

SUMMARY MINUTES
City-County Planning Commission of Warren County
March 4, 2010 @ 7:00 p.m.
City Commission Chambers
Bowling Green City Hall - 1001 College Street

Present:

Velma Runner

Cliff Nahm

Mary Belle Ballance

Chuck Coppinger

Tim Huston

Bill Hotaling

John Atkerson

Kenneth Sparks

Larkin Ritter

Bennie Jones

Absent: Albert Rich Faye Phelps

The City-County Planning Commission of Warren County was called to order by Chairman Velma Runner. Chairman Runner requested Debbie Chandler, Zoning Administrator, in the absence of Sandy Clark, Administrative Executive Secretary, to conduct roll call in order to determine a quorum. A quorum was determined with ten (10) 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 February 18, 2010. The Motion was made by Commissioner Hotaling, seconded by Commissioner Huston, and agreed upon by all of the Commissioners present (1 abstained) to approve the Summary Minutes of the February 18, 2010 meeting as written.

Hon. Matt Cook with Cole and Moore, in the absence of 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 (March 4, 2010) 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 each of these applications be likewise introduced as exhibits. Mr. Cook asked that the Oath be administered to Steve Hunter, Executive Director and Mac Yowell, Staff Engineer, as witnesses before the Planning Commission and their oath and qualifications be reflected in the record for tonight's hearing. Chairman Runner so ordered and swore in the two witnesses.

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 February 12, 2010 to February 25, 2010 Subdivision plats stand as recorded.

D. LETTERS OF CREDIT AND PERFORMANCE BONDS

Chairman Runner indicated the next item on the agenda is the Letters of Credit and Performance Bonds. She said there were no additions to the list presented to the Commission. She asked if there were any questions or comments in regard to the report given to Commissioners. Being no questions, Chairman Runner asked for a Motion:

ACTION: **A Motion was made by Commissioner Hotaling, seconded by Commissioner Sparks which passed unanimously (10 yeas) to approve the following:**

1. *Release the cash bond for landscaping Lost River Square at 2435 Nashville Road in the amount of \$10,700.00.*

II. PUBLIC HEARINGS:

Chairman Runner announced the first item under the Public Hearing section is a Zone Change request described as: *2010-04-Z-CO James T. Banton has filed an application in order to re-zone a tract of land containing 6.01 acres located at 606 Perry Martin Road which is approximately 875 feet to Cassetty Road from AG (Agriculture) to RE (Residential Estate) with a general development plan.*

Steve Hunter presented the staff report and stated that the applicant is proposing to re-zone 6.01 acres of property from **AG** (Agriculture) to **R-E** (Residential Estate) located at 606 Perry Martin Road in order to create three (3) single family residential lots. The applicant has agreed to certain site restrictions as outlined in the Binding Elements submitted by the applicant.

Mr. Hunter stated that the applicant is proposing to re-zone 6.01 acres of property from **AG** (Agriculture) to **R-E** (Residential Estate) in order to create three (3) single family residential lots. Each lot proposed will be a minimum of one and a half acres as stated in the Binding Elements submitted by the applicant. This proposed lot size is in compliance with the minimum lot size required by the Warren County Zoning Ordinance for **R-E** (Residential Estate) development

The applicant and staff held a Pre-Application Conference on February 5, 2010. The property has frontage on Perry Martin Road, a County maintained rural roadway with fifty feet of right-of-way and 16 feet of pavement width. The existing land use is residential and agriculture was the original zoning.

Staff noted a couple items of concern with this zone change request which are as follows:

- *Adequate fire protection; and*
- *Total number of residential lots.*

In order to adequately address the concerns of the staff, the applicant submitted the following set of Binding Elements:

BINDING ELEMENTS

- I. *The subject property shall be developed into individual lots for single family residences with a maximum of three (3) lots.*
- II. *Subject property shall be developed with a minimum lot size for each lot of least one and half (1½) acre.*
- III. *Any residence built on the property shall be a stick-built residence.*

The Staff reviewed eight (8) Comprehensive Plan policies affecting this zone change request. Mr. Hunter stated that the first policy was **LU-1A-2** (*In preparing a general development plan, surrounding property owners must be consulted prior to submitting a zone change.*) 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 was forwarded to the Planning Commission staff. The applicant can address this when he comes forward.

Then, Policies **LU-4-1** (*Rural density single family detached residential development may occur throughout Warren County on appropriately zoned AG, RR, and RE lots. Minimum lot sizes in these districts should be exclusive of drainage easements and flood plain areas*); **LU-4C-2** (*Rural Density Residential development must be provided with public water supply with greater than 250 GPM and 20 PSI residual pressure*) and **LU-4C-3** (*On-site waste disposal must be approved by the Barren River District Health Department prior to issuance of a building permit*) - This property proposed for **R-E** (Residential Estate) development is 6.01 acres in size. The subject property shall be developed with a minimum lot size for each lot of at least one and a half (1½) acre. This meets the minimum lot size required by the Warren County Zoning Ordinance. There is a three (3) inch water line extending into Warren County from the Simpson County Water District on the east side of Perry Martin Road. The nearest fire hydrant in Simpson County is approximately 700 feet south of the Warren County line. Numerous water meters exist on Perry Martin Road near the Warren County line. This does not meet the minimum fire control standards of Warren County; however, the applicant has submitted a signed Fire Protection Threshold Waiver. There is no sanitary sewer available along Perry Martin Road. An on-site septic system must be utilized to serve the proposed development. The applicant will need to contact the Barren River District Health Department for the approval of a site evaluation prior to the issuance of a building permit.

The Traffic Policy of **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*) The property has frontage on Perry Martin Road which is a County maintained rural roadway with 50 feet of right-of-way and 16 feet of pavement width. The property has an existing access point on Perry Martin Road. Each new access point proposed must be placed in coordination with the Warren County Road Department.

In addition, the final three Policies reviewed by staff were: LU-4A-9 (Residential development should not exceed density of surrounding developments by more than fifty (50) percent); LU-4C-4 (Lot sizes, lot widths and building setbacks 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 development should maintain existing natural physical features such as woods, streams, green areas, etc. as open space) The applicant has agreed the property shall be developed into a maximum of three (3) lots. As can be seen from the zoning map, there are lots of similar size in the general vicinity. No additional changes are proposed at this time.

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, together with the General Development Plan, be approved. Chairman Runner asked if there were any questions from the Commissioners for Mr. Hunter.

Commissioner Ritter asked about the fire department in the area as the Waiver does not have a department listed. Which area would cover a fire? Mr. Hunter said he believed Woodburn Volunteer Fire Department would cover this specific area where the property is located.

Being no other questions from the Commissioners, Chairman Runner asked the applicant if he wished to come forward. Therein, James Thomas Banton of 1018 Ridgecrest Way, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Banton said about three years ago he and his neighbor contributed money to have a fire hydrant placed. He said he thought he had protection from Simpson County, but does not. Woodburn Fire Department would be serving the property. Mr. Banton then said that Warren County Water would not run water to the property, so water comes from Simpson County. When asked if he pays dues to a fire department, he said that in his tax bill he pays for Woodburn Volunteer Fire Department dues.

Commissioner Nahm said he did not see which fire department is supposed to cover fire as none is listed on the Fire Waiver. Mr. Hunter said it must have been an oversight from the Magistrate and Judge Executive as they knew which District the property is located in, but did not fill out "Woodburn" on the form. Mr. Banton said this property is about two miles from the Woodburn Fire Department. Commissioner Nahm said he wanted to make sure that if the Commissioners vote on this project that no liability is placed on the Commissioners if there is a fire on this property. Attorney Cook said that there would not be any liability on the Commission on their vote.

Another person to come to the podium with a comment was Barry Claypool of 135 Spindletop, Bowling Green, Kentucky, who was sworn in by Chairman Runner to testify before the Commission. Mr. Claypool said his house burned down in August and there were 14 Fire trucks that showed up and then he said if there is a fire, in his opinion, the Volunteer Fire Departments will show up and assist you.

Another person to come to the podium with questions was Jay Shockley of 662 Perry Martin Road, Bowling Green, Kentucky, who was sworn in by Chairman Runner to testify before the Commission. Mr. Shockley said that he is Mr. Banton's neighbor and he wants to know what type of home will be put on the property, will it be a trailer, modular home, or what type of residence.

Mr. Hunter said that this is a technical question from the Zoning Ordinance of what is allowed in residential. The housing type allowed in a residential zoning is: a stick built home; a modular home; manufactured homes are allowed in R-E, but not mobile homes. The Zoning Ordinance says a mobile home has a flat roof; metal sides; metal roof; etc. A manufactured home can have vinyl siding; shingles; newer than ten (10) years old; can be a single wide or double wide, but will look traditionally like a house – no flat roof. A mobile home would have to be placed on 5 acres or more. Unless a Binding Element is added that says no manufactured home, then a manufactured home could go in R-E. The applicant would have an option for the home to be brick, vinyl, etc., but it would be voluntary from the applicant. Mr. Shockley said the type of home is a big concern of he and the other neighbors.

Mr. Banton said he would consider a Binding Element in regard to the home being a stick built or modular home. The new Binding Element could read:

III. Any residence built on the property shall be a stick-built residence.

When asked about the new Binding Element presented, Mr. Banton said he would agree to the additional Binding Element as presented.

Chairman Runner asked if there were any other questions for the applicant from the Commissioners or the audience.

Another person to come to the podium with questions was Julian Shockley of 690 Old Nashville Road (Perry Martin Road), Bowling Green, Kentucky, who was sworn in by Chairman Runner to testify before the Commission. Ms. Shockley stated that there is a water easement for the property.

Chairman Runner asked for a show of hands of opposition to this zone change. Being none, she asked for any additional questions. Being no other questions or comments from the Commissioners, Chairman Runner asked if there were any other questions or comments for the applicant. Being no questions or comments, Chairman Runner asked for questions or opposition from the audience for staff or applicants. Being none, Chairman Runner asked for a Motion.

Commissioner Ritter asked if he could make a statement regarding fire protection. He has concerns about making recommendations to allow building of more homes without adequate fire protection. Sometimes the Commissioners feel forced into making recommendations and he wants people outside of this organization to see the dilemma and help with the problem to get things worked to get adequate fire protection. Commissioner Ritter asked that adequate fire protection should be worked on to get stronger protection in the future.

ACTION: The Motion was made by Commissioner Coppinger, seconded by Commissioner Sparks to approve the proposed Zoning Map Amendment, together with and conditioned upon a general development plan, docket #2010-04-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-4A-9; LU-4C-1, 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.

ADDITIONAL BUSINESS:

Chairman Runner asked if there was any additional business or any announcements. Mr. Hunter came to the podium and said that he wanted to get the Budget Committee together in the near future, being: Runner, Nahm, Ballance and Rich. Now is the time to start working on the Budget for next year. We would like to work with the Budget Committee at 5:00 p.m., on Thursday before our next Planning Commission meeting. We may need to have a Personnel Committee meeting after the Budget Committee works on the Budget for next year.

Mr. Hunter said that Liaison Board/Comp Plan subcommittee met again this evening. The Comprehensive Plan Task Force will probably meet March 30th, but packets will be mailed out to the Task Force Committee prior to the meeting

Mr. Hunter gave the Commissioners a draft agenda for the March 18, 2010 meeting.

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

CHAIRMAN, VELMA RUNNER

Administrative Executive Secretary
Sandy M. Clark