residential neighborhood. He stated the original application did not have opposition because of the proposal and design. He stated this is not a minor amendment to what was shown and agreed upon by the neighborhood. He suggested coming back with better drawings of what they want to do, how they are going to landscape the property and what portion would be used for the proposed future expansion. He expressed that everything else in the area is residential or multi-family besides a restaurant along Cumberland Trace. Commissioner Graham asked if anyone has contacted him regarding this application. Mr. Ross stated there was no contact made and went to the Planning Commission for more information since the original posting. Commissioner Graham asked if would be fair to say that he was speaking on behalf of the neighborhood. Mr. Ross stated yes. He stated they may be able to alleviate some concern with good landscaping but needs to see better detail since what is presented now looks more industrial

than commercial. Mr. Holland stated the expansion would be in the front of the building with about 6,000 square feet with materials agreed to today. Commissioner Warren asked if he would be willing to come back with a detail drawing of everything. Mr. Holland agreed. Vice-Chairman Huston asked for a motion. Hon. Hamp Moore explained that if it is not ready by June 20, 2019 then it will have to be re-advertised for the July 18th meeting.

ACTION: Commissioner Clark made the motion, seconded by Commissioner Graham, to recess the application to be reconvened on June 20, 2019 in this room at 6:00 p.m. The vote was eight (8) yeas, so recessed.

Vice-Chairman Huston called the next item on the agenda:

2019-04-DP – Ogden Park Property Owners Association, Inc., American Bank and Trust Company, Inc., MB Real Estate Holdings, LLC and Murphy and Napier, LLC have filed an application to amend the General Development Plan / Development Plan Conditions on a tract of land containing approximately 0.99 acres located at 1115 Fairview Avenue. This property is zoned GB (General Business), 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*).

Vice-Chairman Huston asked if there were any questions from the Commissioners. Commissioner Warren asked if there will be enough parking for the retail component. Mr. Peterson specified that it is three separate units. Mrs. Hurt stated they prohibited restaurant which is the highest demand of parking so they shouldn't have any issues for parking. Vice-Chairman asked if there were any other questions from the Commissioners. Being none, he asked if there were anyone in the audience with any questions or opposition to this request. Charlotte Smith, 620 Meadowlawn Ave, came forward and was sworn in. She explained they were present at the original rezoning and asked what this could be and hours of operation will be. Mr. Peterson stated the applicant is not asking to amend the condition that states the hours of operation will remain the same at 7 a.m. to 7 p.m. He stated the retail question is harder to answer but it would allow any other retail that they did not prohibit in the use condition. Mr. Marty Wilkins, 2425 South Ford Ave, came forward and was sworn in. He stated the proposed business is a nail salon pending this approval. He stated he believes there will be two employees. Commissioner Coppinger asked if Mr. Wilkins would agree on putting a vape/smoke shop and liquor package sales to the prohibited uses. Mr. Wilkins stated yes. Hon. Hamp Moore asked if he agreed to amend Condition 8 to add "smoke shop, vape shop or liquor sales" under the prohibited uses. Mr. Wilkins agreed. Vice-Chairman Huston asked if there were any other opposition or concerns. Being none, he asked for a motion.

ACTION: Commissioner Warren made the motion, seconded by Commissioner Coppinger, to approve the proposed General Development Plan amendment, docket number 2019-04-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, so approved.

Vice-Chairman Huston called the next item on the agenda:

2019-21-Z-CO – Matthew & Adrian Hardy and Jeff & Shelly Anderson have filed an application to rezone a tract of land containing approximately 8.394 acres located at Northwestern corner of Mount Olivet – Girkin Road and Mount Olivet Road from AG (Agriculture) to R-E (Residential Estate), 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*).

Vice-Chairman Huston asked if there were any questions from the Commissioners. Commissioner Clark asked if there would be individual driveways. Mr. Peterson stated the applicant can address that but he believes the plan is to have individual driveways if approved by the road department. Commissioner Graham asked if there were any data to determine if the conditions are consistent with the homes in the area. Mr. Peterson pointed to the bottom of page 2 – Materials review. Mrs. Hurt stated the R-E properties to the north on Mount Olivet have homes that are around 1,300 square feet and some have attached garages some do not. She stated the homes to the south on Mount Olivet in the subdivision have some homes that are larger and a mixture of vinyl, brick and hardiboard. Commissioner Graham asked if you would see split face block. Mrs. Hurt stated several homes on the north side have split face block foundation but she is not certain about the south side. Mr. Jeff Anderson, 723 Northview Court, came forward and was sworn in. He explained the application. He stated he installs septic systems but believes the lay of the land will perk well and there is an 8 inch water main coming down 526 and up Mt. Olivet-Girkin Road. He stated he spoke with Warren County Road Department and walked the property and they didn't see a problem with each lot having their own driveways at this time. Vice-Chairman Huston asked if there were any other questions from the Commissioners. Being none, he asked if there were anyone in the audience with any questions or opposition to this request.

Marian Edwards, 2924 Mount Olivet Road, came forward and was sworn in. She asked how far a driveway would be from the intersection. Commissioner Graham stated that all the driveways have to be approved by the county road department. Mr. Anderson stated the frontage will be about 119 feet wide on the first lot. He stated he spoke to Mr. Jerry Young about the lot and stated the driveway would have to be at the lot line. Ms. Edwards asked if the section abutting to Rolling Meadows will be vacant. Mr. Anderson stated he did not own that tract of land. Vice-Chairman Huston asked if there were any more questions or opposition. Being none, he asked for a motion.

ACTION: Commissioner Graham 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 2019-21-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 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, so recommendation will be for approval.

Vice-Chairman Huston called the next item on the agenda:

2019-22-Z-CO – The Club at Olde Stone, LLC has filed an application for a rezone a tract of land containing approximately 26.95 acres located at 4031 Old Scottsville Road from AG (Agriculture) to PUD (Planned Unit Development), 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*).

Vice-Chairman Huston asked if there were any questions from the Commissioners. Commissioner Clark asked if there will be a clubhouse. Mrs. Hurt stated that is an allowable use but would be a question for the applicant. Mr. Darell Pierce and Mr. Brian Shirley came forward and were sworn in. Mr. Shirley stated the intent is to use the existing club house but wanted to leave the option open for possible use of the existing house. Commissioner Clark asked if any of the neighbors were approached about this application. Mr. Shirley stated they did not have a formal meeting but believes Mr. Scott talked to some of them. Vice-Chairman Huston asked if there were any other questions from the Commissioners. Being none, he asked if there were anyone in the audience with any questions or opposition to this request. Being none, he asked for a motion.

ACTION: Commissioner Warren 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 2019-22-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 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, so recommendation will be for approval.

Vice-Chairman Huston called the next two items on the agenda:

2019-23-Z-BG – Ghazwan Nadedh & Wism Asal and Alaa Tlais have filed an application to rezone a tract of land containing approximately 0.2397 acres located at the southwestern corner of Russellville Road and Whispering Hills Blvd from RM-3 (Multi-Family Residential) to GB (General Business), with a general development plan.

2019-V-10 – Ghazwan Nadedh & Wism Asal and Alaa Tlais have applied for a variance on the property located at the southwestern corner of Russellville Road and Whispering Hills Blvd. This property is zoned RM-3 (Multi-Family Residential).

Mrs. Rachel Hurt stepped to the podium to present the staff report. (*Note: Staff reports available upon Open Records Request*). She mentioned that it was an oversight by staff that the requirement for the distance of 100 feet from a pick-up window to a residential use was not met and will need to get a variance approval if the pick-up window remains part of the plan for the

development.

Vice-Chairman Huston asked if there were any questions from the Commissioners. Commissioner Graham asked if there was a residential structure beside the property for the variance. Mrs. Hurt stated yes there was a single family residence and pointed the property line that the variance is requested and explained the application. Commissioner Clark asked if they are proposing a fence. Mrs. Hurt stated that is a question for the applicant, they had shown landscaping and meet the landscaping width requirement. Commissioner Clark asked about what lighting that is proposed. Mrs. Hurt stated no but the Zoning Ordinance requires light to be downward and shielded away from neighboring properties. Commissioner Clark asked how far the building is being proposed from the residential structure because she was concerned that any lighting will be shining on that property. Mrs. Hurt stated that is a question for applicant or Lucas Slavey. Commissioner Graham asked for clarification for the variance width. Mrs. Hurt explained the proposed setback is 10 feet. Commissioner Coppinger asked if they are proposing a three story or 30 feet tall building set back within 10 feet of the property line. Mrs. Hurt stated that is the maximum height limit in the conditions but the applicant can clarify their plans. Commissioner Coppinger asked if there is a building three stories/30 feet in height in the vicinity. Mrs. Hurt stated the majority of the surrounding structures are 1 story residential homes but as you get a little further out there are 2 story buildings but isn't aware of a 30 foot tall building in the area. Vice-Chairman Huston asked if there were any other questions. Being none, he asked to hear from the applicant. Mr. Alaa Tlais, 2618 Crossridge Street, came forward and was sworn in. He explained the maximum could be 42 but they can go down to 20 feet tall and he would like a fence to protect and respect the privacy of the property behind them and there will be no speaker so it will not bother neighbors and for HIPAA rules. He explained the signage will be compatible and monument style located by Hope Bridge/west side of the property. He explained the parking lot will have to be lighted which is the corner and the back will have motion sense lighting for security. Mr. Tlais explained he spoke to the Bowling Green Public Works and State Transportation Cabinet about their access and received preliminary approval. He stated the pharmacy will not be a chain pharmacy and doesn't expect high traffic but the peak time will be mid-day based on his 12 years of experience. He expects the maximum of 2 employees and after sometime after opening 25-40 customers with hours of operation of 8 a.m. – 6 p.m. He stated he would probably close on the weekends but that will depend on how the business goes. Mr. Tlais stated he went several times to try and speak to the neighbors and explained that there are two businesses on the end of his subdivision that never interrupted with the flow of his neighborhood. Commissioner Warren asked if he agreed to a monument style sign, a fence on the back property line, no speaker, building height not to be over 20 feet and a right turn only coming out to Whispering Hills. Mr. Tlais stated yes. Commissioner Clark asked if he would amend his hours of operation in the conditions to reflect 8 a.m. to 6 p.m. Mr. Tlais stated yes. Hon. Hamp Moore suggested hearing from opposition if there is any, and then speaking with the applicant to iron out the conditions. Vice-Chairman Huston asked if there were opposition in the audience.

Toy Baker, 128 Whispering Hills Blvd, came forward and was sworn in. She expressed concern of seeing lots of changes since she lived there for 34 years and stated it will be a drastic change to put a business in their entrance of her neighborhood. She expressed concerns about traffic. She asked for the Commission to not approve a residential lot to be changed to a business in their neighborhood.

Karen Henrickson, 489 Robin Hood Trail, came forward and was sworn in. She stated her parents have lived at 107 Whispering Hills for 60 years. She expressed her concern about traffic.

She expressed how the application will alter the old established neighborhood. Ms. Henrickson stated her parents mow the medians. She expressed this application will change the feeling of single family and that it would be wrong to approve the application.

James Williams, 143 Meadowbrook Circle, came forward and was sworn in. He stated that intersection is the most dangerous intersection in Bowling Green and was told it was too close to the existing light to have a light put there. He expressed his opposition for the neighborhood character and the traffic problems with people crossing the median currently. Mr. Williams stated there are a lot of elderly people that live in the neighborhood that are not able to come to the meeting. He expressed the sign shouldn't be in the way to block view of the traffic. Mr. Williams asked about the variance. Mr. Tlais stated he worked with the engineers to push the building to the far back corner because he didn't want to block traffic view and even cut the corner of his building. He stated they are making it an exit only. Mr. Williams stated out in Springfield there is a service station that is out of business that this will be an ideal place for this. He stated he is trying to protect his neighborhood. Mr. Tlais offered to put a one way bump onto the exit only portion. Mr. Williams asked if it was going to be a COD pharmacy. Mr. Tlais stated it would not be a chain pharmacy and will have legal drugs. Mr. Williams stated his concern about in a few months they could change the use to something else.

Ms. Baker returned and stated they haven't seen anything that would show them what the building would look like since they went down to two stories. She also expressed concern with how much signage will be at the front of their subdivision now. Ms. Baker stated there is a light at the end of Mr. Tlais' subdivision but they do not have that luxury. She asked if the businesses that are in his neighborhood are as close to the homes as what he is proposing.

Wilson Wilkerham, 104 Whispering Hills Blvd, came forward and was sworn in. He stated he lived on the adjacent property and that his bedroom faces the proposed building and it would be about 30 feet away. He expressed concerns about lighting that will still affect his property and hoped the fact this is an old established neighborhood will be taken into account. He asked if the applicant ever came to his property because there were two random knocks but by the time he got to the door no one was there. Mr. Tlais stated he did come by but no one answered. Mr. Wilkerham asked if there was something that required the applicant to talk to the neighborhood. Hon. Hamp Moore stated there was no requirement.

Mr. Charles Henrickson, 489 Robin Hood Trail, came forward and was sworn in. He asked about the variance application. Mrs. Hurt explained that is a separate application that is being heard tonight as well as the zone change hearing. She explained the process. He expressed his concern about the dumpster probably going to be in front of the building. He expressed his concern about the variance.

Ms. Baker returned to the podium and asked how parking will be available for 10 employees. Mrs. Hurt stated there are five parking spaces and stated Mr. Tlais stated there would be two employees and the proposed building meets the requirement of the zoning ordinance for parking as long as it is 2,000 square feet. She explained that would be double checked at the building permit level. She explained the square footage on their exhibit does not match the condition being proposed about square footage maximum. Ms. Baker felt exceptions should be made to use this one little spot.

Ms. Henrickson came back forward and asked if there were other uses that could be available besides pharmacy. Mr. Tlais stated no. Mrs. Hurt stated the conditions as submitted did not limit the property as just a pharmacy. Mr. Tlais stated when he originally applied he was not the sole owner of the property and was under contract and he wanted some of those things but now he is the sole owner and would be willing to prohibit those uses. Ms. Henrickson asked the application be declined.

Vice-Chairman Huston asked to take a 10 minute recess to try and work out some of these items that were brought up so far. The chambers went into recess and reconvened after 11 minutes. Hon. Hamp Moore stated during the recess it was the applicant and staff's conclusion to withdraw this application and re-apply for the July 18 hearing for re-advertisement of the zone change and variances for set back and pick-up window and make the 14-15 changes in the development plan conditions. **Mr. Alaa Tlais agreed to withdraw his application.** He stated he appreciated all the comments and will take the concerns personally and hope to have their support next time. Commissioner Warren suggested having a neighborhood meeting.

G. NEW BUSINESS

Vice-Chairman Huston asked if there were any new business. Being none, he moved to adjourn.

H. ADJOURN

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



VICE-CHAIRMAN, TIM HUSTON

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