



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
REGULAR MEETING – COMMISSIONER’S CHAMBERS
CITY HALL, 445 W. MAIN STREET, DANVILLE, KY 40422
July 27, 2022, 9:00 a.m.

COMMISSIONERS PRESENT: Jeffrey Baird, Chair
Steve Griffin
Sam Collier
Terry Manon
Sally Davenport
Rita Douglas

OTHERS PRESENT: Henry Smith, Attorney
Lisa Bowman, Administrative Assistant II

1. **CALL TO ORDER / INVOCATION** - A quorum of commissioners being present, Chair Baird opened this July 27, 2022, regular meeting of the Danville/Boyle Planning and Zoning Commission at 9:00 AM. Commissioner Davenport led the invocation.
2. **APPROVAL OF MINUTES** – A motion was made by Commissioner Griffin to approve the minutes of the June 22, 2022, PZC meeting. The motion was seconded by Commissioner Manon and passed by unanimous vote.

FINANCIAL REPORT – Commissioner Manon gave a brief presentation – making the following points: PZC ended the year about \$13,000 more than anticipated budget earnings. Our final revenue came in about \$9,000 stronger than anticipated in our budget. Our total expenditures were about \$15,000 less than our original budget, about \$8,000 of that was excess wages as we never hired the temp summer person budgeted, and about \$3,000.00 was attorney fees we had budgeted for the chance of case involvement that did not occur, and we spent about \$3,000 less with Bluegrass Add than was budgeted. No Committee action was required. No Committee action was required.

- 2) **CONSTRUCTION SURETIES** – The construction sureties report for June 2022 was presented.



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- A. Boyle County Industrial Foundation has renewed their LOC (YR-2 LOC submitted on 07-12-2022) in amount of \$523,000.00 (for Street and Sewer Ext) from Construction Bond Estimate.

A motion to approve BCIF's LOC as submitted was made by Commissioner Douglas and seconded by Commissioner Collier. The motion passed by unanimous vote.

- B. Nancy Davis – Accept the Cash Bond submitted on 07/22/2022 in the amount of \$47,884.00 as 20% of the \$239,420.00 Construction Bond Estimate for the 0 Summit Drive Project and authorize Chair to sign Developer Contract.

A motion to approve Nancy Davis' Cash Bond as submitted was made by Commissioner Griffin and seconded by Commissioner Manon. The motion passed by unanimous vote.

3) SUBDIVISION APPROVALS – The following subdivision applications were presented:

- a. Ronald Lynn and Martha Ann Tucker Russell have applied for the subdivision of a 2.748-acre tract of land known as 2450 Parksville Cross-pike, Boyle County. The property is zoned AG (agricultural).
- b. BBN Properties, LLC., have applied for the subdivision of a 1.373-acre Tract of land known as 101 Breathitt Avenue, Danville. The parcel is zoned RM-3 (muti-family residential).
- c. Joedy Sharpe Construction Company have applied for the subdivision of a 10.264-acre tract known as 0 Hunt Farm Road, Boyle County. The parcel is zoned R1-A (single family residential).
- d. Joedy Sharpe Construction Company have applied for the subdivision of a 10.264-acre tract of land known as 0 Hunt Farm Road, Boyle County. The property is zoned R1-A (single family residential).
- e. Bright Family LLC., have applied for the subdivision of a 10.041-acre tract known as 3012 Lexington Road, Boyle County. The property is zoned AG (agricultural).
- f. Danville Host LLC., has applied for the subdivision of a 3.096-acre tract of land known as Bypass Centre Section 2, Lots 8 & 9, at 0 Shannon Way, Danville. The property is zoned HB (Highway Business).
- g. Diana L. Turner 2014 Revocable Trust, Diana Turner, Trustee, has applied for the subdivision of a 0.566-acre tract of land known as 109 Colonial Way, Danville. The property is zoned R1-A (single family residential).
- h. Michael Lynch has applied for the subdivision of a 2.777-acre tract of land known as 360 Tibbs Lane and 2075 Waterworks Road, Boyle County. The property is zoned AG (agricultural).
- i. Lee & Sons, LLC have applied for the subdivision of a 4.586-acre tract of land known as 101 Valksdahl Ave., Danville. The lot is zoned IBD (Industrial Business District).

A motion to grant final approval to plats #(a) through (i) above, together with suggested alterations, was made by Commissioner Collier, seconded by Commissioner Griffin, and passed by unanimous vote of the commission.

4) PUBLIC HEARINGS:



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A. LMD Holdings, LLC., has filed for a Zoning Map Amendment on a tract of land containing 2.836 acres located at 1695 Lancaster Road, Danville, KY. The requested zone change is from Agricultural (AG) to Light Industrial (LI).

- 1) Francesco Viola, address 1007 Keil Street, Plymouth, Michigan, presented the Zoning Map Amendment request, together with the applicant's proposed conditions. He stated that they are requested this Zone Change because, when staking the location for the intended distillery, they realized if they build where planned in the IBD zoned property the structure would lay within a depression. The topography is such that if we build were originally planned, it will be down in a valley. If we move the build closer to the old home it will be on a hill and simply look better, more majestic. It just makes sense to bring it forward 100-200 feet.

When asked by Commissioner Collier to locate the distillery location in proximity to the old house, Viola replied that the house will still be where it is and the distillery would be built in a sense, around the old home, fitting it into the side of the distillery as a Tetris type fit. Commissioner Collier confirmed the access and entrances on the property would remain unchanged. Viola confirmed and went further to say this rezoned area will avoid the lose of their much need AG land. They need the productive farmland for distillery use. Commissioner Collier acknowledged Mr. Viola's efforts to maintain the property is such pristine condition.

- 2) Counsel Henry Smith asked the applicant if this parcel will require re-platting if the amendment is approved, to which Kendall Wise, Engineer with Vantage Engineering, indicated this property contains multiple large farm tracts and this zone boundary is not on a parcel line. In the future a plat may occur, but at the moment it is not needed. The Zone Boundaries are simply in space.
- 3) Matthew Froberger, attorney for applicant, spoke to confirm that this application is simply extending the zoning line of the zone change you all granted last year. Chair opened the floor to public comment. He also indicated the conditions entered are the same as the agrees upon zoning change conditions from last year. Commissioner Collier asked if the applicants are well aware of the nearby natural gas line to their property, to which Hon. Froberger reminded the Commission that last year the Company provided a utility plan and a Geotech study on it with the last zoning and this change will not change any of that at all.
- 4) Hon. Smith stated, "Mr. Viola the chair alluded to meeting the burdens of showing that this Zone Change is necessary and the argument on your application is that you conform with the comprehensive plan and it sounds like what you're laying out is that this zone map amendment request is analogous to the previous one that was approved in August of 2021 and then subsequently approved. i just want to read into the record the conditions that justified that prior zone map amendment. We said that it complied with the comp plan's goals and objectives with the general land development objectives of maintaining green space with its building cap condition, that the change would promote agribusiness, that it complies with the economic development goal of providing growing a diverse economic base, and I believe that is the language used in the narrative you submitted. It will allow for full employment because of differing complementary businesses proposed that could contribute to healthy job creation and



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a tax on stored spirits will be a boon to local tax revenues and it complies with historic preservation goals by preserving historic fences and other structures on the farm and keeping the farm in its traditional agricultural use. Are you representing that those same justifications support this request today?" To which Hon. Froberger affirmatively and Hon. Smith continued, "This mentioned other structures on the farm and preservation - I wonder if you might say a word or two about the house on the property and the status of that?"

- 5) Mr. Viola answered, "So we've had many individuals come to us to try to help us. People from Danville, government contractors, many different people we've worked with and, up until about a week ago, nobody could help us with the house. They all told us that we need to tear it down and then rebuild an exact replica. But we didn't give up we did just meet Jess Correll (President of First Southern National Bank, preservationist, and developer) last month, and he has found somebody for us. The name of the company slipped my mind but this gentleman has expressed hope that we can actually keep the home. He went through the foundation and the foundation should be strong enough where we might have to take down part but then we can re-build what's leaning. We're hopeful that we can rebuild the home in its exact form. I mean that's what drew us to the property. That's why we're there and this guy has hope there will be enough of it there that we can keep it on the national registry for historic places because we're not making any significant changes, assuming he can execute the plan that he's laid out."
- 6) Chair Baird asked if they could present any documentation confirming their testimony, to which Mr. Viola replied in the negative.
- 7) Mr. Viola continued, "I mean we're hopeful that we can do it. I can't afford to do anything with the house right now. Building a distillery is very expensive. I mean if you go to any restaurant and ask them to serve food for seven years and then get paid seven years later it's a very hard thing to finance. I have no investors. I'm the only one doing it - it's just me and we're not like other distilleries. I'm building this for me and my family for the community and for our customers. I'm never going to sell the company. it's not going to be something I build and then just unload to make a bunch of money. This is where I want to be able to close out the second half of my life - here in Danville. I plan to be moving here in the next couple years with my family so we're in this. This is part of who we are and what we are planning on doing for ourselves and for the community. This house is important. I've written song about it. I've gone through a lot to be able to trademark the name William Crowe Stone House. Jim Beam owns the name Old Crow and they did not let us trademark the name, but Matt's a very good attorney and we worked out a compromise on colors that we can't use and certain things we had to put in with the trademark. So the home, despite what other people may say in the community or some people have said in the past, we have every intention of saving it. That's why we kept fighting and that's why I met with Jess Correll back in June. But we are still in the early stages there and I just I can't commit myself to a condition about fixing the home before being granted the zone change. I have to make some money from distilling so I can pay for this. It's top of our agenda to do."



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- 7) Chair Baird said, "You have a large part property and that's your legacy. You want to be on the property. So why not make some sort of a commitment to restoring that property?"
- 8) Hon. Froberger replied "We believe we're going to be very successful at distilling but if you heard Mr. Viola a few minutes ago that there's no money to be from that house. We need to generate income to be able to build that house. I mean if an economy crashes or you have a fire at a distillery, we can't distill and you can't make the money to fix the house and now we've got a condition that we can't meet. That's the issue."
- 9) The Chair asked, "So the house is secondary?"
- 10) Mr. Viola added, "We're having a honest discussion here. The truth is the house is a lot more money to fix than if you just build a 2,500 square foot home or whatever the size square footage of the house is. It's a pretty big deal and we have spent countless hours and I've spent over 60 thousand dollars trying to save the home and to shore it up, with Richard Mc Allister with the help of the mayor. I mean this is four or five years ago we did that - before i even owned the property i spent this money. I had an option to buy it but i didn't own it and i still tried to save the house. We all worked together on that project and we did the best we could but it's a tremendous amount of money. Nobody has been able to come to us to help... Joni House, the Mayor Mike Perros, they've been out there many times and none of their efforts have helped us in any way. They've tried and haven't given up and i never gave up... But they came out there and not one of their contacts was able to save the home. Everyone has said that you'd have to tear it down and build an exact replica, which costs millions of dollars to do... When we go to fix the home it's going to be a showpiece. We'll do something with it, but there's not going to be an income that's really generated from the home other than have it look nice on the property. So we've done everything we could with other people trying to help us but nothing's come out of it from their efforts until we met Jess Correll last month... We're hopeful that his guy is going to be able to do something for us but it's still too early (to tell). There's some optimism but we're skeptical - just based on the history of it. We've heard so many times that it's unsafe. Certain contractors said they wouldn't even take the job because they would never send their people in there to start taking it down because it was unsafe. Kendall Wise and his team did a lidar scan last year. i mean i spent \$10,000 on that. They risked their lives to get in there. I don't know what more effort i can show. What a lidar scan does, correct me if I'm wrong, it maps out what was there so that when we go to recreate it, if anything crumbles down, we can then build it in its exact form. i mean we're not showing by our actions that we're trying to destroy the home. We're trying our best. To reiterate, we spent a significant amount of money... i mean it's central to the to the plane but we can't condition the improvement... I mean if we make a condition, what's going to happen is i may be lying to you because i might say yes but then we find out i can't do it."



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- 11) Kendall Wise, with Vantage Engineering, took the podium to say, "I think one of the things that I've heard come up in our design meetings over and over for two or three years now is the 'so what's the definition of restore?' You know I think we've had conversations of how parts and pieces, or the look, of the house could be incorporated into the look and feel of the whole project. I think Francesco respects that look and intends to build it into the project. So what does restore mean? What is that definition and what kind of strings does it attach to this property if we say we're going to restore the house? I think it's too much to commit to."
- 12) Chair Baird stated that it would have been nice had some documentation of these claims had been submitted before the Commission. Hon. Froberger commented that adding the house issue to the Zone Change just did not seem appropriate to him, as much as it is a part of the plan. He added that they would have had to have gathered sworn statements from individuals with whom they have met. Francesco pointed out that he simply did not know the home restoration would be an issue with this Amendment request until this moment.
- 13) Francesco added "Why we are here before you is to build a distillery, but if there are questions pertaining to the house we are happy to answer." The Chair then asked what the distillery's proximity would be to the house, to which Francesco answered, "Sixty (60) to one hundred (100) feet. Very close... it just makes sense for it to be right there. The house is not part of the construction of the main distillery... I mean we're going to ignore it while we're building a distillery but as soon as we start generating money from the distillery that's first on our plans. At the same time we have to build rick houses to store the barrels. We're hoping to generate enough money to then fix the house and build rick houses at the same time. It's a tremendous amount of money to do what we're doing. It's not cheap and I put everything that i own into this. Everything I make goes back into our property goes back into our business - goes back into Danville..."
- 14) Commissioner Collier spoke, saying, "The chairman is absolutely right. It's of interest to make sure that we have a separation on here, which sounds like the right way to do it. We are interested in the house and anticipate that if that's going to change into a commercial or an agricultural or rezoning element, you'll be back here. Right now it's agriculture, the house. I'm not trying to say how you do what you need to do but you have to sequence those (things). I appreciate you telling me, for example, details of the house. Like the Chair, i don't track what goes on in other conversations, not to that extent... "So are we talking years?"
- 15) Mr. Viola replied, "Our goal is to have our distillery fully operational June first of next year. We're working with Rhonda Doss and Justin, that's our target. I'm pushing but i mean we thought we would have broken ground sooner. In this economic climate... it takes forever to get



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anyone to do anything... We have our equipment ordered. We have things ready to go but who knows what sort of things we can run into."

- 16) Commissioner Davenport asked, "Sir, you said that you didn't feel comfortable in agreeing that you absolutely would preserve the house. Would you be willing to agree that the intent of this change to light industrial is not (requested) will not intend to take down the house - to destroy the house?"
- 17) Mr. Viola and Hon. Froberger answered, nearly together, "We have no intent to destroy the house. Yes, of course."
- 18) Mr. Viola continued, "i have no problem with that... just full disclosure i mean the house is still there. Some people have recommended that, before i came here today, they wanted me to tear it down so there would be no discussion about a house. I'm just telling you the truth but i told them no because I don't want to rebuild the house as a as a replica. That's not what I you want to see. I want to save the house if can. We have not been hopeful (of that) up until recently... It's just in the beginning stages so i don't, i can't really commit to it because i think i want to believe it...so badly that it's going to work."
- 19) Commissioner Collier again spoke, asking, "...Can we put in the document somewhere, let the record show, that doing this expansion (of a distillery) ... on this 2.8 acres...activities thereon don't impact and damage the house. Is that something you can control from your side?"
- 20) Hon. Froberger answered, "We're not builders but what we've been told so far is where we intend (to have the) distillery doesn't impact the home."
- 22) Commissioner Griffin added, "We can go back to the first time they ever set foot in here. They committed to trying to protect that house... They said 'our intentions are to do this..' We zoned it now they're asking for a little bit of, you know, 'We made an error. We should have rezoned a little bit more. I think their intent has been made clear to everybody."
- 23) Chair opened the floor to public comment.
- a. Mr. Earl Robinson, a resident of Lancaster Road, Danville, took the podium and offered his support of the Luca Mariano project, pointing out how well the property has been kept in the last for years of Mr. Viola's ownership. He said, "It's been a lot of work to clean it up and there's still a lot more work to do but look what we have changed in four years. Just look how much pleasurable it is to look while driving down (52)... for the community. And we keep the garbage picked up...once a week... (Mr. Viola) wants to keep it looking pristine and nice and i take a lot of pride in doing that. it means something to me because people say 'Earl you're taking good care of that.' And i just know that he's going to save the house and i know how many people just look at it and



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they say 'We gotta take it all the way down the ground and do this and do that but how much is it gonna cost? Well it's gonna be a lot and you know it's just a lot of investment that he's going to put into the property. I think he's got a great plan and it's not going to interfere with the house. It's not nothing with the house... I hope it can be safe the way it is but that house is set there for hundreds of years and nobody has took care of it for you know 200 years probably 150. It's still standing because it's rock... all rock. I just say he is working and working every day to make it better.

- b. The next citizen took the podium expressing his support for the Zone Change Amendment, stating "My name's Tommy Watkin. I'm the manager at Mid-State Recycling and I'm speaking on behalf of Fraser Realty. We own land right across from (Luca Mariano) and I've been here since 2005 and - I'm just being honest with you - I honestly didn't know there was an old house back there till they started cleaning things up and changing it. It really has made a big difference and I'm all for the Zone Change. No opposition at all and i think it's a great thing."
- c. The next citizen took the podium, saying, " I'm Barry Welty. I'm with Caverndale Farms. We are farming LMD Holdings out there and we will be providing the grain for the distillery. So this is very important to get this Zone Change so he can get that distillery going. You know set this thing in motion. i just hope i can live long enough to see what all Francesco's going to do. With the plans that he's talked about - definitely that house has been at the forefront of any discussions that we've had... (the community) will be made very proud. (The house) didn't get in this condition since Francesco's had it. This has happened over a long period of time and hopefully he's going to correct that and get that thing back in condition, once he gets everything going. I'm sure, because that's going to be a focal point for the tourism that he's going to have in in his little community there."

24) Chair Baird opened the floor to anyone in opposition of this Amendment. No opposition had, he closed the floor to public comment and requested discussion/motion from the Commission.

A motion to Approve the proposed Zoning Map Amendment for LMD Holdings was made by Commissioner Manon, who stated, "I make a motion we approve rezoning the 2.836 acres from AG (Agricultural) to light industrial (LI) including the proposed development conditions in addition to the one that Commissioner Davenport offered which is that you would continue to leave the house in place and continue to do everything you can to save it and not disturb the house with the construction that you're doing with the distillery and that type of thing so the house could still potentially be saved. And then whatever we need to add Henry? The fact that we're compatible with the goals and objectives of the comprehensive plan and



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consistent with a 2019 flume amendment to reclassify the property at the time from low density residential to light industrial so you know whatever else we need to put in to be legally correct?"

Hon. Smith added, "Mr. Manon I think you've covered it. I took the time to read in the justifications from the most recent prior zone map amendment and if the commission's comfortable we can just incorporate those by reference into this motion. I think those stand as justifications for an approval motion...the condition I'm referring to, that I've previously read, were the justifications that show conformity with the comprehensive plan, the statement of what goals and objectives are being met. I don't those as committing the developer to any particular preconditions or requirements on their use going forward. I do have a statement on that. Maybe I'll say that and then you respond to what I'm throwing out there. But I hear differing sentiments from the commission about the house and what should or should not be imposed upon the developer. I owe it to you to say that a statement of intent about what you intend to do with the house presents a bit of an enforcement problem... It's just kind of nebulous... How can we hold them to having had good efforts or intent or not? I think that's difficult for the for zoning staff. However, sometimes I think that symbolic gestures are merited. And where this has been a subject of much discussion - a statement of intent might be just to demonstrate that we have brought this up, we've raised it to them, we've heard their testimony about what efforts they've taken and it might be the best we can do. I take note of Mr. Frogberger's comments that this presentation was geared towards building a distillery and that's what he thought needed to be included in it (his presentation). His point is well taken. I would just say to you, Mr. Froberger, that bringing up the house owes to the fact that we are sending a recommendation along to the City Commission. We know that the house has been a subject of discussion there and we just want to make sure that was part of the record (here) so that they can act upon that or not and have that available to them."

Commissioner Collier added, "I guess that's where i was coming from. The city commissioner is very aware of this situation on the house they pressed it much more than we did in times past. It's important that we make sure we understand whether it's part of this change or whether it isn't. My questions were around when you do construction work - you're so close, 100 feet is nothing. In a construction area with large equipment... does it create a secondary unknown possible damage? They'll do the right thing. They've already got it fenced around the house itself. I heard that being discussed. Is there really a need to present that part of the conversation in the motion or in an acceptance of this particular request? I'm not sure it is. I would tend to believe that's addressed separately. We had a conversation on here. We understand what it is. My suggestion is don't put anything relative to the house. Approve the motion to do this just on this property's merit. There's various good reasons why that one should happen. It's sort of what you're saying Henry, I believe because... it also meets the original goals and objectives that was part of the original property that was converted...they really are just adding more acreage."



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Hon. Smith replied, "Mr. Collier, if i hear you correctly, Mr. Manon made a motion that referred to compliance with the FLUM, adopting the August 2021 justifications, adopting the proposed development conditions that were part of this application, and you're asking that he strike from his motion any commitments about the house because you feel the discussion has revealed that that commitment exists and you don't want to attach it as part of the motion. Is that correct?"

Commissioner Collier relied affirmatively. Commissioner Manon then asked Counsel for direction in his motion wording. Hon. Smith replied, "I think Mr. Collier is proposing to put nothing in the motion...relative to the house because he thinks the discussion has already revealed the requisite intent to preserve."

Commissioner Manon questioned, "Put nothing in there about the house?"

Commissioner Collier replied, "It's no different than what we had before."

Commissioner Manon explained, "That is true...I think it would just be modifying the proposed conditions to add a fourth one that basically said that they're assuring us that the construction they're going to be making on this 2.8 some acres to put in the distillery and perhaps the chocolate factory or whatever else might be going in there, won't disturb the existing home or prevent it from possibly being rebuilt in the future."

Commissioner Collier reiterated his concern that intent would be a hard thing to prove, saying, "It's hard to judge an intention. It's hard to decide whether you've had an issue (or) whether you didn't so what's the value of putting it in?"

The Chair responded, "It's been made clear that they had issues so i don't think it's out of the ordinary for us to address those previous issues within any further zone change that comes before us on that property. Whether it's one acre, two acres, or a hundred acres."

Commissioner Manon said, "I think the point is the door is still open to fix the house. This doesn't close that door."

Hon. Froberger addressed the Chair's response, stating "They (issues that caused the City concern within the last zone change request) had nothing to do with the house. It was all over an easement, or an area that we wouldn't develop, for a proposed road that may come through at some point. There may have been some ulterior motives regarding that house but the road is what they wanted... Certainly there has been discussion about (the house) since day one."

Chair Baird responded, "And you all bring that house up quite a bit. I don't think it's asking too much the effort (to ask for) verbalization that you're putting forth on protecting that house. Why not put it in writing? You did agree to it so i don't think it's out of the ordinary because it's the asset... The new construction that you're going to do going forward with the distillery that's going to be in extremely



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close proximity to this house... it needs to be protected. They need not come back and say because we're doing a distillery, we have to demolish the house."

Commissioner Collier stated that a motion stating that is on the floor for second. The Chair replied, "The original motion to approve the Zoning Map Amendment was seconded by Commissioner Griffin, Henry, would you please restate the motion."

Hon. Smith replied, "It conforms to the comprehensive plan in that it matches the future land use map and supported by the same justifications that support the August 2021 Zone Map Amendment. We incorporate the applicant's proposed development conditions. We attach a statement of intent that the Zoning Map Amendment and the proposed development comes with no intent to demolish the house and that the development plan includes no current plan to remove the house during construction of the distillery."

Commissioner Griffin seconded Commissioner Manon's motion which stated: "The proposal complies with the Future Land Use Map, as well as conforming with those same Comprehensive Plan goals and objectives set out in the Commission's August 2021 motion, restated, and incorporated by reference herein:

'The proposed amendment complies with the future land use map; it further complies with the Comprehensive Plan's Goals and Objectives in several ways; the amendment complies with the General Land Development Objectives of maintaining green space, through its building cap condition, and of promoting agri-business; it complies with the Economic Development Goal of providing a growing, diverse economic base and allowing for full employment because the differing, complementary businesses proposed could contribute to healthy job creation, and a tax on stored spirits will be a boon to local tax revenues; and it complies with the Historic Preservation Goals by preserving historic fences and other structures on the farm, and keeping the farm in its traditional agricultural use.'

The Commission further incorporates the Applicant's proposed development conditions. Finally, the Applicant has stated its intent such that the Zone Map Amendment and proposed development are accompanied by no intent to demolish the historic house on the property, and the development plan as conceived includes no plan to remove the house during construction of the distillery."

And the Commission voted 5-1 in favor of approving the Zoning Map Amendment for LMD Holdings.

B. National Housing Associates, Inc., has filed for a Future Land Use (FLUM) Map Amendment on a tract of land containing 10.691 acres located at 0 East Main Street, Danville, KY. The requested FLUM map Amendment is from low density residential to moderate density residential.

1) Wayne Kohler president of National Housing Associates presented their request for a Future Land Use Map Amendment. He explained, "We are here today to request a FLUM Amendment for the parcel outlined in the application. It is my understanding the land use categories shown on the FLUM are influenced primarily by two factors: transportation accessibility and adjacent



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existing land use. The property fronts on Main Street so accessibility is not a factor for residential land development and public sewer and water service are available and accessible on the property. The adjacent existing land use matches the proposed land use category of the request. The existing zone of the subject property, RM2, matches the land use category of the request. The compatibility study that was included in the application suggests that the proposed use of the subject property is appropriate, compatible, and complementary to the existing neighborhood. The only reason for the requested change is to ultimately zone the property RM3, which allows attached multi-family units of three to eight units per building. The project that we are proposing will include only 40 units on 10 acres, which is a density of four units per acre, matching the existing category. The buildings in our development we believe will be six buildings with six units per building and one building with four units. As you know, zone RM3 allows for eight units per building, so we will have smaller buildings than what would be allowed. From a density standpoint it allows up to 16 units per acre we're only looking at four units per acre."

- 2) Kendall Wise with Vantage Engineering offered some exhibits into the record, attached hereto.
- 3) Mr. Kohler added, "We're proposing that we'll be building garden style one and two bedroom apartments with attached one car garages."
- 4) Hon. Smith spoke, "Mr. Chairman, if I might, Mr. Kohler the burden before you at this phase for amending the Future Land Use Map Amendment is to show compatibility with surrounding development. I think your submission from Voit Strategic Insights, which was attached to the zone map amendment application, goes to some length to support that. (It) Talks about building height, materials, intensity of use, all our criteria. The other question before us is whether your proposed development will exceed capacity of infrastructure and facilities. Would you or your engineer have anything to say about that? Roads, Water, Sewer - can you give us some assurance that what you're proposing won't exceed capacity of infrastructure?"
- 5) Mr. Wise explained, "As far as sanitary sewer the City has a main pump station, which is on the farm adjacent to us. All of the sewage along Main Street drains past our property and to that pump station so there's a huge trunk sewer in the street there right in front of us. There's capacity as far as the sanitary sewer goes the water main there's a six-inch water main that's in front to the end of the street We'll be extending (the street) further because the property is wider than the public street that's there so we'll be extending public street with this project we'll be extending the water main to the end of the public street so that future development can take off... as I said already too, our property has been built to city standards and it will be extended similarly."
- 6) Chair opened the floor to public comment. No comment being offered, Chair closed the floor to public comment and requested discussion/motion from the Commission.
- 7) Commissioner Collier expressed his belief that the applicants presented their case and he felt no need for further discussion. He then asked if the Commission was ready for a motion to be presented.

Upon the Chair's nod, Commissioner Collier said, "I'd like to make a motion that we approve the proposed Future Land Use Map Amendment."



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- 8) Hon. Smith added, "You might make mention in your motion, if the second agrees, that we've met the standard set out in our Comp Plan. They've demonstrated compatibility and given assurance about capacity of infrastructure."
- 9) Commissioner Collier agreed and said, "Yes, thank you, I'd like to include those items in (my motion)."

Commissioner Collier reiterated his motion to approve the FLUM Amendment for National Housing. The motion was seconded by Commissioner Griffin and passed by unanimous vote of the Commission.

C. National Housing Associates, Inc., has filed for a Zoning Map Amendment on a tract of land containing 10.691 acres located at 0 East Main Street, Danville, KY. The requested Zoning Change is from Two-Family Residential (RM-2) to Multi-Family Residential (RM3).

- 1) Mr. Kohler also presented the Zoning Map Amendment request, together with their applicant's proposed conditions. He explained that his organization had began the Goodall Apartment development and they maintain a 98% occupancy there with a large waiting list, demonstrating a need for housing in the area. He indicated he wanted to remain a good community partner with Danville with this proposed development. He stated, "This will be senior housing mostly. 34 of the 40 units will be deemed for senior housing - ages 55 and older. We had a market study done and there is very steep demand for senior housing in Boyle County... A one and two bedroom garden style apartments with one car garage. "
- 2) Chair opened the floor to public comment but no responses being had, he closed the floor and asked for discussion/motion action from the Commission.

A motion to Approve the proposed Zoning Map Amendment for National Housing Associates was made by Commissioner Collier, as follows:

- FLUM amendment: "the applicant demonstrated compatibility with the comprehensive plan and spoke to the adequacy and capacity of existing infrastructure."
- Zone Map Amendment: "the applicant demonstrated compatibility with the FLUM, and with the Comprehensive Plan Goals and Objectives, specifically the following:

'HOUSING

Goal: To provide an adequate supply of decent, safe, and sanitary housing for citizens of all income levels.

Objectives:

1. Encourage and support efforts to construct and maintain affordable housing for elderly, handicapped, low income and other disadvantaged persons. [...]
3. Provide sufficient acres of developable land zoned for residential uses to meet housing demands of all types.'

Furthermore, applicant shall submit a site development plan which shall comply with the subdivision regulations' standards, except where the City's Engineer signs off on divergence from these standards."

Commissioner Davenport seconded the Motion and it passed by unanimous vote of the Commission.



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7. NEW BUSINESS

- a. Advisory Committee Report - none
- b. Budget Committee Report – none
- c. Personnel Committee Report. The Chair asked to enter into closed session to discuss personnel matters.

A motion to enter closed session was made by Commissioner Griffin and seconded by Commissioner Manon. The motion passed by unanimous vote of the Commission.

A motion was made to reenter regular session by Commissioner Manon. It was seconded by Commissioner Davenport and passed by unanimous vote of the Commission.

- d. Other New Business – After a brief discussion pertaining to our vacant Director position and accounts payable requirements,

A Motion was made by Commissioner Griffin to allow Commissioner Manon as a signee on the PZC Farmer's National Bank of Danville accounts. Commissioner Davenport seconded the motion and it passed by a vote of 5 to 0, Commissioner Manon having abstained.

- e. Announcements – none

8. **ADJOURN** - Commissioner Collier made a motion to adjourn this July 2022, meeting of the PZC. The motion was seconded by Commissioner Griffin and passed by unanimous vote.

Drafted By,

LISA G. BOWMAN, ADMINISTRATIVE ASST. II

Signed this _____ day of _____, 2022, by

Planning and Zoning Commission Chair.