



Danville-Boyle County Planning & Zoning Commission
445 West Main Street P.O. Box 670
Danville, Kentucky 40423

MINUTES OF THE DANVILLE-BOYLE COUNTY PLANNING & ZONING COMMISSION MEETING

NOVEMBER 7, 2018

The Danville-Boyle County Planning and Zoning Commission met for a regular meeting at Danville City Hall on Wednesday, November 7, 2018 at 9:00 a.m.

COMMISSIONERS PRESENT:

Jerry Leber, Chairman
Jim Boyd
Susie Kelly
Terry Manon
David Walden

OTHERS PRESENT:

Bruce Smith, Attorney
Steve Hunter, Director
Lisa Bowman, Compliance Administrator

A. INVOCATION

Chairman Leber announced there was a quorum present and led the opening prayer.

B. CALL TO ORDER/ROLL CALL

Chairman Leber called the meeting to order.

C. APPROVAL OF MINUTES

Commissioner Walden made a motion to approve the minutes of the October 3, 2018 meeting as presented. Commissioner Kelly seconded the motion and it unanimously carried.

D. FINANCIAL REPORT-SEPTEMBER 2018

The financial reports for September 2018 were presented for approval.

A Motion was made by Commissioner Kelly to approve the September 2018 report. It was Seconded by Commissioner Manon and unanimously carried.

E. CONSTRUCTION SURETIES

Acknowledging the current balance of standard sureties being held by P&Z.

F. SUBDIVISION APPROVAL

- 1) Presented by Surveyor Carroll: Boyle County Property Management LLC, agent for the Joseph Frankel Estate, has applied for an approval of a Subdivision on tract(s) of land containing an approximate 7.921 acres, located at 0 Bluegrass Pike, Danville, KY. The property is zoned Agricultural Residential (AR-1).



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A Motion to approve was made by Commissioner Manon, seconded by Commissioner Boyd and unanimously carried.

- 2) Presented by Surveyor Dale Shepperson: James Lawson and Robert Stoudemayer have applied for an approval of a Subdivision on 2 tract(s) of land containing an approximate 7.148 acres combined, located at 0 Winterhawk Lane, Danville, KY. Mr. Lawson had brought this property before the Commission a couple of months ago, in order to divide the parcel into 2 tracts. The back tract is now being subdivided again. It will have a 25' strip with it that goes to Winterhawk that will be combined with Mr. Stoudemayer's existing 25' tract, creating a stand-alone property that is zoned Agricultural Residential (AR-1). Platting a 2.99-acre stand-alone tract from 7.148 acre.

A Motion to approve was made by Commissioner Kelly and seconded by Commissioner Manon carried unanimously.

- 3) Presented by Surveyor Dale Shepperson: Steven & Martha Taylor have applied for an approval of a Subdivision on a tract(s) of land containing approximately 120.723 acres located at Elk Cave Road, Gravel Switch, KY. The property is zoned Agricultural Residential (AR-1). Not non-conforming lots due to road access in Casey County, Kentucky. Plat to be recorded in Casey and Boyle Counties.

A Motion to approve was made by Commissioner Manon, seconded by Commissioner Boyd and carried unanimously.

- 4) George & Patricia Douglas and Jeff & Trena Burger have applied for an approval of a Subdivision on a tract(s) of land containing approximately 2.498 acres located at 3926 and 3765 KY Hwy 1856 (Scrubgrass Road), Parksville, Boyle County, Kentucky. The property is zoned Agricultural Residential (AR-1). Redefining meets and bounds.

A Motion to approve was made by Commissioner Walden, seconded by Commissioner Kelly, and carried unanimously.

- 5) Bradley Whitehouse has applied for an approval of a Subdivision on 2 tract(s) of land containing approximately 11.495 acres combined, located at 1925 Gose Pike, Danville, Kentucky. The property is zoned Agricultural Residential (AR-1). Correcting previous recorded plat (mid70s) errors and dividing parcel into 2 tracts, located approximately 1 mile from ByPass, South Gose Pike.

A Motion to approve was made by Commissioner Boyd, seconded by Commissioner Kelly, and carried unanimously.

G. PUBLIC HEARINGS

- 1) Michael McAfee has filed an application to rezone a property located at 0 Stanford Road, Danville, Kentucky on a tract of land containing approximately 45.844 acres. The requested zone change is from Agricultural Residential (AR-1) and Industrial Business Development (IBD) to Neighborhood Center Residential and Commercial (NCR-C).

- a) Director Steve Hunter summarized his Staff Report on the McAfee Zone Change Request (Exhibit A) as follows:

- 1) The zoning change is only to occur behind existing Highway Commercial.



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- 2) The area is intended for a mix of uses - commercial, to office, to residential.
 - 3) The Future Land Use designation is mixed-use, having been previously changed as a precursor to this action.
 - 4) The Concept Plan has been revised since your commissioner packages were mailed. A revised plan is before you. (Exhibit B) This Plan has been the joint effort of P&Z staff, the client, and his Engineer and has a dual purpose. It establishes general, adaptable, parameters for the property development and promises hard conditions / commitments that will carry through the completion of the project unaltered. Reference is made to Exhibit B enclosed.
 - 5) A street is proposed through this property, kind of across from Pioneer Playhouse, that could tie into JD Woods Drive, if a partnership can be worked with the City on that matter. That would make a new City cross Street to Second Street. KYTC, however, shall have final say of road placement and the requirement of future trip generation and traffic plan studies.
 - 6) The Zoning uses established on the Master Plan would be locked in at exact division lines shown with the approval of this Zone Change request.

- b) In closing, Mr. Hunter reminds the Commissioners that for a zone change to be approved, it must meet the following: The zone change should follow the Future Land Use Map and Comprehensive Plan as its basis. All requirements of notices were properly completed per KRS 100. The applicant has provided enough evidence that the properties zoning is inappropriate.

Chairman Leber asked the Commission if they had any questions:

Commissioner Manon asked about the likelihood of a connector road from JE Woods dead end Street.

Director Hunter acknowledged that any connector street possibility would have to be planned in conjunction with KY School for the Deaf and the State of Kentucky.

The floor was opened to the public and the following citizens spoke:

- 1) Vahlkamp, Sarah – asked if it is a concern to build within the flood plain area at bottom of exhibit map (Exhibit B).
 - a) Response by Mr. McAfee – No structures will be erected within floodplain. Plantings will be the only things located in any flood prone areas, assuring any possible run off would not be a pollutant in the local waterways.
- 2) Henson, Robbie - of Pioneers Playhouse, is concerned about excavation and its effect on the area, traffic, and whether the quality of the development as presented will carry through to project completion.
 - a) Response by Director Hunter – Loss of older trees is a downside of development. I believe the developer's intention here is to develop a quality development. The promised stronger buffer and walking path will add to the historic character of the area.
 - b) Response by Mr. McAfee – The hole currently on site will be filled, with quality fill, to a level/grade suitable for building foundation. The fill will be provided by McAfee agents and will not be an open site for “free” fill material.



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Chairman Leber opened the floor to those that would speak in opposition of the zone change request above described.

No reply having been made, Commissioner Manon then made a Motion to close the public input portion of the hearing. The Motion was seconded by Commissioner Kelly and passed unanimously.

The Chairman instructed the Commission that a Motion may be made to approve or deny the McAfee Zone Change Request, following the hereinafter Findings, or it may be tabled for further study and decision later.

KRS 100.213 - Findings Necessary for a Proposed Map Amendment

Before any map amendment is granted, the planning commission or the legislative body or fiscal court must find that the map amendment is in agreement with the adopted comprehensive plan, or, in the absence of such Finding, that one (1) or more of the following apply and such Finding shall be recorded in the minutes and records of the planning commission or the legislative body or fiscal court.

- a) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;
- b) That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of such an area.

Commissioner Kelly acknowledged she was comfortable with what had been presented and made a Motion to approve the zone change, verbally agreeing to incorporate the following points therein:

- A Motion is made to Approve the proposed Zoning Map Amendment, together with and conditioned upon the Conceptual Development Plan and the Conceptual Development Plan Conditions submitted by the Applicant.
- Based upon the testimony and documents presented in this public hearing, the proposed Zoning Map Amendment is consistent with the adopted 2017 Comprehensive Plan as demonstrated by its compliance with the following:
 - Is consistent with the Future Land Use (FLUM);
 - Is consistent with the adopted Goals and Objectives.
- 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.

Commissioner Walden seconded the Motion. The Chairman then asked if there were any question from the Commission with regards to the Motion. Hearing none, a vote was taken, and the Motion passed unanimously.

The Danville-Boyle County Planning & Zoning Commission has filed an amendment to Chapter 1 (Goals and Objectives) of the 2017 Danville-Boyle County Comprehensive Plan.

Chairman Leber opened the floor for public comment on the Comprehensive Plan Amendment.

Sarah Vahlkamp voiced her appreciation that Smart Growth Boyle's input was woven into the Amendment presented.



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Chairman Leber asked for any other public response? None having been made, Commissioner Kelly made a Motion to close the public input portion of this hearing. Commissioner Boyd Seconded the Motion and it was unanimously passed.

Commissioner Manon made a Motion to accept and approve the Amendment to Chapter One of P&Z's 2017 Comprehensive Plan. Commissioner Walden Seconded the Motion and it passed unanimously.

H. NEW BUSINESS:

- 1) ADVISORY COMMITTEE REPORT
- 2) PERSONNEL COMMITTEE REPORT
- 3) BUDGET COMMITTEE REPORT

- A) Legal Services Contract – a flat fee agreement has been entered with Smith Law Firm, Nicholasville, KY.

Commissioner Kelly made a Motion to approve entering into this Legal Services Contract with Smith Law Firm of Nicholasville, Kentucky. Commissioner Boyd Seconds the Motion and it passed unanimously.

- 4) ZONING PERMITS SEPT 2018

- 5) OTHER NEW BUSINESS

- A) NCC Zoning Conversion Request - Doc Chambers, 1620 Shakertown Road, Danville KY.

- 1) Mr. Chambers seeks guidance from the Commission regarding the Brookcove Development on Shakertown Rd in Boyle County. This property was last known to be C-2 (circa 1984) prior to the P&Z ordinance that converted R-3 properties to NCC. Some C-2 properties were inadvertently transferred to NCC as well it seems.

Mr. Chambers and his partner are operating an automotive repair shop at the Brookcove location, which is a non-compliant use under its current NCC zoning. Because the garage has been in existence and in operation for many years, the business can continue in a "Grandfathered" status.

The partners wish to increase the size of their business and promote the business with signage, however, which is not permitted in the current zone. When the partners were informed that a zone change would be required to bring about their desired changes, P&Z Staff were, justifiably, asked why a zone change would be the business owner's responsibility when the zone change was made in error.



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- 2) Brookcove is one of many former C2 and R3 Zones which appear to have been inaccurately converted and need to be reviewed for correction by the Commission if a fair/comparative zoning classification can be found and/or created.
 - 3) Attorney Smith is of the opinion that this matter cannot be corrected with a simple map change but rather, perhaps, with a change to a Highway Commercial Zoning with specific Conditions imposed to hold back the greater commercial intensity allowed by this zoning option within a residential setting.

a) 2019 Meeting Schedule

A proposal has been made to move our Planning and Zoning Commission Meetings to the fourth Wednesday of every month, as opposed to our current first Wednesday of every month.

Commissioner Manon made a Motion to approve a revised Planning and Zoning Commission Meeting Calendar that schedules regular meetings for the fourth Wednesday of every month, at the hour of 9:00 AM, beginning January 2019. Commissioner Walden Seconded the Motion and it passed unanimously.

- I. ANNOUNCEMENTS – None
- J. ADJOURN

This is concluded the business scheduled on the agenda.

Commissioner Manon made a motion to adjourn. The motion was seconded by Commissioner Kelly and it was unanimously approved upon voice vote.

Drafted by:

LISA G. BOWMAN, Compliance Administrator

Approved this ____ day of December 2018.

JERRY LEBER, CHAIRMAN
DANVILLE/BOYLE COUNTY PLANNING AND ZONING
COMMISSION