

**MINUTES**

**DANVILLE-BOYLE COUNTY PLANNING & ZONING COMMISSION**

**SPECIAL-CALLED MEETING - DANVILLE CITY HALL**

**445 W. MAIN STREET, DANVILLE, KY., 40422**

**COMMISSION CHAMBERS**

**December 14, 2022, 9 AM**

\*\*\* \*\*

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

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

**A. CALL TO ORDER / INVOCATION**

A quorum being present, Chair Baird opened this December 14<sup>th</sup>, 2022, Special Called Meeting of the Danville/Boyle County Planning and Zoning Commission at the approximate hour of 9 am. Commissioner Sleet led the invocation.

**B. APPROVAL OF MINUTES** – Commissioner Manon made a motion to approve the minutes of the October 26, 2022, meeting as submitted. Commissioner Collier seconded the motion, and it passed by unanimous vote of the Commission.

**C. FINANCIAL REPORT** – The October & November 2022 Financial Reports were presented by Commissioner Manon.

Commissioner Collier made a motion that the Commission approve the October and November Financial Reports as submitted. Commissioner Sleet seconded the motion, and it passed by unanimous vote.

**D. CONSTRUCTION SURETIES** – The Construction Sureties for November 2022 were presented by Director Gerry as follows:

- a. Candlewood Section 8 – Renewal of a Letter of Credit in amount of \$20,807 (Sidewalks).

A motion to accept the renewal of the letter of credit for Candlewood Section 8 was made by Commissioner Ruby and seconded by Commissioner Collier. The motion then passed by unanimous vote.

- b. Hunt Farm Section 5 – Renew Letter of Credit in amount of \$28,231 (Sidewalks)

A motion to approval the renewal of a letter of credit for Hunt Farms Section 5 was made by Commissioner Collier and seconded by Commissioner Davenport. The motion then passed by unanimous vote of the Commission.

- c. Shelby Green Ltd./ Shelby Green Phase 2 Section 2 – Accept initial Letter of Credit in amount of \$369,900 (Final Grading and Street Related Items includes 10% project contingency) from Construction Bond Estimate and authorize Chairman to sign Developer Construction Contract.

A motion to accept the letter of credit for Shelby Green Ltd./Shelby Green Phase 2 Section 2, and to grant the P&Z Chair the authority to contract with Shelby Green Ltd., was made by Commissioner Griffin and seconded by Commissioner Ruby. The motion then passed by unanimous vote of the Commission.

**E. SUBDIVISION APPROVALS:** The following subdivision plat (without improvements) applications were presented before the Commission by Lisa Bowman, Administrative Assistant, for both Preliminary and Final plat review and approval.

1. David Camic has applied for the subdivision of a 0.475-acre parcel of land, being a portion of 126 Beech Street, Danville KY. The property is zoned RM-2.
2. Christy Moore, as Executrix for the Estate of Donald and Linda Moore, has applied for the subdivision of a 57.748-acre parcel of land, located at 10 Rosel Road, Junction City, KY. The property is zoned AG.
3. James & Tonya Lemaster have applied for the subdivision of a 0.877-acre parcel of land known as 407 W Second Street, Perryville, KY. The property is zoned CB.
  - a. Commissioners noted preliminary and final approval of this plat application is contingent upon verification of a purpose statement.
4. Jon McDermott and others have applied for the subdivision of a 33.066-acre parcel of land located at 0 Old Mitchellsburg Road, Parksville, KY. The property is zoned AG.
  - a. Commissioners noted preliminary and final approval of this plat application is contingent upon the noting of existing structures.
5. Benjamin T. Hogue and Gary King have applied for the subdivision of a 2.841-acre parcel of land located at 0 Tennessee Ridge Road, Perryville, KY. The property is zoned AG.
6. John Rodes has applied for the subdivision of a 6.7-acre parcel of land located at 0 Salt River Road, Boyle County, KY. The property is zoned AG.
7. John Rodes has applied for the subdivision of a 0.496-acre parcel of land located at 5851 Perryville Road, Boyle Co., KY. The property is zoned RM2.
8. Logan and Barbara Spoonamore have applied for the subdivision of a 5.832-acre parcel of land located at 5035 Lancaster Road, Boyle Co., KY. The property is zoned AG.
9. Logan and Barbara Spoonamore have applied for the subdivision of a 1.149-acre parcel of land located at 235 Clifton Road, Boyle Co., KY. The property is zoned AG.
10. Hill N Dale Apartments, LLC., has applied for the subdivision of a 6.697-acre parcel of land located at 200 North Hill N Dale Drive, Danville, KY. The property is zoned RM-3.

A motion to approve Preliminary and Final approval of the Plats numbered 1 through 10 above, contingent upon staff/commissioner suggestions as noted, was made by Commissioner Manon and seconded by Commissioner Ruby. The motion then passed by unanimous vote of the Commission.

The following subdivision plat applications (with improvements) were presented before the Commission by Director Gerry for both Preliminary and Final plat review and approval.

11. Kelly and Anne Griffith, dba Hidden Springs Properties, have applied for the preliminary approval of the subdivision of a 3.722-acre parcel of land located at the juncture of Knob Lick and White Road in Junction City, KY. The property is zoned R1-A. The planned development and improvements to be known as Knob View Trace.

- a. Director Gerry presented this application, indicating that the street cross section is not showing sidewalks, as required per our sub regs, same being either 5-foot-wide concrete walks on both sides or 6-foot concrete walkway on one side. Also, typical utility easements, such as side and front yard easements need be added in. She added that the 50' r/w as shown on the plat is sufficient for the required sidewalks.
- b. Dale Shepperson, with AGE Engineering, stated that the owner wished to develop this area exactly as he had a prior like project that had received approval approximately 6-7 months ago.
- c. Commissioner Collier indicated he felt this development needs to be built to current standards.
- d. Commissioner Griffin pointed out that the prior development approval was reviewed before the most recent subdivision regulation amendments had been placed into effect and this development must now work in conjunction with the current subdivision regulations. Commissioner Ruby concurred.
- e. Counsel Smith stated that it has not been procedure or precedent that the Commission would waiver or vary subdivision regulation requirements.

Commissioner Davenport made a motion to grant preliminary and final plat approval for the Knob View plat, contingent upon the addition of sidewalk standards, and Commissioner Collier seconded the motion. It was approved by unanimous vote.

12. Kelly and Anne Griffith, dba Hidden Springs Properties, have applied for the preliminary approval of the subdivision of an 8.396-acre parcel of land located at 0 White Oak Road, Junction City, KY. The property is zoned R1-A. The planned development and improvements to be known as Dogwood Trace Phase II.

- a. Director Gerry commented that the typical cross street section diagram shown reflects a 4-foot sidewalk, which needs to be at least 5 feet on both sides or 6 feet on one side; the pavement surface shown is 1 inch and needs to be 1 ½ and for the base they show 1 ½ inch and it needs to be at least 2 ½ inch base.
- b. Dale Shepperson indicated those changes can be made.

Commissioner Manon made a motion to grant preliminary and final plat approval for the Dogwood Trace plat, contingent upon the sidewalk being revised to 2 five-foot walkways or one six-foot walkway; the pavement surface depth being changed to 1 ½ inch and the base depth being changed to 2 ½ inch. addition of sidewalk standards, and Commissioner Collier seconded the motion. Commissioner Collier seconded the motion, and it passed by unanimous vote of the Commission.

### 13. PUBLIC HEARINGS:

1 NEWCOMB OIL CO., LLC has applied for approval of a Site Plan Amendment on a tract of land containing approximately 3.035 acres located at 0 Summit Drive. This property is zoned Highway Business (HB).

- a. Brad Miles spoke on behalf of Newcomb Oil and presented this amended site plan for the previously approved site plan of Newcomb Oil, Five Star, at 0 Summit Drive in Danville. He indicated that this revision, while reflecting the changes the last site plan was conditioned upon, such as moving the lot entrances further away from the bypass, also widens Summit

Drive more, grading down a rise in the lay of the ground there, and eliminating one entrance/exit onto Summit Drive.

Commissioner Boyd made a motion to approve this Site Plan Amendment for Newcomb Oil, Five Star, also thanking the Newcomb Oil Company for their cooperation in developing this location to be as unobtrusive as possible to traffic flow. Commissioner Manon seconded the motion, and it passed by unanimous vote of the Commission.

- 2 DANVILLE CHRISTIAN ACADEMY, INC. has applied for a Zoning Map Amendment on 24.051-acres located at 2170 Shakertown Road, Boyle County, from Agricultural (AG) to Institutional Campus Development District (ICD).
  - a. Hon. Melanie Thornberry, representative of Danville Christian Academy, took the podium to present her client's request for a zoning map amendment. She made the following points:
    - i. The current zoning of AG was not consistent with the current property use
    - ii. At the time DCA was planned and built, (2004-2008) schools were a use permitted by right within the AG district
    - iii. Schools are no longer a use permitted by right, and therefore the current zoning is not the most suitable zoning.
    - iv. The current zoning limits DCA's development to a total lot coverage of 25%.
    - v. Lot coverage/use in the requested ICD District would be 80% maximum, allowing for expansion to accommodate a student population that has tripled within the last years.
  - b. The Commission asked DCA counsel for specifics on some points; including traffic control along Ky Hwy 2168, which Counsel clarified was established by the Commonwealth's approved and cut in entrance as established when the highway was construction. Hon. Thornberry added that the current entrance only option along Hwy 2168 was implemented by DCA in an effort to promote safety and better traffic flow.
    - i. Commissioner Boyd indicated his issue with the possibility of future use/widening/of Ky Hwy 2168 by DCA, in that it would cause congestion along a highway not intended to have increased traffic flow, as he claims the State cut ins on hwy 2168 were designed for agricultural use.
    - ii. Hon. Thornberry pointed out all aspects of traffic flow would be addressed at a later stage of development and would involve the Commonwealth.
  - c. Chair opened the floor for public discussion:
    - i. Michael Thrasher, Gwinn Island Circle, spoke to acknowledge his support for the zone change and expressed his appreciation of the type of neighbor DCA has been. He asked if future development would require an environmental impact study, as this backs to Spears Creek which feeds into Herrington Lake.
      1. Counsel Smith spoke to Mr. Thrasher to explain that environmental impact would be considered at a later (construction) stage in the development process, not at this point which focuses more on a conceptual/birds eye view of development.
      2. Mr. Thrasher questioned Counsel as to whether P&Z permitting would address environmental impact as a part of its permitting process, to which Counsel responded that environmental issues would be examined as a part of the permitting process.
    - ii. Neil Ackland, Winterhawk Rd., stated did not disagree with the potential development at DCA, but he did disagree with entrance onto 2168. He stated this is the little step to open development on that road for everyone else. He agreed with Commissioner Boyd that that access point provided by the Commonwealth on 2168 was INTENDED for farm use, not for the traffic of a public area. To allow this just

defeats the purpose of 2168 and creates another issue such as along 150 South of Danville.

- iii. The Chair and Commissioner Collier pointed out to Mr. Ackland that the access points were granted by the Commonwealth, under the Commonwealth's guidelines as to use and flow.
  - iv. Hon. Thornberry included that the entrance on 2168 was granted by the state, provided by the state at 1200-foot intervals, and the likelihood of the development of any other entrances is EXTREMELY unlikely. Yes, he said, traffic may be heavier but will not exceed that one entrance use.
  - v. Commissioner Boyd indicated that access streets were an option to increase traffic flow with the limited access point, which he believes should be avoided at all costs.
  - vi. Commissioner Collier indicated that he did not feel the potential of future traffic increase IF the conceptual development would not be enough to make him vote against this zoning map amendment.
  - vii. Commissioner Davenport spoke to say that, as a neighbor of this property, she is appreciative of DCA's attempt to better school traffic flow with the entrance on 2168 and exit only on 33.
- d. Chair closed the floor to public discussion and asked the Commission for consideration and motion, if applicable.

Commissioner Manon made a motion to approve this Zoning Map Amendment from AG to ICD for Danville Christian Academy, stating as follows: "I make the motion to **APPROVE** the proposed Zoning Map Amendment, together with and conditioned upon the General 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 Comprehensive Plan as demonstrated by its compliance with the following items:

- a. Is consistent with the Future Land Use Map (FLUM)

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 Davenport seconded the motion. The motion passed by a vote of 7 Yes and 2 No (Commissioners Boyd and Douglas.)

- 3 FIRST SOUTHERN LENDING, LLC. has applied for a Future Land Use Map Amendment on 24.826 total acres, in three tracts, located at Shakertown Road and 0 Ky Hwy 1268. The FLUM amendment requested is from Low Density Residential to Public.
  - a. Douglas Gooch, of Gooch Engineering, resented the FLUM change request made by First Southern Lending, LLC., making the following points:
    - i. The three parcels indicated by the FLUM change plat are one Tract, part of one original deed
    - ii. A portion of the referenced deed parcel was sold to DCA
    - iii. Remainder parcels from that division were then cut by KY hwy 2168 build
    - iv. That the requested change from Low Density Residential to Public would be a reduction in density of use.
    - v. The slop of lots remaining a really not good for much else than small uses the school may implement, such as an AG/Biology research area
    - vi. The concept plan submitted is just an idea of a master plan that is possible but may well be altered before construction plans or site/development plans would be considered

- vii. My client asks to modify the FLUM for all the property highlighted in light green and circled in blue (see attached exhibit) to Public from Low Density Residential.
- b. Director Gerry pointed out that the slope of a majority of the parcels considered would make single family residential housing development very difficult but, should the use as indicated by the Conceptual Plan were implemented, the parcels, with a Public FLUM designation, would be ideal and would be a lesser density use.
- c. Engineer Gooch pointed out that, to the best of his knowledge, the Commonwealth has reserved for their use a sufficient width of right of way adjacent to two of the parcels being considered, which may well mean the roadway could some day be opened into a four-lane road and/or a hwy with designated highways. This indicates to him that an increase in traffic /use on this highway is not beyond the realm of possibilities, yet this FLUM change would lessen the density and degree of use/traffic, particularly in the short term.
- d. Chair opened the floor to public comment.
  - i. Mr. Dan Wells, of Streamland, took the podium and asked for clarification on precisely what was being considered at the moment, to which the Chair explained the current consideration is for a Future Land Use Map Amendment changing the three parcels, in one tract, from Low Density Residential to Public and, should this FLUM amendment be approved, the Commission will consider an application to change the zoning designation from AG (its current) to ICD.
  - ii. Mr. Cory Leonard, Shakertown Rd, stated he was in favor of this FLUM change.
  - iii. Michael Thatcher took the podium to again ask about environmental impact and the lots bounding the highway have limited access and will never be accessible enough for residential development.
    - 1. The Chair clarified that both properties have access from the highway as stubbed in by the Commonwealth
    - 2. Mr. Thatcher indicated his concern that multi-family development and detention facilities are allowable under the requested FLUM change
  - iv. Mark Morgan, W Count Fleet, took the podium to express that the FLUM and Comp. Plan are going to be rewritten and revisited within the next year and half, and therefore a reduced density argument is not relevant. He claimed the current FLUM, and Comp Plan were drafted/placed into use with little to know public input. He said, "When the subject property was changed from AG to Residential, there was little or no public input or opportunity for public input. It is my contention that the FLUM was not pushed through in a proper fashion with public input, so I think we need to look at the current zoning. Your charge as Commissioners is to take a short term and long-term balanced view of development in our county. At present, since all of this is going to be in a state of flux, the whole thing along 2168, within the next year or two, I think it is premature to assume the FLUM we refer to is a static document without change."
    - 1. Chair Baird addressed Mr. Morgan's claim about the "pushing through of the FLUM/Comp Plan without due public notice/review/input," by affirming, based upon his personal knowledge as long-term member of the Commission, with regards to the drafting and implementing of the FLUM and Comp Plan. all regulations were properly followed, all hearings were open to the public, and all hearings were duly published. He stated it is his belief that the area in question was very well vetted within the past 15-20 years.
    - 2. Mr. Morgan reiterated his claim there was little to no public input
    - 3. Chair acknowledged Mr. Morgan had his opinion

- v. Chair closed the floor to public input and asked the Commission for consideration/motion if applicable.

Commissioner Griffin made a motion to approve the Future Land Use Map Amendment for First Southern Lending, LLC., stating: "I make the motion to **APPROVE** the proposed Future Land Use Map Amendment.

Based upon the testimony and documents presented in this public hearing, the proposed FLUM Amendment:

- ❖ Has met the directive to amend the FLUM as outlined in Chapter 9 in the Comprehensive Plan.
- ❖ The applicant sought approval on the grounds of clear compatibility with the surroundings and given the road bisection of the property (and its reduction of the land's potential uses) and the adjoining institutional or public use, the Future Land Use with the greatest compatibility with surroundings is the proposed public use.

Further, I request that this motion include the summary of evidence and testimony presented by the witnesses at this public hearing. "Commissioner Ruby seconded the motion, and it passed by a vote of 6 Yes to 3 No (Commissioners Douglas, Boyd, and Collier).

- 4 FIRST SOUTHERN LENDING, LLC. has applied for a Zoning Map Amendment on a total 24.826-acres, in three tracts, located at Shakertown Road and at Hwy 1268, Boyle County, from Agricultural (AG) to Institutional Campus Development District (ICD).
  - a. Engineer Gooch briefly highlighted points of the Zoning Map Amendment request (see attached exhibit), indicating the current zoning as AG is not fitting in that it is not very farmable land, given sloping layout and small size
  - b. Chair opened the floor to public opinion
    - i. Michael Trasher, Gwinn Island Circle, stated he was in favor of this zoning Map Amendment, and he appreciated DCA as a neighbor.
    - ii. Cory Leonard, Shakertown, took the podium to support this zoning map amendment.
  - c. Chair closed the floor to public comment and asked the Commission for review and motion, if applicable.
    - i. Commissioner Ruby asked if the Client would be willing to condition a zone change upon a solution for pedestrian safety crossing the highway
      1. Gooch pointed out that the plan submitted with the zoning map amendment request was strictly conceptual – things that could be done, not promises of things that will be done
    - ii. Chair Baird added into the conversation that he feels any conditions agreed upon with regards to this zoning map amendment would best be laced within the listing of acceptable uses within the ICD district, such as detention facilities and multi family housing allowances.
    - iii. Gooch stated that he has presented his case for the zoning map amendment requested and he feels his client has met the stipulations for approval. He added that he, at this point in time, did not have legal authority to agree to any possible conditions on behalf of his client, First Southern Lending.

Commissioner Ruby made a motion to table this zoning map amendment request until next PZC meeting or until the applicant is duly represented by authorized agent. Commissioner Griffin seconded this motion, and it passed by unanimous vote of the Commission.

- 5 KARMELL & RICHARD MAZUREK have applied for a Zoning Map Amendment on a 0.47-acre tract of land located at 637 N. Third Street, Danville. The Zoning Map Amendment requested is from Single Family Residential (R1-A) to Single Family Residential (R1-A) within the Historic District Overlay (HD).
  - a. Mrs. Joni House, with the DAHB, presented before the Commission the application of 637 N. Third St., Danville, who desires to be included in Danville’s Historic Overlay District, as the “Lanier - Tolliver” House, built circa 1897. Mrs. House explained that this request had received prior approval, directly from the DAHB Commission, in October 2022, and the final zoning district would be R1-A/HD
  - b. Chair thanked Mrs. House for her presentation and opened the floor to public input. No response being given, Chair closed the floor to public response and asked for discussion/consideration of the Commissioners.
    - i. Commissioner Davenport asked if this historic overlay would affect any neighboring homes? The Director assured them this amendment would not affect any other residence.
    - ii. Commissioner Collier asked Mrs. House is this Historic Overlay contains coverage of exterior fencing, structures, and like items on the lot. Mrs. House confirmed that wrought fence surrounding the lot shall be included within the historic value.

Commissioner Manon made a motion to approve the zoning map amendment into the historic overly district for the Lanier-Tolliver House, 637 N Third St., Danville, by stating: “I make the motion to **APPROVE** the proposed Zoning Map Amendment based upon the testimony and documents presented in this public hearing, the proposed Zoning Map Amendment is consistent with the adopted Comprehensive Plan as demonstrated by its compliance with the following items:

- a. Is consistent with the Future Land Use Map (FLUM).
- b. Is consistent with the adopted Goals and Objectives.
- c. Is consistent with the Development Review Provisions.
- d. The applicant demonstrated conformity with the Comprehensive Plan: given maintenance of the current residential zoning, as well as the addition of historic overlay preservation and protections, which are clearly consistent with the Plan’s Historic Preservation 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 Sleet seconded the motion, and it passed by unanimous vote of the Commission.

**14. NEW BUSINESS:**

1. Personnel Committee Report – None
2. Finance Committee Report – None
3. Other New Business
  - a. Authorize Mikaela Gerry as new Principal of Farmer’s Bank  
A motion to authorize Director Mikaela Gerry as the new principal of the PZC Farmer’s Bank account was made by Commissioner Griffin and seconded by Commissioner Ruby. It passed by unanimous vote.
  - b. 2023 Meeting Dates – A motion to approve the 2023 meeting calendar schedule, as presented, was made by Davenport and seconded by Commissioner Douglas. The motion passed by unanimous vote of the Committee.
  - c. Refunds – Director Gerry requested a motion to render a refund of \$50.00 to Kelly Griffin for land use recording fee doubly collected. Commissioner Ruby made a motion to approve the refund as requested. Commissioner Davenport seconded the motion, and it passed by unanimous vote of the Committee.



4. Announcements – none

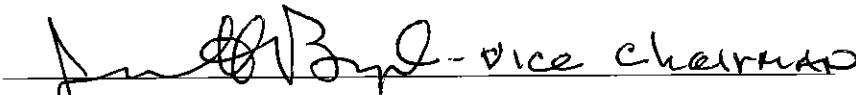
15. **ADJOURN** – A motion to adjourn this Special Called Meeting of the Danville-Boyle County Planning and Zoning Commission was made by Commissioner Sleet and seconded by Commissioner Douglas. The motion passed unanimously.

Transcribed by:



LISA G. BOWMAN, Administrative Assistant II

Approved this 25 day of JANUARY 2023.



JEFFREY BAIRD, DANVILLE-BOYLE P&Z COMMISSION CHAIR