



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

DANVILLE-BOYLE COUNTY PLANNING & ZONING COMMISSION

MINUTES

APRIL 27, 2022, 9:00 a.m.

REGULAR MEETING - DANVILLE CITY HALL
445 W. MAIN STREET, DANVILLE, KY 40422

COMMISSIONERS PRESENT: Jeffrey Baird, Chair
 James Boyd, Vice-Chair
 Steve Griffin
 Anne Sleet
 Sam Collier
 Terry Manon
 Sally Davenport
 Rita Douglas
 Tom Ruby

OTHERS PRESENT: Henry Smith, Attorney
 Steve Hunter, Director

- A. CALL TO ORDER** - A quorum of commissioners being present, Chair Baird opened the April 27, 2022, regular meeting of the Danville/Boyle Planning and Zoning Commission at 9:00 AM.

- B. APPROVAL OF MINUTES** – A motion was made by Commissioner Manon to approve the minutes of the March 23, 2022, PZC meeting with a correction to the solar farm recommendation vote count on page 11. The motion was seconded by Commissioner Ruby and passed by unanimous vote.

- C. FINANCIAL REPORT** – A motion was made by Commissioner Manon to approve the March 2022 financial report as submitted. Commissioner Boyd seconded the motion and it passed unanimously.



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D. CONSTRUCTION SURETIES – The Construction Sureties Report for April 2022 was presented as an information update. The following additional items were discussed:

1. Action was requested for Joedy Sharpe Construction Co Inc/ Hunt Farm Section 5 - Reduce Letter of Credit (LOC) amount in the amount \$62,948.00, reduced amount of \$28,231.00 to be held for remaining Sidewalk Construction (1,711 linear feet includes 10% project contingency). A motion was made by Commissioner Collier and seconded by Commissioner Ruby and passed by unanimous vote of the Commission.

2. Action was requested for Joedy Sharpe Construction Co Inc/ Hunt Farm Section 4 - Release Cash Surety in the amount of \$7,012.50 (Sidewalk Construction). A motion was made by Commissioner Collier and seconded by Commissioner Griffin and passed by unanimous vote of the Commission.

E. SUBDIVISION APPROVALS

1. Redbud Farm LLC has applied for an approval of a Subdivision on a tract(s) of land containing 55.345 acres, located at Sanctuary Road, Retreat Road and Clarks Run Road, Danville KY. The property is zoned Single Family Residential (R1-A) and Single-Family Residential (R1-C). A motion to grant final approval to the plat was made, seconded then passed by unanimous vote of the Commission.

2. Joedy Sharpe Construction Company has applied for an approval of a Subdivision on a tract(s) of land containing 7.095 acres, located at 0 Ridge View Road, Danville KY. The property is zoned Single Family Residential (R1-A). A motion to grant final approval to the plat was made, seconded then passed by unanimous vote of the Commission.

3. William and Judy Belcher have applied for an approval of a Subdivision on a tract(s) of land containing 1.324 acres, located at 23 & 25 Spring Street, Junction City KY. The property is zoned Single Family Residential (R1-A). A motion to grant final approval to the plat was made, seconded then passed by unanimous vote of the Commission.



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4. Edward Lee Conder Estate has applied for an approval of a Subdivision on a tract(s) of land containing 3.642 acres, located at 802 East Street, Danville, KY. The property is zoned Single Family Residential (R1-A). This item was POSTPONED at the applicant's request.
5. Billy Stewart and Lisa Norvell have applied for an approval of a Subdivision on a tract(s) of land containing 219.735 acres, located at 4205 Alum Springs Road, Danville KY. The property is zoned Agriculture (AG). A motion to grant final approval to the plat was made, seconded then passed by unanimous vote of the Commission.
6. Jerry and Teresa Smothers have applied for an approval of a Subdivision on a tract(s) of land containing 11.622 acres, located at 1921 & 2035 Harrodsburg Road, Perryville KY. The property is zoned Agriculture (AG). A motion to grant final approval to the plat was made, seconded then passed by unanimous vote of the Commission.
7. John and Melanie Ethington have applied for an approval of a Subdivision on a tract(s) of land containing 3.995 acres, located at 84 Wells landing Road, Danville KY. The property is zoned Agriculture (AG). A motion to grant final approval to the plat was made, seconded then passed by unanimous vote of the Commission.
8. Michael and Pamela Lane have applied for an approval of a Subdivision on a tract(s) of land containing 24.952 acres, located at 75 Spears Lane, Danville KY. The property is zoned Agriculture (AG). A motion to grant final approval to the plat was made, seconded then passed by unanimous vote of the Commission.
9. Grabruck Meadows LLC has applied for a Revocation of a Subdivision on a tract(s) of land containing 0.933 acres (Plat File 1884-A), located at 101 Poppy Court, 103 Poppy Court and a portion of property (Plat File 2124-B, 0.080 acres) located at 170 Raleigh Court, Danville KY. The property is zoned Single-Family Residential (R1-A). A motion to grant approval to the Revocation



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plat request was made by Commissioner Manon. Counsel Smith offered to Commissioner Manon's findings for his motion that state: "Plat 1884-A was recorded but subsequently overlooked in land records. In order to correct what appears to be an inadvertent mistake, and subject to KRS 100.285, I move to authorize the Chairman to sign a notation acceptable to the County Clerk to the effect that Plat 1884-A is revoked, but Plat 2124-B, a subsequent division on the same land, continues in full force and effect. This authorization is conditioned upon: The sign-off of all owners of any tract, lot, or parcel of land which formed part of the consolidated Lot 16A depicted on Plat 1884-A, in the form of an affidavit stating that no person purchased a lot shown on Plat 1884-A. We find that the written approval of utilities is unnecessary for this revocation, because Plat 1884-A does not dedicate to utilities any new easement or right-of-way." "Commissioner Manon will you include the findings with your motion?" Commissioner Manon answered "Yes." Commissioner Collier seconded the motion with findings. The motion then passed by a vote of 7 to 2, with Commissioners Baird, and Davenport voting against the motion.

F. PUBLIC HEARINGS

Matt Frederick has filed an application to rezone property on a tract(s) of land containing 0.475 acres, located at 390 S Lucas Street, Junction City KY. The requested zone change is from Single-Family Residential (R1-A) to General Business (GB). The following information was presented by the Staff as part of the Staff Report for the Zone Change request at 390 S Lucas Street: Single-Family Residential (R1-A) was the original zoning for the property. The property was developed prior to the adoption of the 2020 Junction City Zoning Regulations. With the adoption of the current Zoning Ordinance the existing business site became a non-conforming use. The applicant's desire is to get the property which is currently a self-storage facility into its legal zoning classification.

The following statement of Goals and Objectives is intended to provide direct guidance for implementation decisions made by the Planning Commission and local government bodies as related to future physical development. General Land Development Goal: To recognize and preserve the irreplaceable integrity and character of Boyle County and its cities. Objectives: Assure



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the best possible utilization of land by promoting planned development and uses by utilizing the Future Land Use Map (FLUM) to guide land uses and development proposals; Improve the quality of life in Boyle County through better housing, employment and recreational opportunities for every citizen. Economic Development Goal: To provide a growing, diverse economic base for the community which allows for full employment of citizens. Objectives: Encourage small business development and growth by providing adequate areas zoned for commercial development and professional offices and encouraging support services and technical assistance for small businesses. Land Use Goal: To provide adequate land in appropriate locations for all land uses while minimizing the adverse impacts of developments by utilizing the Future Land Use Map (FLUM) to guide daily decision-making regarding land uses and development proposals. Objectives: Make efficient use of existing utility systems by promoting restoration, redevelopment and infill development and discouraging strip development; Respect the character of existing neighborhoods by encouraging that new development and redevelopment that will conform to the existing context as determined by the scale and massing of existing buildings, the placement of buildings on lots, architectural elements, types and placement of streets, and the pattern and type of open space.

The following is a recommended protocol for the use of the Future Land Use Map (FLUM) and for amending the FLUM. While the Zoning Map, and its associated zoning districts, defines specific uses and development types currently permitted for individual properties, the Future Land Use Map (FLUM) depicts more broadly the likely pattern of land uses that may exist in the future. Therefore, the FLUM does not directly determine the specific development that may be approved for a particular property. Applicants for zoning changes must demonstrate that the proposed use / development is consistent with the land use designation on the FLUM. However, consistency with the FLUM is only one of several considerations, and all other development criteria must be met for a rezoning approval, per the process laid out in this chapter, the Zoning Ordinance and in KRS 100.213. The following types of rezoning requests shall not require a FLUM amendment prior to consideration for approval:

- Corrections of zoning map errors



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Requested re-zonings (zone changes) shall be reviewed for consistency with the Future Land Use Map (FLUM) and the Development Review Provisions listed below. Unless specifically exempted by the zoning ordinance or by the Planning Commission, all zone change requests must be accompanied by a general development plan (conceptual exhibit) including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening and buffering utilities, existing and man-made and natural conditions, and all other development conditions requested by the Planning Commission and agreed to by the applicant. All proposals for new development must be assessed to determine their compatibility with the existing surrounding development. Compatibility may be shown because the proposed use is the same as the surrounding neighborhood, or it may be established by site design, buffering, control of access through the adjacent neighborhood, or other agreed upon development measures. Guidance For Commercial Development: Commercial areas should be accessible to major traffic arteries however, new curb cuts should be kept to a minimum by requiring commercial facilities to share service access roads or parking lots; Buffering or screening shall be considered when a commercial area is proposed next to existing residential areas; Commercial development should be designed to include, where appropriate, circulation patterns for pedestrians and bicycles ; and Development of neighborhood commercial areas should be allowed when it can be proved that the need clearly exists. There should be a smooth transition between the commercial area and adjacent land uses which reflects the existing architectural and residential character. Article 3.10.3.E of the Zoning Ordinance states the following: As a condition to the granting of any amendment to the Official Zoning Map, the Planning Commission is authorized to require the submission of a Development Plan. The Development Plan shall be filed in accordance with the provisions and requirements of Sec. 3.11, Development Plans. Where agreed upon, this Development Plan shall be followed and shall be binding on all parties. A Development Plan may be either a General Development Plan or a Site Development Plan or both as specified by Section 3.11. Article 3.11.2 of the Zoning Ordinance states the following: A General Development Plan shall be filed with the application for an amendment to the Official Zoning Map in a form recordable in the Boyle County Courthouse. Where large parcels of land are proposed for various zoning districts or for differing standards, each parcel



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may have separate General Development Plan for separate tract. The applicants have submitted the following *Development Conditions* as part of their submitted Zone Change Request to demonstrate proposed use is compatible with existing surrounding development:

1. Applicant agrees that the total building area (footprint) shall not exceed twelve thousand (12,000) square feet.
2. Signage shall be limited to one monument type sign, not to exceed a height of 8 feet and maximum total area of 32 square feet. Signage shall not be internally illuminated.
3. All new or expanded building parking areas shall be paved.
4. The Applicant agrees to limit commercial uses on the property to Self-Storage use Office/Professional uses and Specialty Retail (under 4,000sf) uses. Applicant agrees to exclude the following uses on the property: Detention Facility, Eating Establishment (with drive-through), Commercial Parking Lot, Animal Hospital, Kennel, Veterinarian Clinic, Auto-Related Services Vehicle Fuel Stations, Vehicle Sales or Burial Related Use.
5. The Property will be limited to one access point along S Lucas Street.

The Chair opened the floor to public comments. There were no comments presented to the Commission for or against the Zone Change request. The Chair closed the floor to public discussion and asked the Commission for a motion: A motion to grant approval to the Zone Change Request was made by Commissioner Collier based on the testimony and documents presented in this public hearing that the proposed Zoning Map Amendment is consistent with the adopted 2017 Comprehensive Plan as demonstrated by its compliance with the adopted Goals and Objectives. Counsel Smith offered to Commissioner Collier's findings for his motion that state: "As a preliminary matter, no Future Land Use Map amendment is required, because the amendment sets out to correct an error based on an existing commercial use and stemming from Junction City's departure from and return to Planning and Zoning. Furthermore, in compliance with KRS Chapter 100, the current zoning is inappropriate due to longstanding use and the history of other small-scale mixed use in the area. Applicant-proposed conditions prohibiting higher-intensity uses will contain detrimental effects of re-zoning, as highlighted in the Comprehensive Plan." "Commissioner Collier will you include the findings with your motion?" Commissioner Collier answered "Yes." Commissioner Ruby seconded the motion with findings. The motion then passed by unanimous vote of the Commission.



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G. NEW BUSINESS

1. Personnel Committee Report - The Personnel Committee met on April 27, 2022 prior to the Planning Commission meeting to discuss a Planning Commission employee that is currently out of the office due to a serious medial issue. The employee has been released from the hospital but has not been released back to work. The Personnel Committee is recommending placing the employee on Other Leave (Unpaid) until Friday May 27, 2022. The Employee may return to work sooner with a signed Medial Release. A motion was made by Commissioner Griffin to accept the Personnel Committee recommendation to place the employee on Other Leave until Friday May 27, 2022. The motion seconded by Commissioner Douglas and passed by unanimous vote of the Commission.
2. Other New Business - The Staff gave a brief update on recently passed HB195 (Hazardous Natural Gas Line Notice Requirement) and its potential impact on local plat review. HB392 & SB69 (Merchant Electric Generating Facilities) were also briefly discussed. The item to discuss the Regular Meetings (Day, Time & Location) will be placed on a future Planning Commission agenda. The Staff gave the Commission a short update on the Danville - KLC Comprehensive Plan project.

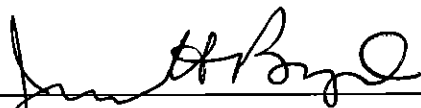
H. ADJOURN - Commissioner Douglas made a motion to adjourn this April 27, 2022, meeting of the PZC. The motion was seconded by Commissioner Sleet and passed by unanimous vote.

Drafted By,



Stephen Hunter, Director

Signed this 8 day of JUNE, 2022, by



Danville-Boyle County Planning and Zoning Commission Chair/ Vice-Chair