

SUMMARY MINUTES
City-County Planning Commission of Warren County
March 18, 2010 @ 7:00 p.m.
City Commission Chambers
Bowling Green City Hall - 1001 College Street

Present:

Velma Runner

Albert Rich

Mary Belle Ballance

Chuck Coppinger

Tim Huston

Bill Hotaling

John Atkerson

Kenneth Sparks

Larkin Ritter

Faye Phelps

Absent: Bennie Jones Cliff Nahm

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 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 the draft Minutes tonight and read the Summary Minutes of the meeting held on March 4, 2010. The Motion was made by Commissioner Hotaling, seconded by Commissioner Huston, and agreed upon by all of the Commissioners present (2 abstained) to approve the Summary Minutes of the March 4, 2010 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 (March 18, 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. Moore asked that the Oath be administered to Steve Hunter, Executive Director, Mac Yowell, Staff Engineer, and Marshall Robinson, Planner, as witnesses before the Planning Commission and that their oath and qualifications be reflected in the record for tonight's hearing. Chairman Runner so ordered and swore in the three witnesses.

C. MONTHLY FINANCIAL REPORT

Steve Hunter, Executive Director, said that this month we will give the monthly financial statement with a summary for expenses and income for the month and up-to-date balances for our operating account and sureties account. This report is through February of 2010. Mr. Hunter said the Budget Committee met this evening with more information to follow the cases tonight. The City has cut the 4th quarter appropriation of funding and probably will be cutting appropriations for next fiscal year so we will have a Budget Amendment proposal at the end of this meeting.

D. 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 26, 2010 to March 11, 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 Rich, seconded by Commissioner Atkerson which passed unanimously (10 yeas) to approve the following:

1. Renew the letter of credit for Cherry Farms Section 1, Revision 1 (Sidewalks) in the amount of \$5,000.00 from Cherry Park, LLC.
2. Release the cash bond for landscaping 5646 Old Nashville Road Loop 2 in the amount of \$2,100.00 from Taz Trucking.
3. Release the cash surety for McKinney Farms Subdivision Section 1 in the amount of \$7,160.00 from Grasston, LLC.
4. Release the cash surety for landscaping Hillvue Heights Church in the amount of \$10,000.00 from Hillvue Heights Church.

II. PUBLIC HEARINGS:

Chairman Runner announced that one item on the agenda this evening has been postponed, being: *2010-04-DP Summit Partners, Inc. et al have filed an application to amend the general development plan on approximately 249.81 acres located on Dillard Road between Dillard Road, Preakness Way and along the CSX Railroad, approximately 865 feet from Dillard Road. This property is zoned RS-1A (Single Family Residential) with Binding Elements.*

Therefore, the first item under our cases this evening is a Detailed Development Plan application described as: *2010-02-DP Kroger - Country Oven and Denham Blythe Co., Inc. have applied for approval of a Detailed Development Plan on a tract of land containing 39.17 acres located at 2840 Pioneer Drive. The Plan proposes the construction of a 62,850 square foot addition to the existing 180,652 square foot bakery for a total finished area of 243,502 square feet. Also proposed are all required drainage, parking and landscaping. This property is zoned HI (Heavy Industry)*

Marshall Robinson presented the staff report and stated Kroger - Country Oven and Denham Blythe Co., Inc. have applied for approval of a Detailed Development Plan on a tract of land containing 39.17 acres located at 2840 Pioneer Drive here in Bowling Green. The Plan proposes the construction of a 62,850 square foot addition to the existing 180,652 square foot bakery for a total finished area of 243,502 square feet. Also proposed are all required drainage, parking and landscaping. This property is zoned HI (Heavy Industry). Mr. Robinson said that this plan was reviewed based on the **HI** zone as follows:

	<u>Allowed / Required</u>	<u>Provided</u>
Lot Coverage:	90%	31.63%
Set backs:	Front: 25 feet	approx. 206 feet (existing building)
	Side: 0'	approx. 319 feet (existing building)
	Rear: 0'	approx. 512 feet (existing building)
Parking:	242 spaces	305 spaces
Building Height:	100 feet	28 feet and 4 inches
Landscaping:	Landscaping plan meets the requirements of the Ordinance.	
Signage:	No new signage is planned.	
Drainage:	The drainage plan is approved.	
Traffic:	A Traffic Impact Study was not required for this submittal.	
Access:	One access point from Pioneer Drive. No new access points are proposed with this addition.	

Mr. Robinson stated that staff recommends approval of the Detailed Development Plan with one condition of approval: 1. Revise the Subdivision Plat to consolidate the two existing lots.

Chairman Runner asked if there were any questions from the Commissioners. Being none, she asked for questions, comments or opposition from anyone in the audience. Being none, she asked for a Motion.

ACTION: Commissioner Atkerson made the motion, seconded by Commissioner Huston, to approve Detailed Development Plan Docket #2010-02-DP, subject to the following condition: Revise the Subdivision Plat to consolidate two existing lots. The motion is based upon the Detailed Development Plan's compliance with Section 3.11.6 of the Warren County Zoning Ordinance. The vote was ten (10) yeas to approved the Detailed Development Plan

Chairman Runner announced the second item on the agenda this evening is also a Detailed Development Plan described as: *2010-03-DP Warren County Board of Education has applied for approval of a Detailed Development Plan on a tract of land containing 22 acres located on Elrod Road between Gallant Fox Street and Belle Haven Boulevard. The Plan proposes the construction of a two-story, 80,915 square foot elementary school, and all required parking, drainage and landscaping. This property is zoned PUD (Planned Unit Development) with a general development plan.*

Mac Yowell presented the staff report and stated Warren County Board of Education has applied for approval of a Detailed Development Plan on a tract of land containing 22 acres located on Elrod Road between Gallant Fox Street and Belle Haven Boulevard. The Plan proposes the construction of a two-story, 80,915 square foot elementary school and all required parking, drainage and landscaping. This property is zoned PUD (Planned Unit Development) with a general development plan. The school will be for approximately 750 elementary school children. Mr. Yowell said that staff reviewed this plan based on the **PUD** zone and Binding Elements agreed to in a previous change as follows:

	<u>Allowed / Required</u>	<u>Provided</u>
Lot Coverage:	35% (Binding Elements)	23.9%
Set backs:	Front: 25 feet	213 feet (south) 570 feet (east)
	Side: 10 feet (landscape easement)	423 feet (west)
	Rear: 20 feet (landscape easement)	146 feet (north)
Parking:	86 spaces	115 spaces
Building Height:	none	36 feet
Landscaping:	Landscaping plan meets the requirements of the Ordinance.	
Signage:	Limited to a single monument style sign less than 10 feet in height and no more than 75 square feet in area on each face.	
Drainage:	The drainage plan is approved.	
Traffic:	No Traffic Impact Study was required for this submittal.	
Access:	One access point from Belle Haven Boulevard, and one point from the intersection of Gallant Fox Street and Silver Charm Circle.	

Mr. Yowell stated that staff recommends approval of the Detailed Development Plan with no conditions. Chairman Runner asked if there were any questions from the Commissioners. One Commissioner asked about pedestrian crosswalks and flashing warning lights between the school and subdivision. Mr. Yowell explained that staff advised the Board of Education that they should contact the Warren County Road Department to establish warning lights, speed limits and crosswalks so they would be functional prior to the opening of the school in approximately 2012. There was discussion of sidewalks from the Belle Haven Subdivision.

Being no additional questions, she asked for questions, comments or opposition from anyone in the audience. Therein, Jeff Hayes of 1000 Hunters Pointe Lane, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Hayes asked about the athletics field that is shown on the plan.

Mr. Yowell said that staff is not sure of the plan for the field and asked for a representation for Applicants to come forward. For the applicants, Brian Shirley with Arnold Consulting Engineering Services of 1136 South Park Drive, Bowling Green, Kentucky, stepped to the podium and was sworn in by Chairman Runner to testify before the Commission. Mr. Shirley said that the athletic field could possibly be a soccer field or baseball field, however, it would not be a lit field pursuant to Binding Elements agreed to by the applicants.

Being no additional questions or comments, Chairman Runner asked for a Motion.

ACTION: Commissioner Atkerson made the motion, seconded by Commissioner Coppingter, to approve Detailed Development Plan Docket #2010-03-DP. The motion is based upon the Detailed Development Plan's compliance with Section 3.11.6 of the Warren County Zoning Ordinance. The vote was ten (10) yeas to approve the Detailed Development Plan

Chairman Runner announced the third and fourth items under the Public Hearing section are a Zone Change request and Conditional Use Permit request described as: *2010-05-Z-CO James T., Jr. & Judith B. Cook have filed an application in order to re-zone a tract of land containing 3.93 acres located at 9207 Russellville Road which is the northwest intersection of Richpond-Rockfield Road and Russellville Road from AG (Agriculture) to HB (Highway Business) with a general development plan and 2010-C-01 James T., Jr. & Judith B. Cook have filed an application for a Conditional Use Permit on a tract of land containing 3.93 acres located at 9207 Russellville Road which is at the northwest intersection of Richpond-Rockfield Road and Russellville Road. The Applicants are requesting to utilize up to 10,000 square feet of building area for the proposed commercial use on the property. This property is zoned AG (Agriculture) with a pending zone change request to HB (Highway Business) with a general development plan.*

Steve Hunter presented the staff report and stated that the applicants have filed an application in order to re-zone a tract of land containing 3.93 acres, located at 9207 Russellville Road from **AG** (Agriculture) to **HB** (Highway Business) with a General Development plan. The applicants have also applied for a Conditional Use Permit in order to have a proposed commercial use of greater than 6,000 square feet on less than 5.0 acres

Mr. Hunter stated that the applicant is proposing to re-zone the property to a commercial classification for future office or commercial uses. The proposed property is 3.93 acres in size with existing buildings located on it. Should the property be redeveloped, it must comply with the landscaping requirements of the Zoning Ordinance of Warren County. Lighting at the perimeter of the property shall be shoebox design and focused inward and downward into the property and away from adjoining properties. Lighting shall be shielded to minimize light trespass or reflection onto adjoining properties. Signage shall be limited to the existing wall signage on the post office building and a single sign which shall not exceed twenty (20) feet in height or one hundred (100) square feet in area.

A representative of the applicants and staff held a Pre-Application Conference on February 22, 2010. The property has frontage along Russellville Road and Richpond-Rockfield Road which are both State maintained roadways with Richpond-Rockfield Road having sixty (60) feet of right-of-way and 22 feet of pavement width. Russellville Road has pavement width and right-of-way width that vary. The existing land use is a post office and existing two story building and agriculture was the original zoning. This was previously a school which was allowed in AG zoning.

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

- *Adequate fire protection;*
- *Proposed future uses and*
- *Access to the site.*

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

BINDING ELEMENTS

- I. The property shall be re-platted into one lot totaling 3.93 acres within ninety (90) days of the non-appealable action.*
- II. The property shall be used for any permitted HB (Highway Business) use except retail. Retail use will be permitted at such time that adequate fire protection is available to the site, including the installation of fire hydrants, if necessary.*
- III. All floor space in existing buildings may be used in their entirety, however, if property is redeveloped with new buildings or existing buildings are destroyed, all new buildings shall be limited to 10,000 square feet, until such time public sanitary sewer is available to the site.*
- IV. Lighting at the perimeter of the property shall be shoebox design and focused inward and downward into the property and away from adjoining properties. Lighting shall be shielded to minimize light trespass or reflection onto adjoining properties.*
- V. Signage shall be limited to the existing wall signage on the post office building and a single sign which shall not exceed twenty (20) feet in height or one hundred (100) square feet in area.*

The Staff reviewed fourteen (14) 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 applicants can address this when they come forward.

Then, Policies **LU-5A-1** (*All new commercial uses shall be served by public sanitary sewer, when sewer is available*) and **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*) There are currently no public sanitary sewer lines available to the site, however, an on-site septic system will be utilized to serve the site. In addition, the property is served by a six (6) inch and eight (8) inch water line providing less than 20 PSI with less than 600 GPM. This is not adequate for commercial uses and to meet the fire control standards of Warren County.

The next policies are: **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 developments 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 set back areas to allow for street landscaping*); and **LU-5A-6** (*Sites for commercial uses located where an adjoining property on two or more boundaries is residential, must maintain at least 50 percent 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*) The applicants propose to re-zone this property to a commercial zone classification utilizing the existing two-story brick building situated on it. There is also a second building located on the property currently being used as a post office. This property currently does not have sanitary sewer available to it and does not meet the minimum fire control standards of Warren County. This property is non-conforming in that it is zoned **AG** (Agriculture) and less than five acres in size. If the property should be redeveloped for commercial use, it must meet the requirements of commercial zoning standards set forth by the Zoning Ordinance of Warren County. The request by the applicants to re-zone this non-conforming property to a commercial zone classification brings the property into compliance with the Zoning Ordinance of Warren County, therefore, relieving the property of its non-conforming status. All floor space in the existing buildings may be used in their entirety, however, if the property is redeveloped with new buildings or if the existing buildings are destroyed, all new buildings shall be limited to 10,000 square feet, until such time public sanitary sewer is available. The Zoning Ordinance permits commercial uses to utilize up to 10,000 square feet of building on property between three and five acres that do not have public sanitary sewer available to it, however, the property owner must obtain a conditional use permit. The property shall be used for any permitted **HB** (Highway Business) use except retail. Retail use will be permitted at such time that adequate fire protection is available to the site including the installation of any fire hydrants, if necessary. The property shall be re-platted into one lot totaling 3.93 acres, within ninety (90) days of final non-appealable action.

In addition, Policies **LU-5B-1** (*Infill sites with access to at least a minor collector street may be developed as commercial uses which are low volume traffic generators. The proposed development shall maintain the residential scale, size and style of the neighborhood. At least 25% of the site shall be landscaped open space*); **LU-5B-2** (*Peripheral commercial development must be located on at least a minor collector street*); **LU-5B-3** (*Primary ingress or egress to the commercial site shall not adversely impact any residential neighborhood*) and **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*) U.S 68/KY 80 (Russellville Road) is a four lane divided highway with a 55 mph speed limit. The latest traffic count shown by the Kentucky Transportation Cabinet is 11,028

vehicles per day in 2007. KY HWY 242 (Richpond-Rockfield Road) is a two lane road way with a latest shown traffic count of 1,592 vehicles per day in 2008. Until such time as the property may be redeveloped, the access point on U.S 68/KY 80 should be signed a “right in-right out” entrance/exit. Should the property be redeveloped in the future, the only access point should be off KY HWY 242 (Richpond-Rockfield Road). There are currently two existing access points to this property, one access point to Russellville Road and the second access point connecting the property to Richpond-Rockfield Road.

The final two policies are Traffic Policy **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 **LU-5A-9** (*Commercial uses which are high traffic generators should not be located adjacent to any residential area except the highest density urban residential areas*) This property is located adjacent to an existing Mobile Home Park on its western boundary. Should the property be redeveloped for commercial uses in the future, the access would be limited to Richpond-Rockfield Road opposite the residentially zoned property to the west.

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.

Mr. Hunter said he would also like to present the staff report concerning the request for a Conditional Use Permit. He stated that the applicants are requesting a Conditional Use Permit for property located at 9207 Russellville Road in order to use existing buildings on a lot of at least three acres in size utilizing an on-site septic system. The applicants are proposing to use the existing buildings on the property that are served by a septic system. In reviewing the Zoning Ordinance 1.12.2.A(c) **1.12.2 Not Within 1,500 Feet of Public Sewer:** Development of land farther than 1,500 feet from existing public sanitary sewer shall show one of the following: the total of all structures on the site is between 6,000 and 10,000 square feet and the site is at least three acres and a Conditional Use Permit has been obtained for the use. The property is pending a zone change approval from **AG** (Agriculture) to **HB** (Highway Business) and situated on 3.93 acres of land. In order for the property to legally use up to 10,000 square feet of the existing building for a commercial use utilizing its on-site septic system on less than five acres, the property must receive a conditional use permit in order to comply with the Warren County Zoning Ordinance.

Mr. Hunter said that staff finds that the proposed Conditional Use Permit is in compliance with KRS 100.237 and staff recommends that the Conditional Use Permit request be approved.

Chairman Runner asked if there were any questions from the Commissioners for Mr. Hunter. Commissioner Sparks asked about letter “G” in the criteria about water, sewer or septic system and if this would be in compliance. Mr. Hunter said that “G” says it will have adequate water and sewer supply; storm water facilities, transportation facilities and the staff considers that this is adequate for some uses, but would have to be taken care for other uses.

Commissioner Atkerson asked about retail sales, which Mr. Hunter said no antique sales would be allowed, however, antique tractors (vehicles) could be sold from the facilities, possibly a bed and breakfast, day care, etc., but the water would have to be figured out prior to any other usage.

Commissioner Coppinger asked about the water pressure to the property and what the problem might be in that there are two water lines in the area. Mr. Hunter said that staff contacted the Water District and was told less than the amount needed, but when the staff engineer looked over the area, there may be a pump station or dead spot in the pressure and the water district said there is less than the pressure needed at this particular location.

Being no other questions from the Commissioners, Chairman Runner asked the applicants if they wished to come forward. Attorney Larry Hinton, for the applicants, asked for a short meeting outside the chamber to discuss this case. After a short meeting, Attorney Larry Hinton came to the podium and confirmed with the staff that no retail sales can be in the facility. Mr. Hinton said he represents the applicants who live in Texas and the realtor who is going to sell or auction this site. Mr. Hunter did confirm that antiques cannot be sold from this facility under the Binding Elements and because of the water pressure problem.

Chairman Runner asked if there were any questions for the applicants' counsel or representative from the Commissioners or the audience. 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.

ACTION: The Motion was made by Commissioner Ritter, seconded by Commissioner Rich to approve the proposed Zoning Map Amendment, together with and conditioned upon a general development plan, docket #2010-05-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-5A-4, 5, 6, 8, 9, 11, 12, 13 & 14; LU-5B-1, 2, & 3; 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 nine (9) yeas and one (1) nay, so approved with opposition. A recommendation for approval will be sent to the Warren County Fiscal Court.

Chairman Runner asked for a second Motion. Attorney Moore stated that this approval would need eight (8) affirmative votes to pass.

ACTION: Commissioner Rich made the Motion, seconded by Commissioner Sparks to approve the Conditional Use Permit, Docket #2010-C-01, for a commercial use using up to 10,000 square feet of building utilizing a septic system on less than five acres of land. The testimony presented in this public hearing has shown that the use: is not detrimental to the public health, safety or welfare in the zone in which it is proposed; will not contribute toward an overburdening of municipal services; will not result in increased traffic congestion,

additional parking problems, substantial increase in population density, environmental problems or constitute a nuisance, and otherwise meets the requirements of the Zoning Ordinance. The vote was nine (9) yeas and one (1) nay, so approved with opposition.

ADDITIONAL BUSINESS:

Chairman Runner asked if there was any additional business or any announcements. Mr. Hunter came to the podium and said that he met with the Budget Committee prior to this meeting and together they propose an amendment to the 2009-2010 budget based on the following items: 1) The City of Bowling Green has cut the 4th Quarter CCPC funding; and 2) Warren County Code Enforcement has been passed to Operation P.R.I.D.E. along with its funding. Therefore, the Budget Committee felt the budget should be amended to reflect changes based on the numbers given.

ACTION: Upon Motion of Commissioner Ballance, seconded by Commissioner Rich to amend the budget for 2009-10 as presented. All members concurred ten (10) yeas).

Mr. Hunter said that the Comprehensive Plan Task Force will meet March 30th, and that packets will be mailed out to the Task Force Committee prior to the meeting.

Mr. Hunter gave the Commissioners a draft agenda for the April 1, 2010 meeting.

Chairman Runner stated there was no additional business to come before the Commission; the meeting was adjourned at 8:10 p.m.

CHAIRMAN, VELMA RUNNER

Administrative Executive Secretary
Sandy M. Clark