

SUMMARY MINUTES
City-County Planning Commission of Warren County
May 16, 2019 @ 6:00 p.m.
City Hall - Commission Chambers
3rd Floor, 1001 College Street, Bowling Green, KY

PRESENT:
Mary Vitale
Tim Huston
Dean Warren
Christiaan Volkert
Chuck Coppinger
Tim Graham
Mary Belle Ballance
Sandy Clark
Eric Madison

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 nine (9) 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 April 18, 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 Volkert, and agreed upon (9 yeas) to approve the Summary Minutes of the April 18, 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 (May 16, 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. Vice-Chairman Huston so ordered and swore in the witnesses.

C. FINANCIAL

Vice-Chairman Huston stated the April Financial Report was in the packets. He asked if there were any questions or comments. Being none, Megan Mooney came forward. She stated there previous company that completed our audit no longer provides that service. She explained the bidding process and that the Budget Committee has reviewed these bids. She stated she recommended Hensley and Throneberry. Commissioner Volkert asked about the

other bid and Ms. Mooney went over the two that was submitted. Commissioner Huston asked about what our previous firm's fee was compared to this new fee. Vice-Chairman Huston asked if there were any questions. Being none, he asked for a motion. **A motion was made by Commissioner Clark, seconded by Commissioner Volkert, to accept Hensley and Throneberry as our next auditor and grant the Planning Commission the authority to enter into contract with them for the next five years. The vote was eight (8) yeas and one (1) abstained, so approved.** Vice-Chairman Huston asked if there were any more questions or items regarding the financials. Being none, he moved on to the next item on the agenda.

D. PRELIMINARY SUBDIVISION & SITE DEVELOPMENT PLANS

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

E. LETTERS OF CREDIT AND PERFORMANCE BONDS

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

1. Replace the performance bond on Weatherstone Phase 1 in the amount of \$654,000.00 with a cash bond in the reduced amount of \$130,800.00 from GC Land Development.
2. Reduce the performance bond for construction on Weatherstone, Phase 2 from \$762,000.00 to \$195,300.00 from GC Land Development.
3. Renew the letter of credit for construction on The Highlands in the amount of \$163,000.00 from H & D Development, LLC.
4. Renew the letter of credit for construction on South Oaks in the amount of \$178,000.00 from Newport Properties, LLC.
5. Renew the letter of credit for construction on The Vinings at Collett in the amount of \$84,000.00 from The Vinings Development Corporation.
6. Renew the letter of credit for construction on Brownstone Farms in the amount of \$88,000.00 from GTS Properties, LLC.
7. Replace the letter of credit on MacKenzie Meadows, Phase 2 in the amount of \$56,400.00 with a cash bond in the reduced amount of \$10,000.00 from Bowling Green Builders, Inc.

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 (9 yeas) to approve the above Letters of Credit and Performance Bonds.

F. OLD BUSINESS

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

G. PUBLIC HEARINGS

Vice-Chairman Huston announced the first item on the agenda: "**2019-17-Z-BG – on Dishman Lane**" has been withdrawn. He announced the next two items on the Agenda described as: (Mr. Ben Peterson left the chambers.)

2019-04-FLUM – Earl Cole has filed an application for a Future Land Use Map Amendment for a tract of land containing approximately 5.16 acres located at 1237 Old Dearing Road from Agricultural to Rural Density Residential.

2019-19-Z-CO – Earl Cole has filed an application to rezone a tract of land containing approximately 5.16 acres located at 1237 Old Dearing Road from AG (Agriculture) to R-E (Residential Estate), 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*).

Vice-Chairman Huston asked if there were any questions from the Board. Commissioner Coppinger asked if the property is within the five mile range of the Plano Fire Department. Mrs. Hurt looked it up and stated it was within five miles. Commissioner Warren asked about the exterior requirements and felt it was wide open. Commissioner Graham asked if the 1,800 square feet was consistent with the surrounding property. Mrs. Ramsey stated they do not have specifics about the square feet in the area, just that most are 1 story with some that are 1.5 or 2. Commissioner Graham asked if the existing residence stay. Mrs. Ramsey stated the existing mobile home on the property has been committed to be removed. Chairman Huston asked if the commissioners had anything further. Being none, he called forward the applicant. Mr. Perry Thessen, 2107 Old Scottsville Road, came forward and was sworn in. Hon. Hamp Moore stated Mr. Thessen has submitted a limited POA to speak on behalf of Mr. Cole since he is out of state. Mr. Thessen stated the size of homes in the area range from mobile homes to 1,000 square feet start homes all the way to 2,500 – 3,000 square feet homes. Commissioner Warren asked about the exterior material and how much vinyl were they committed to. Mr. Thessen stated it was up to who purchased the lot and if they want to put 100 percent vinyl or not. Commissioner Graham asked if it was fully vinyl would he be willing to require a brick foundation. Commissioner Warren asked if he would be willing to require the front façade to be brick, stone or fiber cement. Mr. Thessen stated that would make it a more attractive building but there where houses down the road that were less in quality and he was trying to provide affordable lots. After discussion, Mr. Thessen agreed to a brick foundation. Commissioner Clark asked if vinyl has been removed from the Conditions. Mr. Thessen stated he preferred for the property owners to be able to use vinyl with a brick foundation. Hon. Hamp Moore asked if he agreed to add “All foundations shall have brick veneer.” to condition number 4 on behalf of the property owner. Mr. Thessen answered yes. Vice-Chairman Huston asked if there were anyone in the audience with a question or would like to speak in opposition. Mr. Daryl Cummings, 1150 Old Dearing Road, came forward and was sworn in. He stated he lived there since 1994 when he built his home. He expressed his concern about the water runoff into his sinkhole that has already gotten worse in the last two years. He stated he would like to see no vinyl siding because his home is all brick and would not like to see the property value lowered. He explained his good relationship with the property owner and stated he was just looking out for his interest in the area. Mr. Brian Shirley, 1136 South Park Drive, came forward and was sworn in. He explained that by law they could not allow runoff at a higher rate that it currently is and must be contained onsite which would show on the Plot plans with topo and contours. Commissioner Warren asked Mr. Thessen if he would be willing to have the front façade as something other than vinyl. Mr. Thessen stated he would agree to brick on the front façade. Hon. Hamp Moore asked Mr. Thessen if he agreed to the amendment to number 4 to say: **“Building materials shall be brick, stone, fiber cement board or vinyl. No vinyl on the front façade and shall be all brick. All foundations shall have brick veneer. No metal or wood siding will be permitted.”** Vice-Chairman asked if there were any more questions from the Commissioners or audience. Being none, he asked for a motion on the Future Land Use Map Amendment.

ACTION: Commissioner Graham made the motion, seconded by Commissioner Volkert, to approve the proposed Future Land Use Map Amendment, docket number 2019-04-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.

Vice-Chairman Huston asked for a motion on the zone change application.

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 2019-19-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 nine (9) yeas, so recommendation will be for approval.

Mr. Ben Peterson returned to the chambers.

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

2019-05-FLUM – David and Leslie Witt have filed an application for a Future Land Use Map Amendment on a portion of a tract of land containing approximately 2.0006 acres located at 5530 Woodburn-Allen Springs Road from Agricultural to Rural Density Residential.

2019-20-Z-CO – David and Leslie Witt have filed an application to rezone a portion of a tract of land containing approximately 2.0006 acres located at 5530 Woodburn-Allen Spring Road from AG (Agriculture) to R-R (Rural 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 are new development plan conditions at everyone's seat amending the square footage to 2,200 and added a condition to require a side entry garage. There was also a letter of opposition.

Vice-Chairman Huston asked if there were any questions for the staff. Commissioner Clark asked if the applicants would be coming back and subdividing further since we are only amending the FLUM to the 2 acres instead of the whole parcel. Mrs. Hurt stated there is only enough road frontage for the one additional tract unless the applicants would like to construct a road to subdivide lots. Commissioner Volkert asked if the water issue can be addressed. Mr. Lucas Slavey, 1015 Shive Lane, came forward and was sworn in. He presented an exhibit where they looked at the water shed of the property and established a small portion of the back corner of the 2 acres could potential run off to adjoining property and stated by law they have to keep water on their property at the same rate it is currently. Commissioner Graham stated that per the letter the property owner has existing water problems and asked if the applicant can only look at the 2 acres that is being constructed on but can't address the problem on other properties. Mr.

Slavey stated that was correct they can only address the water on the 2.006 acres. Mr. David Witty, 561 Linkside Lane, came forward and was sworn in. He stated he was there if there are any questions for him. Being none, Vice-Chairman Huston asked if there were any questions or opposition in the audience. Mr. Linn Marsh, 5548 Woodburn-Allen Spring Road, came forward and was sworn in. He stated his wife wrote the letter. He stated they were just worried that the water doesn't get any worse than it is currently. Commissioner Volkert stated with what Mr. Slavey stated by law they can't make it worse. Mr. Slavey gave him his card if he had any questions when it is built. Hon. Hamp Moore stated they did not have a signed Development Plan Conditions and asked if he agreed to them as was read on the floor tonight with the amendment to the square footage and the side entry garage requirement. Mr. Witty stated he did as well as on behalf of his wife Leslie. Vice-Chairman Huston asked if there were any further questions or opposition. Being none, he asked for a motion on the Future Land Use Map Amendment.

ACTION: Commissioner Warren made the motion, seconded by Commissioner Coppinger, to approve the proposed Future Land Use Map Amendment, docket number 2019-05-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.

Vice-Chairman Huston asked for a motion on the zone change.

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 2019-20-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 nine (9) yeas, so recommendation will be for approval.

H. NEW BUSINESS

Vice-Chairman Huston asked if there were any new business. Mr. Ben Peterson asked the Chairman for a closed session as the Commission needed to go into a closed session for the purpose of discussing potential litigation and legal action and personnel matter. Vice-Chairman Huston then asked for a Motion.

ACTION: Commissioner Coppinger made the Motion, seconded by Commissioner Clark, to go into closed session for the purpose of discussing potential litigation and legal action and personnel matter. All Commissioners agreed and approved the closed session.

THE COMMISSION WENT INTO CLOSED SESSION AND ALL OTHER PEOPLE LEFT THE COMMISSION CHAMBERS.

Vice Chairman Huston reconvened the meeting after the closed session. Attorney Moore asked that the record reflect that no action was taken during the closed session, and during closed session the Commission only considered the matters contained in the Motion to go into closed session. Commissioner Volkert left shortly after Closed Session began. During the session, the record reflects that Commissioner Coppinger moved that the Commission come back into open session and Commissioner Graham seconded the Motion. All Commissioners approved the Motion unanimously to reconvene. Vice-Chairman Huston asked if there were anything to discuss. Being none, he moved to adjourn.

I. 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.*