

**SUMMARY MINUTES**  
**City-County Planning Commission of Warren County**  
**October 1, 2009 @ 7:00 p.m.**  
**City Commission Chambers**  
**Bowling Green City Hall - 1001 College Street**

**Present:**

**Mary Belle Ballance**  
**John Atkerson**  
**Cliff Nahm**  
**Larkin Ritter**

**Velma Runner**  
**Chuck Coppinger**  
**Tim Huston**

**Albert Rich**  
**Kenneth Sparks**  
**Faye Phelps**

**Absent:        Bennie Jones        Bill Hotaling**

The City-County Planning Commission of Warren County was called to order by Chairman Velma Runner. Chairman Runner requested Sandy Clark, Administrative Executive Secretary, to conduct roll call in order to determine a quorum. A quorum was determined with nine (9) of twelve (12) Commissioners present at the time of the roll call.

**I.        ADMINISTRATIVE REVIEW:**

Chairman Runner asked if all Commissioners had received and read the Summary Minutes of the meeting held on August 20, 2009. The Motion was made by Commissioner Rich, seconded by Commissioner Huston, and agreed upon by all of the Commissioners present (1 abstained) to approve the Summary Minutes of the August 20, 2009 meeting as written.

Hon. Hamp Moore, 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 (October 1, 2009) be introduced as exhibits for each of tonight's hearings. He further requested the Chairman order that the Staff Report, with all attachments together, and with the Commission's entire file for these applications be likewise introduced as exhibits. Mr. Moore asked that the Oath be administered to Steve Hunter, Executive Director; Mac Yowell, Staff Engineer; Jonathan Britt, Planner; and Marshall Robinson, Planner, as witnesses before the Planning Commission and their oath and qualifications be reflected in the record for each of tonight's hearings. Chairman Runner so ordered and swore in all of the above.

**Chuck Coppinger entered the meeting at 7:04 p.m.**

**C.        REPORT ON SUBDIVISION APPROVALS**

Chairman Runner asked if there were any questions or comments on the Subdivision approvals. Being no questions or comments, the August 13, 2009 to September 23, 2009 Subdivision plats stand as recorded.

**D. LETTERS OF CREDIT AND PERFORMANCE BONDS**

Chairman Runner asked if there were any questions or comments in regard to the Subdivision Sureties staff report given to Commissioners. Chairman Runner noted there were several additions (#28 through 35) to the list presented to the Commission in regard to the Subdivisions listed, as well as a revision to #9. Being no questions, Chairman Runner asked for a Motion:

**ACTION:**     **A Motion was made by Commissioner Coppinger, seconded by Commissioner Atkerson which passed unanimously (1 abstained) to approve the following:**

1.     Release the cash surety for Vette City Flea Market in the amount of \$1,500.00 from Vette City Antique Mall and Flea Market.
2.     Release or reduce the cash surety for Sutherland Farms Section 2 Phase 1 in the amount of \$36,268.00 from Jones and Ritter.
3.     Release the cash surety for Woodland Station in the amount of \$37,208.00 from Dishman Lane Properties, LLC.
4.     Convert the letter of credit for The Summit Subdivision Section 1 in the amount of \$240,972.00 to a \$98,895.00 cash surety for construction and a \$136,864.00 letter of credit for the sidewalks.
5.     Convert the letter of credit for Cumberland Ridge Subdivision Section 3 (construction) in the amount of \$50,123.00 from Cumberland Ridge Inc into cash and release when the work is completed.
6.     Reduce the letter of credit for Cumberland Ridge Subdivision Section 3 (sidewalks) from \$32,292.00 down to an amount of \$17,900.00 from Cumberland Ridge Inc.
7.     Release the letter of credit for The Crossings at Cave Mill Subdivision Section 4 (construction) in the amount of \$31,403.00 from H & D Rentals.
8.     Release the letter of credit for The Crossings at Cave Mill Subdivision Section 4 (sidewalks) in the amount of \$11,275.00 from H & D Rentals.
9.     *Call the letter of credit for McKinney Farms Subdivision in the amount of \$200,000 from Grasston, LLC., and then release funds when work is completed.*
10.    Renew the letter of credit for Northridge Subdivision Section 4 in the amount of \$94,932.50 from J. Allen Builders.
11.    Renew the letter of credit for landscaping Hillvue Heights Church in the amount of \$10,000.00 from Hillvue Heights Church.

12. Convert the letter of credit for Hunters Crossing Subdivision Section 4, Phase 1 in the amount of \$75,969.00 from H & D Rentals into cash and release when the work is completed.
13. Release the letter of credit for Bailey's Farm Subdivision Section 2A (Sidewalks) in the amount of \$25,295.00 from H & D Development.
14. Convert the letter of credit for Hunters Crossing Subdivision Section 4, Phase 2 (construction) in the amount of \$36,150.00 from H & D Development into cash and release when the work is completed.
15. Reduce the letter of credit for Hunters Crossing Subdivision Section 4, Phase 2 (sidewalks) in the amount of \$62,194.00 from H & D Development.
16. Release the letter of credit for Ashmoor Parke Subdivision Sections 1, 2 & 3 (Sidewalks) in the amount of \$42,770.00 from Joe Daniel Construction.
17. Renew the letter of credit for landscaping Art's Corvettes in the amount of \$11,000.00 from Arts Auto Mart.
18. Release the letter of credit for Corvette View Subdivision Lots 14-16 (Water) in the amount of \$30,500.00 from ACH Development, LLC.
19. Reduce the letter of credit for Corvette View Subdivision Lots 14-16 (Construction) from \$53,200.00 down to \$15,500.00 from ACH Development, LLC.
20. Release the letter of credit for landscaping Cheddars at 701 Campbell Lane in the amount of \$42,750.00 from Greer Land Co.
21. Release the cash surety for Fieldstone Farms Subdivision Section 4, Phase 2 in the amount of \$5,000.00 when the work is complete.
22. Release the cash surety for Deer Park Subdivision Section 3 in the amount of \$25,000.00 when the work is complete.
23. Release the cash surety for Deer Park Subdivision Section 4 in the amount of \$10,000.00 when the work is complete.
24. Release the cash surety for Deer Park Subdivision Section 5 in the amount of \$10,000.00 when the work is complete.
25. Release the cash surety for Deer Park Subdivision Section 6 in the amount of \$10,000.00 when the work is complete.
26. Release the cash surety for The Meadows at Smiths Grove Subdivision in the amount of \$211,480.00 in phases as the work is completed.

27. Release the cash surety for Northview Subdivision in the amount of \$33,100.00 in phases as the work is completed.
28. Release the performance bond for landscaping 131 Parker Street in the amount of \$4,950.00 from R & R Communications.
29. Release the performance bond for landscaping BB&T located at 443 Park Row in the amount of \$13,900.00.
30. Release the cash surety for landscaping 5199 Nashville Road in the amount of \$3,800.00 from Leon Tarter.
31. Release the cash surety for landscaping 2422 Airway in the amount of \$3,550.00 from Paul Davis Restoration.
32. Convert the letter of credit for Cumberland Ridge Subdivision Section 2 (construction) in the amount of \$32,700.00 to cash and release as the work is completed.
33. Convert the letter of credit for Cumberland Ridge Subdivision Section 2 (sidewalks) in the amount of \$49,300.00 to cash and release as the work is completed.
34. Convert the letter of credit for Cumberland Ridge Subdivision Section 4 in the amount of \$67,920.00 to cash and release as the work is completed.
35. Release or reduce the letter of credit for McLellan Farms Subdivision Section 1 when the work is completed.

## **II. PUBLIC HEARINGS:**

Chairman Runner announced the first item on the agenda has been postponed to a later date:

*2009-14-Z-CO Rodney D. Veitschegger, Jr. has filed an application in order to re-zone two tracts of land containing a total of 83.4418 acres, located at 6963 & 7017 Cemetery Road which is approximately 1,500 feet to Pleasant Hill Road from AG (Agriculture) to RE (Residential Estate) with a general development plan.*

Chairman Runner announced the next item under the Public Hearing section is a zone change request described as: *2009-15-Z-CO Kermit Burns & Ray T. Burns have filed an application in order to re-zone a tract of land containing 1.59 acres located at 661 Finney Road, which is approximately 2,320 feet to Petros-Browning Road, from AG (Agriculture) to RE (Residential Estate).*

Steve Hunter presented the staff report and stated that the applicants are proposing to re-zone a tract of land containing 1.59 acres of property from **AG** (Agriculture) to **R-E** (Residential Estate) in order to create a single-family residential lot. There is an existing house on the property. No Binding Elements were requested with this re-zoning case. The applicants are proposing to re-zone this property from **AG** (Agriculture) to **R-E** (Residential Estate) in order to create a single family residential lot with an existing residential structure.

The applicants and staff held a Pre-Application Conference on September 1, 2009. The property is served by Finney Road, a rural county roadway with 16 feet of pavement and 50 feet of right-of-way and contains approximately 1.59 acres. The existing land use is residential and Agriculture was the original zoning. Staff had one item of concern, being: Adequate fire protection.

The Staff reviewed seven (7) Comprehensive Plan policies affecting this zone change request. Mr. Hunter stated that the first policy was **LU-1A-2** (*All applicants should contact adjacent neighbors prior to the public hearing or have a neighborhood meeting.*) The Staff recommends to all applicants that they contact adjacent neighbors prior to the public hearing or have a neighborhood meeting, if possible. No information of a public meeting was provided to the Planning Commission, but the applicants can address this when they come forward.

Then, Policies **LU-4C-1** (*Rural density residential development may occur throughout Warren County on appropriately zoned AG, RR and RE lots*); **LU-4C-2** (*water*) and **LU-4C-3** (*sewer*) - The proposed R-E lot will be 1.59 acres in size. A four inch water line providing less than 250 GPM with less than 20 PSI is available along Finney Road. This line does not meet the existing requirements for residential fire control standards for Warren County, Kentucky. A Fire Protection Threshold Waiver has been submitted and approved for the existing structure and lot. There are no sanitary sewers within 1,500 feet of this property; on-site septic systems will be utilized for the property. The existing house is currently connected to on-site septic system.

Also, the Policies **LU-4C-4** - (*Lot sizes, lot widths and building set backs in new rural density residential development should reflect the overall pattern of development in the surrounding area*); and **LU-4C-5** (*All rural density residential developments should maintain existing natural physical features, such as woods, streams, green areas, etc., as open space*) - There is a tract of land containing 14 acres adjacent to the subject property's east boundary with **R-E** (Residential Estate) zoning along Finney Road. As can be seen from the zoning map there are other developments with **R-E** zoning in and around the general vicinity of the subject property. The natural physical features will not be significantly altered by the creation of this lot

The final policy is the traffic policy - **TR-2** (*traffic*) - The property is served by Finney Road, a rural county roadway with 16 feet of pavement and 50 feet of right-of-way.

Mr. Hunter completed his presentation of the Staff Report by stating the Staff finds that the proposed zoning request is in agreement with the adopted Comprehensive Plan and recommends that the Zoning Map Amendment, be approved.

Chairman Runner asked if there were any questions from the Commissioners for Mr. Hunter. One Commissioner asked about the cut out of this section of the property in the middle of the property instead along one of the property lines. Mr. Hunter explained that he thought the applicants wanted to get the drive way in, but other than that, he was just not sure, but the applicants could address this question. Being no other questions or comments, Chairman Runner asked the applicants to come forward.

Therefore, Kermit Burns of 1975 Petro-Browning Road, Rockfield, KY, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Burns said that they wanted forty feet beside the house and wanted to retain a 5 acre portion of Agriculture so they sized it up and let the plat go.

Being no other questions or comments, Chairman Runner asked for questions from the audience for staff. Being no questions or comments from the audience for the staff, Chairman Runner asked if there were any questions or comments from the Commissioners and/or the audience for the applicants. Being none, Chairman Runner asked for a Motion.

**ACTION: The Motion was made by Commissioner Rich, seconded by Commissioner Huston to approve the proposed Zoning Map Amendment, docket #2009-15-Z-CO. The motion was based on the findings of fact as presented in the staff report and the testimony presented in this public hearing that the zoning map amendment is in agreement with the adopted Comprehensive Plan as demonstrated by its compliance with the Comprehensive Plan's following Policies: LU-1A-2; LU-4C-1, 2, 3, 4 & 5; and TR-2. Further, it was requested that the findings of fact and recommendation include a summary of the evidence and testimony presented by the proponents and/or opponents of the proposed amendment. The vote was ten (10) yeas, so a recommendation for approval will be sent to the Warren County Fiscal Court.**

Chairman Runner announced the third item on the agenda, being a zone change requested described as: *2009-16-Z-BG DWC Properties, LLC & Crowe-Wheeler & Associates have filed an application in order to re-zone a tract of land containing 0.588 acres located at 529 Park Street which is approximately 126 feet to 6<sup>th</sup> Avenue from RM-4 (Multi-Family Residential) to GB (General Business) with a general development plan.*

Marshall Robinson presented the staff report and stated that the applicants are proposing to re-zone a tract of property from **RM-4** (Multi-Family Residential) to **GB** (General Business) in order to establish an office. The applicants have also agreed to certain site restrictions as outlined in the Binding Elements. The applicants and staff held a Pre-Application Conference on August 25, 2009. The property is located at 529 Park Street and contains approximately 0.588 acre. The existing land use is multi-family residential. The property is located in Focal Point 102-1 - Fairview - with characteristics of residential; in transition from low-moderate priced home to semi-public, institutional and office uses surrounding the medical complex. The property has frontage on Park Street which is a local city street with 50 feet of right-of-way and 30 feet of pavement width. The property also has access from an unnamed paved alley to the rear of the property

Mr. Robinson stated that Binding Elements were requested with this re-zoning. The applicants are proposing to re-zone the property from **RM-4** (Multi Family Residential) to **GB** (General Business) to use the existing house as an office and retain the multi-family residential use on the property. The applicants are proposing to use an existing structure for the proposed office and residential uses; however, the applicants agreed that in the event the existing residential structure is removed, any replacement structure shall have a residential appearance with features such as pitched roof, compatible exterior covering, entrances, porches and windows. Mr. Robinson noted that the staff had items of concern, which included:

- *Site access to the property;*
- *Proposed uses on the property; and*
- *Hours of operation for any commercial uses.*

In order to address the concerns of staff, the applicants agreed to and submitted the following Binding Elements as follows:

**BINDING ELEMENTS**

- I The property will be developed to meet the fire control standards of the City of Bowling Green.*
- II. Improvements on the property will be connected to sanitary sewer.*
- III Signage on the property shall be no greater than 10 feet in height and 50 square feet of sign area per side.*
- IV Vehicular access to the property shall be limited to the alley located in the rear.*
- V Prior to the occupancy for a use other than residential, the principal structure will meet commercial code prior to occupancy.*
- VI The property shall be limited to residential use and office use as defined by the Zoning Ordinance of Warren County, Kentucky for the General Business (GB) zoning district.*
- VII Hours of operation for any office use shall be limited to 7:00 a.m. to 5:00 p.m., Monday through Friday.*
- VIII In the event the existing residential structure is removed, any replacement structure shall have a residential appearance with features such as pitched roof, compatible exterior covering, entrances, porches and windows.*

The Staff reviewed fifteen (15) Comprehensive Plan policies affecting this zone change request. Mr. Robinson stated that the first policy was **LU-1A-2** (*All applicants should contact adjacent neighbors prior to the public hearing or have a neighborhood meeting.*) The Staff recommends to all applicants that they contact adjacent neighbors prior to the public hearing or have a neighborhood meeting, if possible. No information of a public meeting was provided to the Planning Commission, but the applicants can address this when they come forward.

Then, Policies **LU-5A-4** (*Commercial uses are appropriate only with direct accessibility to at least a minor collector street. Vehicular access to commercial development should be oriented away from residential neighborhoods*); **LU-5C-2** (*Where the focal point is adjacent to residential developments or residential districts, new commercial development must not have its primary ingress or egress into the residential development or district*); **TR-2** (*Measures must be taken to ensure that all private and public development is undertaken in a manner which minimizes increased traffic congestion on existing streets, roads and intersections*); and **TR-2H** (*Development within the City limits of Bowling Green shall comply with the City's adopted Traffic Access Management Manual*) - The property has frontage on Park Street, a local city street with 50 feet of right-of-way and 30 feet of pavement width. The property also has access from an unnamed paved alley to the rear of the property. The proposed uses (office and residential) for the property are considered low traffic generators. The applicants have further limited the amount of traffic that could be generated by the development by limiting the hours of operation. Hours of operation for any office use shall be limited to 7:00 a.m. to 5:00 p.m., Mondays through Fridays. The applicants have also agreed that all vehicular access to the property shall be from the alley to the rear of the property.

In addition, Polices **LU-5A-11** (*All commercial developments must be served with public water adequate for urban fire flow of 600 GPM and 20 PSI and be protected with fire hydrants per the applicable Ordinance*); **LU-5A-9** (*All new commercial uses shall be served by public sanitary sewer, when sewer is available*); **LU-5A-5** (*Commercial uses may be located adjacent to land zoned for residential uses if buffered from the residential uses by landscaping, lighting, and noise controls*); **LU-5A-6** (*Sites for commercial uses located where an adjoining property on two or more boundaries is residential, must maintain at least 50% of the site in green space not devoted to parking. Sites larger than one acre should reserve green space of at least 20% of the site or one-half acre, which ever is larger*); **LU-5A-12** (*New commercial development should follow sound design principles for buildings, parking, landscaping, signage, and set backs*); **LU-5A-13** (*Commercial developments, including loading docks, vehicle use areas, public use areas, and outside storage areas should be screened from adjacent residential developments or districts*); **LU-5A-14** (*Parking areas are discouraged within the building setback areas to allow for street landscaping*) - A 24 inch water line providing 1,360 GPM with a static pressure of 65 PSI and a residual pressure of 54 PSI is available along Park Street. The applicants have also agreed that the property will be developed to meet the fire control standards of the City of Bowling Green. An 8 inch sewer line is available along Park Street. Improvements on the property will be connected to sanitary sewer. The applicants have an existing structure currently used as a multi-family residential dwelling unit. The applicants plan to move their business office to the site. The applicants have agreed that prior to the occupancy for a use other than residential; the principal structure will meet commercial code prior to occupancy. Given the wide variety of uses that are permitted within the General Business (**GB**) District and given the variety of zoning districts that are in close proximity to the development; the applicants have agreed that the property shall be limited to residential use and office use as defined by the Zoning Ordinance of Warren County, Kentucky for the General Business (**GB**) zoning district. The applicants have further restricted the possible office uses in limiting the hours of operation. The applicants have agreed that the hours of operation for any office use shall be limited to 7:00 a.m. to 5:00 p.m., Monday through Friday. Parking for the site will be required to meet the minimum space allocations as described in the Zoning Ordinance of Warren County; however, the access for these parking spaces will be limited to the rear of the property. The applicants have agreed that vehicular access to the property shall be limited to the alley located in the rear

The final policies are: **LU-5A-15** (*Free standing signs should be in proper scale, style and bulk with the surrounding area. In general, signs should not be taller than the tallest structure on the site*); **LU-5A-16** (*All lighting should be directed downward and away from adjacent residential uses and should be shielded to prevent light trespass or reflection onto adjoining properties*) and **LU-5C-1** (*Commercial development or redevelopment is permitted where the existing dominant use of the focal point is commercial and must not adversely impact the existing scale and architecture within the focal point*) - The applicants have agreed that the signage on the property shall be no greater than 10 feet in height and 50 square feet of sign area per side. The sign will be located farthest away from any residentially zoned property. Given the nature of the request, the limited proposed uses and the limited hours of operation, lighting on the property should not be a nuisance to the surrounding residential properties. As mentioned, the applicants have agreed to keep the property with a residential look – that in the event the existing residential structure is removed, any replacement structure shall have a residential appearance with features such as pitched roof, compatible exterior covering, entrances, porches and windows.

Mr. Robinson completed his presentation of the Staff Report by stating the Staff finds that the proposed zoning request is in agreement with the adopted Comprehensive Plan and recommends that the Zoning Map Amendment, together with the General Development Plan, be approved.

Chairman Runner asked if there were any questions from the Commissioners for Mr. Robinson. Being none, she asked if there were questions from the audience. Being none, Attorney Moore asked the applicants to come forward.

Therein, Robert Wheeler of 518 Rodeo Lane, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Attorney Moore confirmed with Mr. Wheeler that he is a member and representative for DWC Properties LLC., and that he and Kevin Crowe agree to the items listed in the Binding Elements. Mr. Wheeler agreed that he and Mr. Crowe agree to the Binding Elements as written.

Being no other questions or comments, Chairman Runner asked for questions from the audience for staff. Being no questions or comments from the audience for the staff, Chairman Runner asked if there were any questions or comments from the Commissioners and/or the audience. Being none, Chairman Runner asked for a Motion.

**ACTION: The Motion was made by Commissioner Atkerson, seconded by Commissioner Coppinger to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket #2009-16-Z-BG. The motion was based on the findings of fact as presented in the staff report and the testimony presented in this public hearing that the zoning map amendment is in agreement with the adopted Comprehensive Plan as demonstrated by its compliance with the Comprehensive Plan's following Policies: LU-1A-2; LU-5A-4, 5, 6, 9, 11, 12, 13, 14, 15 & 16; LU-5C-1 and 2; and TR-2 and 2H. Further, it was requested that the findings of fact and recommendation include a summary of the evidence and testimony presented by the proponents and/or opponents of the proposed amendment. The vote was ten (10) yeas, so a recommendation for approval will be sent to the Bowling Green City Commission.**

Chairman Runner announced the final item on the agenda as also a zone change request described as: 2009-17-Z-BG Newman Industrial Holdings, LLC & Daymar Properties of Bowling Green, LLC have filed an application in order to re-zone a tract of land containing 3.54 acres located at 401 Emmett Avenue which is located at the intersection of Emmett Avenue and Fitzgerald Industrial Drive from HI (Heavy Industrial) to HB (Highway Business) with a general development plan.

Jonathan Britt presented the staff report and stated that the applicants are proposing to re-zone a tract of property from **HI** (Heavy Industry) to **HB** (Highway Business) for an office and educational facility. The applicants have also agreed to certain site restrictions as outlined in the Binding Elements. The applicants and staff held a Pre-Application Conference on September 1, 2009. The property is located at 401 Emmett Avenue and contains 3.54 acres. The property has frontage on Emmett Avenue, which is a local city collector street with 80 feet of right-of-way and 22 feet of pavement width and Fitzgerald Industrial Drive, a local city street with 60 feet of right-of-way and 22 feet of pavement width.

The applicants are proposing to use the existing vacant industrial building and convert it into offices and educational classrooms. The applicants plan to use the existing structure on site and have made additional commitments that several uses will be prohibited: any sale, rental, or display of pornography, adult books, or adult entertainment; pawn shop; Bingo Parlor; eating establishment with drive-thru; retail larger than 4,000 square feet; or bar or lounge. Staff has suggested a minimum set of material commitments from the applicants if and when the building or site is re-developed. The applicant has committed to meet the minimum requirements of the Landscape provision of the Zoning Ordinance of Warren County. The property currently has three (3) access points: one access from Emmett Avenue and two (2) from Fitzgerald Industrial Drive. The applicants have committed that any outside lighting in parking areas shall be directed downward and appropriately shielded to limit light trespass onto adjoining residential properties.

Mr. Britt noted that staff had items of concern as follows:

- *Access to the site;*
- *Compatibility with surrounding residential properties; and*
- *Adequate landscaping.*

In order to address the concerns of staff, the applicants agreed to and submitted the following Binding Elements as follows:

#### **BINDING ELEMENTS**

- I. The property will be developed with sufficient water supply and fire hydrants to meet the fire control standards of the City of Bowling Green, Kentucky.*
- II. All improvements on the property shall be connected to sanitary sewer.*
- III. The property will have a maximum of one access point to Emmett Avenue and two access points to Fitzgerald Industrial Drive. Whenever the property is re-developed to provide parking in addition to the surface parking currently on the property, access to the property must, if necessary, be brought into compliance with the City of Bowling Green Traffic Access Manual.*
- IV. The property will be developed in compliance with the landscaping provisions of the Zoning Ordinance/Resolution of Warren County, Kentucky. In addition, a landscape buffer averaging 15 feet in width will be maintained adjacent to Emmett Avenue and a landscape buffer averaging 10 feet in width will be maintained adjacent to Industrial Fitzgerald Drive. The property will also be developed with a maximum lot coverage of 80%.*
- V. The property will be developed with a maximum of one sign, which signage shall be a pylon-style sign no taller than 24 feet in height and no more than 100 square feet of sign face on each side.*
- VI. Outside lighting in parking areas shall be directed downward and appropriately shielded to limit light trespass onto adjoining residential properties.*

VII. *Any portion of any new or redeveloped façade fronting Emmett Avenue or Fitzgerald Industrial Drive shall be constructed of at least 75% brick, stone, glass, EFIS, dryvitt, hardiplank, or other modern masonry materials.*

VIII. *The following uses shall be prohibited: any sale, rental, or display of pornography, adult books, or adult entertainment; pawn shop; Bingo Parlor; eating establishment with drive-through; or bar or lounge.*

The Staff reviewed eighteen (18) Comprehensive Plan policies affecting this zone change request. Mr. Britt stated that the first policy was **LU-1A-2** (*All applicants should contact adjacent neighbors prior to the public hearing or have a neighborhood meeting.*) The Staff recommends to all applicants that they contact adjacent neighbors prior to the public hearing or have a neighborhood meeting, if possible. The applicants have informed staff that a neighborhood meeting took place on Tuesday, September 22, 2009 at 6:00 p.m. at Draughon's Junior College, 2421 Fitzgerald Industrial Drive, Bowling Green, KY.

In addition, Polices **LU-5A-11** (*All commercial developments must be served with public water adequate for urban fire flow of 600 GPM and 20 PSI and be protected with fire hydrants per the applicable Ordinance*); and **LU-5A-9** (*All new commercial uses shall be served by public sanitary sewer, when sewer is available*)- The property has a 10 inch and a 12 inch water line with each providing greater than 1000 GPM and greater than 58 PSI static pressure and 30 PSI residual pressure. The applicants have agreed that the property will be developed with sufficient water supply and fire hydrants to meet the fire control standards of the City of Bowling Green, Kentucky. An 8 inch sewer line is available along Emmett Avenue. All improvements to the site will be connected to public sanitary sewer.

Also, Policies **LU-5A-15** (*Free standing signs should be in proper scale, style and bulk with the surrounding area. In general, signs should not be taller than the tallest structure on the site*); **LU-5A-16** (*All lighting should be directed downward and away from adjacent residential uses and should be shielded to prevent light trespass or reflection onto adjoining properties*) - The applicants have proposed that the property will be developed with a maximum of one sign facing each street, which signage shall be monument-style signs no taller than 24 feet in height and no more than 100 square feet of sign face on each side; however, the Zoning Ordinance currently restricts the property to only one freestanding sign. The applicants have committed that any outside lighting in parking areas shall be directed downward and appropriately shielded to limit light trespass onto adjoining residential properties.

Mr. Britt explained the next policies of **LU-5A-5** (*Commercial uses may be located adjacent to land zoned for residential uses if buffered from the residential uses by landscaping, lighting, and noise controls*); **LU-5A-12** (*New commercial development should follow sound design principles for buildings, parking, landscaping, signage, and set backs*); **LU-5A-13** (*Commercial developments, including loading docks, vehicle use areas, public use areas, and outside storage areas should be screened from adjacent residential developments or districts*); **LU-5A-14** (*Parking areas are discouraged within the building setback areas to allow for street landscaping*)- The applicants have committed to meet the minimum requirements of the Landscape provision of the Zoning Ordinance of Warren County; however, staff has suggested that some minimum linear footage along Emmett Avenue be left as a buffer to help mitigate adverse impact to the residential properties directly across the street. This buffer area should also

not include parking for the proposed use. The applicants currently have no plans to re-develop the site; simply using the existing building as-is. Staff has suggested that when any portion of any new or re-developed façade fronting Emmett Avenue or Fitzgerald Industrial Drive shall be at least 75% brick, stone, glass, or other modern masonry building materials.

The final policies are: **LU-5A-3** (*Commercial uses which are high traffic generators shall require a traffic impact study to be performed prior to requesting a zoning map amendment*); **LU-5A-4** (*Commercial uses are appropriate only with direct accessibility to at least a minor collector street. Vehicular access to commercial development should be oriented away from residential neighborhoods*); **LU-5A-7** (*Commercial uses which are high traffic generators are appropriate only with direct accessibility to at least a collector street*); **LU-5A-8** (*Commercial uses which are high traffic generators should not be located adjacent to any residential area except the highest density urban residential areas*); **LU-5B-3** (*Primary ingress or egress to the commercial site shall not adversely impact any residential neighborhood*); **TR-2** (*Measures must be taken to ensure that all private and public development is undertaken in a manner which minimizes increased traffic congestion on existing streets, roads and intersections*); **TR-2F** (*Increased building set backs and more stringent sign controls on arterial and collector streets should be required*); **TR-2H** (*Development within the City limits of Bowling Green shall comply with the City's adopted Traffic Access Management Manual*); **TR-2I** and (*Within urban areas, private access to existing state, county or city street should be as restrictive as possible, of few as necessary, and align with other existing entrances*) - The proposed re-zoning did not require a Traffic Impact Study due to the low volume of traffic to be generated by the proposed and prohibited uses. The property currently has three (3) access points. One access from Emmett Avenue and two (2) from Fitzgerald Industrial Drive. The applicants have agreed that the property will have a maximum of one access point to Emmett Avenue and two access points to Fitzgerald Industrial Drive. Staff has suggested that one of the access points along Fitzgerald Industrial Drive be removed or a commitment be made by the applicants that the property will meet the City of Bowling Green's Traffic Access Manual prior to the development of any additional parking or relocation of any existing access points.

Mr. Britt completed his presentation of the Staff Report by stating the Staff finds that the proposed zoning request is in agreement with the adopted Comprehensive Plan and recommends that the Zoning Map Amendment, together with the General Development Plan, be approved.

Chairman Runner asked if there were any questions from the Commissioners for Mr. Britt. Being none, she asked if there were questions from the audience. Being none, she asked the applicants to come forward. Therein Attorney Kevin Brooks stepped to the podium and called Mark Gabis of 2401 New Hartford Road, Owensboro, Kentucky, who stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Gabis confirmed that he is a representative for Daymar Properties of Bowling Green, LLC., and he is a member of the corporation here tonight representing Daymar Properties and is authorized to be here on the company's behalf. Attorney Brooks confirmed with Mr. Dabis that the Binding Elements agreed to tonight will bind the property as set out in the Binding Elements. Mr. Dabis said he understood that the Binding Elements would bind the property and agreed to the Binding Elements as presented.

Being no other questions or comments, Chairman Runner asked for questions from the audience for staff. Being no questions or comments from the audience for the staff, Chairman Runner asked if there were any questions or comments from the Commissioners and/or the audience for the applicants. Being none, Chairman Runner asked for a Motion.

**ACTION: The Motion was made by Commissioner Coppinger, seconded by Commissioner Rich to approve the proposed Zoning Map Amendment, together with and conditioned upon the General Development Plan, docket #2009-17-Z-BG. The motion was based on the findings of fact as presented in the staff report and the testimony presented in this public hearing that the zoning map amendment is in agreement with the adopted Comprehensive Plan as demonstrated by its compliance with the Comprehensive Plan's following Policies: LU-1A-2; LU-5A-3, 4, 5, 7, 8, 9, 11, 12, 13, 14, 15 & 16; LU-5B-3; and TR-2; 2F, 2H & 2I. Further, it was requested that the findings of fact and recommendation include a summary of the evidence and testimony presented by the proponents and/or opponents of the proposed amendment. The vote was ten (10) yeas, so a recommendation for approval will be sent to the Bowling Green City Commission.**

### **III. ADDITIONAL NEW BUSINESS:**

Chairman Runner asked if there were any other items of business to come before the Commission. Steve Hunter stated there would not be a meeting on October 15, 2009, as nothing has been filed at the office by the official application submittal date.

Mr. Hunter then gave an update about the Comprehensive Plan that included that we have received a draft of the document from the consultants. The Task Force has asked staff and some of the Task Force Committee members to meet with elected officials - one by one, being the Mayor, Judge, City Commission, Magistrates, small town Mayors and City Commissions, etc. The next meeting of the Comp Plan Task Force hopefully will be at the end of October of 2009 to discuss the meetings with the local elected officials and discuss the comments and questions that have been submitted. The draft Comprehensive Plan is located on our website at [www.warrenpc.org](http://www.warrenpc.org).

Commissioner Atkerson commented on the GIS Mapping system that was presented a couple of months ago. He stated he uses the map almost daily and asked if there was any way to update the aerials. Mr. Hunter explained that the current aerials are 2004 and we would like to update the aerials on the map. He said that it would be a costly project and there would need to be several partners brought together to help defray the costs, including the PVA office and several other entities to share the expense.

Chairman Runner stated there was no additional business to come before the Commission; the meeting was adjourned at 7:55 p.m.

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CHAIRMAN, VELMA RUNNER

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Administrative Executive Secretary  
Sandy M. Clark