

**Joint City-County Planning Commission  
of  
Barren County, Kentucky**

**April 17, 2017**

The Joint City-County Planning Commission of Barren County, Kentucky met in regular session on Monday, April 17, 2017 at 7:00 PM in the Council Chambers of the Glasgow City Hall.

The following Commission Members were present:

Eddie Atnip  
Brad Bailey  
Freddie Button  
Danny Basil  
Lewis Bauer  
Rondal Brooks

Tommy Gumm  
Ricky Houchens  
Joan Norris  
David Rutherford  
Janis Turner  
Candy Wethington  
Forrest Wise

Chairman Gumm called the meeting to order at 7:00 PM.

**I. GENERAL BUSINESS:**

**Agenda Item # 1 – Approval of Minutes**

A motion was made by Rondal Brooks and seconded by Freddie Button to approve the March 20, 2017 minutes. Motion unanimously carried.

**Agenda Item # 2 – Approval of Invoices**

The following April, 2017 invoice was presented for payment.

A motion was made by Forrest Wise and seconded by Joan Norris to approve the April 2017 invoices as presented for payment. Motion unanimously carried.

**Agenda Item # 3 – Committee's Report**

**Budget Committee** – Forrest Wise, Chairman, presented the proposed 2017- 2018 fiscal year budget for approval.

A motion was made by Forrest Wise and seconded by Rondal Brooks to approve the 2017-2018 Budget as presented. Motion unanimously carried. The proposed budget is available for review in the Planning Commission office.

Chairman Gumm thanked the committee for their work.

**Personnel/Hiring Committee** – Eddie Atnip, Personnel Hiring Committee, reported five (5) applications had been received. Interviews will be conducted on Wednesday and Thursday.

**Subdivision Regulation Review Committee** – Danny Basil, Subdivision Regulation Review Committee, reported the Committee had met and a draft should be finalized by the next meeting and will be ready for a Public Hearing by the next meeting.

**Agenda Item # 4 – Treasurer’s Report**

Janis Turner, Treasurer, presented the following report:

The bank balance at the end of March was \$57,154.71. Deposit in the amount of \$1,835.00 consisted of: \$1,260.00 from Barren County fees, \$575.00 in fees from the City of Glasgow.

**Agenda Item # 5 – Director’s Report**

Kevin Myatt, Planning Director, reported that the KAPA Spring Conference will be held at Lake Cumberland State Park May 17<sup>th</sup> – 19<sup>th</sup>. Mr. Myatt will make a presentation on May 19<sup>th</sup>. Any member that wants to attend the conference should let Mr. Myatt know immediately that they want to attend. It was the general consensus that the Joint City-County Planning Commission will pay for lodging of Commission Members for the nights lodging.

**II. SUBDIVISION:**

1. ***041717-01-B – Agricultural Application for Division of Real Estate – Chris Heers, Applicant/Owner – 1 Tract – 41.096 +/- Total Acres – 11.805 +/- Acres Under Review – 87 Rigney Road – Barren County – Plans prepared by Leftwich Land Surveying***

The following Staff Findings and Recommendations were presented.

Staff Findings:

1. As indicated on the Agricultural Application (Attachment A), the proposed tract is being divided for agricultural use, as defined in KRS 100.111(2), and does not comply with the Subdivision Regulations of Barren County.
2. Attachment B shows the general vicinity of the proposed Agricultural Exemption. It is located along an existing roadway which connects to Rigney Road, a County maintained roadway. Rigney Road connects with Happy Hollow Road, also a County maintained roadway.

3. Attachment C, Aerial Photo Map, shows the proposed property in relation to existing vehicular ways.
4. The proposed division takes place along an existing roadway, see Attachment D, Property Photos.
5. Attachment E is a survey showing the existence of the vehicular way and proposed tract.
6. The proposed division of property that is presented for the proposed Agricultural Exemption (see Proposed Plat) contains 11.805 acres. Further division of the Tract will require Planning Commission approval.
7. KRS 100 exempts any division of a parcel of land into a tract of at least five (5) contiguous acres in size for the purpose of agricultural use, as defined in KRS 100.111(2), and not involving a new street or vehicular way, as defined in KRS 100.111(20) and (22), from the requirements of the Subdivision Regulations.
8. Future land use of the property is limited to agricultural use only and any further subdivision or development will be restricted until the proposed division complies with the applicable rules and regulations of the Joint City-County Planning Commission.

A motion was made by Danny Basil and seconded by Eddie Atnip to approve the Application for Agriculture Division of Real Estate for Chris Heers, Applicant/Owner, because the proposed division does meet the minimum standards set forth in KRS Chapter 100.111(2)(20)(22), and evidence in the Application supports division for Agriculture use only and is not intended for residential development. Motion unanimously carried.

**2. 041717-02-B – Pre-Subdivision Variance Application – Richard Burton, Applicant/Owner – Property located at the proposed Jessica Avenue roadway of Phase 1 of the proposed Burton Subdivision, Lot # 14 – Fifteen (15’) foot Variance to the Thirty-Five (35’) foot Front Yard Setback – Section 503.1 of the Barren County Subdivision Regulations – 1 Lot – Barren County**

The following Staff Findings and Recommendations were presented.

**Staff Findings:**

1. As indicated on the Application the applicant is requesting an Fifteen (15’) foot Variance to the Thirty-five (35’) foot Front Yard Setback Requirement, Section 503.1 of the Barren County Subdivision Regulations.
2. The applicant has filed a Subdivision Regulation Pre-Subdivision Variance Application in the appropriate time and has explained the proposed request, see Attachment A.

3. Attachment B is the proposed plat provided by Precision Engineering, LLC. The applicant is proposing this variance because the Thirty-five (35') foot setback would decrease the usable building area and also disrupt the natural line the houses would be located in on the adjoining lots #11-13.

A motion was made by Eddie Atnip and seconded by Janis Turner to approve the Variance Application for Lot # 14, a Fifteen (15') foot Variance to the Thirty-Five (35') foot' Front Yard Setback of the proposed Jessica Avenue Roadway of Phase 1 of the Burton Subdivision because the granting of the Variance will not adversely affect the public health, safety or welfare, and will not alter the essential character of the general vicinity; and will not cause a hazard or a nuisance to the public. Motion unanimously carried.

- 3. 041717-03-B – Final Plat – Burton Subdivision – Richard Burton, Applicant/Owner – Property located Nine Hundred and Fifty (950') feet southeast of the Donnelley Drive and Old Bowling Green Road (Hwy. 1297) intersection and One Thousand Three Hundred and Fifty (1,350') feet southwest of the Industrial Drive and Old Bowling Green Road (Hwy. 1297) Intersection – Phase 1 – 16 Lots – 21.96 +/- Total Acres – Barren County – Plans prepared by Precision Engineering, LLC**

The following Staff Findings and Recommendations were presented.

Staff Findings:

1. The proposed development is being divided along proposed road frontage and each lot exceeds the minimum lot size requirements, per Section 502.2.1 and 502.2.2 of the Barren County Subdivision Regulations.
2. Lots 1 through 14 are proposed to be serviced by sanitary sewer and meet the minimum requirements of Section 502.2.1 of the Barren County Subdivision Regulations. The Barren River District Health Department reviewed and has signed the remaining proposed plat because all remaining lots are to be served by septic systems.
3. Sheet C-4 shows the proposed Phases for the overall Subdivision. Only Phase 1 is seeking Final approval.
4. The applicant is proposing that Phase 1 of the development be serviced by three (3) proposed fire hydrants, Sheet C-9.
5. The proposed plat has appropriate addresses assigned for Final approval of Phase One and all proposed road names have been assigned and approved for the development by the BITS office, Attachment A.

6. The plans include detailed street design, plan and profile sheet, and the location, type and size of all proposed ditches, culverts, and other improvements needed within the street right-of-way on Sheets C-5 through C-8 and D1.
7. The proposed entrance (Annette Lane) to U.S. Highway # 1297 (Old Bowling Green Road) has received permit approval from the Kentucky Transportation Cabinet, Department of Highways, permit #03-2017-00086.
8. An appropriate Irrevocable Letter of Credit from Edmonton State Bank is lodged with the Commission Staff in an amount of \$210,000.00 with an expiration date of 03-01-2018.
9. The utility East Kentucky Power Cooperative has a one hundred (100') foot utility easement and the proposed right-of-way Annette Lane is located within this easement. According to the Transmission Line Easement agreement, recorded in Miscellaneous Book 55, Page 166, this is a permitted use. The majority of the proposed road right-of-way, Annette Lane, is located in the western half of the Utility's 100' foot easement. All proposed right-of-ways shown have a fifty (50') foot right-of way, and is permitted per Article 6, section 602.2 of the Barren County Subdivision Regulations for non-through streets.
10. Compaction tests of all proposed streets will be done in intervals of two hundred (200') feet and every fifty (50') for all fill areas as requested by Jeremy Runyon, Barren County Road Supervisor. The compaction tests must meet the minimums of 95% Standard Proctor for subgrade and 84% Compaction for DGA (Dense Grade Aggregate) for the Asphalt set forth in Article 6, Section 609.1 of the Barren County Subdivision Regulations.
11. The proposed drainage and retention basin shown on Sheet C-5 meets all regulations. Drainage calculations on Sheet C-5 break out for the development of Phase 1 and also show the overall calculation for all three (3) Phases when fully developed. Sheet C-6 shows the detail for Phase 1 drainage (ditch lines) and detention pond. A note is labeled on Attachment A, the recording plat of Phase 1, detailing that owners of Lots #15 and 16 will be required to maintain the proposed detention basin.
12. The existing ditch (intermittent stream) shown on Sheet C-5, will require approval notice from the Kentucky Division of Water, prior to any and all work being done in and around it. The existing ditch line is registered as a blue dotted stream and is directly upstream to the U.S. Army Corps controlled governed space. However, Phase 1 does not have any grading within the aforementioned intermittent stream. Prior to Final approval of Phase two (2) and three (3), the applicant will be required to receive from the Kentucky Division of Water a compliance letter with all proposed work and an acknowledgement to the U.S. Army Corps of Engineers as well.
13. Arrangements have been made with the Glasgow Water Company pertaining to the availability of sewer and water, as well as, fire hydrant protection for Phase 1.

14. The proposed three (3") inch force main sewer and six (6") inch water lines will be located on the west side of the proposed Annette Lane right-of-way. The sewer line will tie into an existing line through an easement located offsite, shown on Sheet C-9 through C-11, to an existing manhole. Clint Harbison, Glasgow Water Company Engineer, has reviewed the proposed sewer and water lines.
15. The Subdivision Regulations require the Developer to give the Planning Commission Staff 24 hour notice of all scheduled construction improvements (sub-grade preparation, dense grade aggregate base construction, asphalt construction, drainage facilities, etc.).

Staff Recommendation:

It is the Staff's recommendation of approval of Phase 1 of the Final Plat.

A motion was made by Lewis Bauer and seconded by Brad Bailey to approve the Final Plat for Phase 1, 16 Lots of the Burton Subdivision because the proposed Subdivision does meet the minimum standards set forth in the Barren County Subdivision Regulations, and subject to Staff Findings and Recommendations of approval of the Final Plat, and further noted by notation on the plat, that as far as the maintenance of the "retention pond" in Parcels 15 and 16, there would be no landscaping including trees placed in the Retention Pond. Motion unanimously carried.

### **III. PUBLIC HEARING:**

1. ***041717-01-C – Zone Change Application – Cave City Public Properties, Inc., Applicant/Owner – P (Public) District to I-2 (Heavy Industrial) District – Property located approximately One Thousand One Hundred (1,100') feet northeast of the Mammoth Cave Street and Sanders Street intersection and Five Hundred (500') feet northwest of the Grinstead Mill Road and Blair Road intersection – 42.117 +/- Total Acres – Cave City***

A public hearing was conducted.

Chairman Gumm reminded everyone on the Commission that any approval or denial must be in accordance with KRS 100.213.

Kevin Myatt, Planning Director, reported to the best of his knowledge all appropriate notices had been posted. Mr. Myatt explained the proposed Map Amendment.

Chairman Gumm asked if anyone present would like to speak in favor of the proposed request.

Bobby Richardson, Cave City Attorney, came forward to ask questions of Robert Smith.

Gumm: Please state your name and position.

Robert Smith: Robert Smith, Public Enforcement Officer and Planning Administrator for the City of Cave City.

Gumm: Mr. Smith, do you solemnly swear or affirm that the testimony that you are about to give is the truth and nothing but the truth.

Smith: I do.

Gumm: You may proceed.

Bobby Richardson: Now the City has agreed to not have an entrance on the Grinstead Mill Road, which you recognize is not ...

Smith: Feasible.

Richardson: Now the vegetation buffer at the North, I guess that's the Northwest corner.

Smith: Yes

Richardson: Now that is, you are right beside of I-65.

Smith: Yes.

Richardson: Now this property here that is adjacent on the right, that also belongs to the City of Cave City.

Smith: Yes.

Richardson: And the Convention Center.

Smith: Yes.

Richardson: But that is under lease to the Cave City Convention and Tourist Commission.

Smith: Yes.

Richardson: Now they have a lease on the Parking Lot.

Smith: Yes.

Richardson: To answer your question, it is leased at this point. Do you plan to build a street into it? Is there any plan for anything after that?

Smith: Now, I mean, we are looking at, they designed 3 pad ready sites on the preliminary plans but as for the entrance, there will only be one (1) entrance and the road built into it for now.

Richardson: And then will be those pad ready sites?

Smith: Yes.

Richardson: And that, that street will go to those.

Smith: Right.

Richardson: And you're not far from the railway track down here.

Smith: Right.

Richardson: Less than half a mile. And there are sidings and so forth that usable for somebody who might want to locate there.

Smith: Right.

Richardson: And the road into, down at the corner, where, we'd call, the intersection at Cave City where, uh, the motels and so forth are. That's only about a little over a half mile down there. And, is there anything else you need to tell the group here about this?

Smith: American Engineers has completed all the Environmental Studies, all the Phase I stuff has been done, everything has been looked at by the State, everything has been reviewed. I said we want to be good neighbors, have no intention of putting an entrance on Grinstead Mill Road, it wouldn't not be feasible and, ah, Ms. Austin who owned all this land right in here easily recognized that this was the best option so that is why she agreed to sell us this 1.9 acres to make enough room to get the entrance into the farm. Mr. Gaunce maintained this property and this property is well, ah, this swag goes up behind that building and then it comes back into our property.

Richardson: Now, Mr. Smith, if I, if I remember correctly, the IDEA, Industrial Development part, our group found this property and suggested it and talked to Mr. Gaunce about his contribution, is that right?

Smith: Yes, it originated from the IDEA Board.

Richardson: They helped select the spot.

Smith: Yes.



Richardson: That's, that's all I have Mr. Chairman.

Gumm: OK.

Commission Member Danny Basil: Robert, has the nature of this neighborhood tended to become more commercial and more industrial in the last few years?

Smith: Yes, I mean basically everything on the front side of this property is commercial.

Basil: Have you been a citizen resident and lived over in that area for some years?

Smith: 32 years.

Basil: And is it your testimony that this, that the, the area that is available for industrial and commercial development in the heart of that area around that intersection has all been used up?

Smith: Yes.

Basil: And this is the next thing that is available for a development that would be an industrial park that could provide jobs for Cave City?

Smith: Yeah, the last biggest tract of land in that area.

Basil: And is, is the nature of this area going toward that kind of usage?

Smith: Yes, actually just across the interstate on the other side, ah, if you went up that way you would have noticed a large sign on a 400 tract that the Branstetter family has advertising it for commercial and industrial development as well.

Basil: That's all the questions I have, thank you.

Gumm: Any other questions of Mr. Smith? Thank you sir.

Chairman Gumm asked if anyone present would like to speak in opposition of the proposed request.

Chairman Gumm: Please state your name and address sir.

Harold Reynolds: Harold Reynolds, 592 N. Dixie St., Horse Cave, KY.

Gumm: Ok. Do you solemnly swear that the testimony that you are about to give is the truth, solemnly or affirm that the testimony that you are about to give is the truth and nothing but the truth?

Reynolds: Yes sir, I do.

Gumm: You may proceed.

Reynolds: I'm sorry. What I was about to say is I am one of the co-owners of the property that lays directly northwest of the proposed 50' zone that they said they would keep. And the biggest problem we have with it if that is zoned heavy commercial and industrial is, I don't know if any of you have live around a factory or plant or been in or out of one very much, but the smells, and the noise and the traffic, I know there is no proposed lot off Grinstead Mill Road but after living out there for several years and owning that property, I don't know how many of you have transportation experience but 20 years over the road, those truck drivers are not going to hit that exit perfect and if you set down by Dart Container or in front of Southern States in Horse Cave, you will get my meaning on the confusion that gets caused off of a narrow entrance. Plus the proposed entrance is right in a curve which is going to create problems with people coming in and out there. Now, ah, I know the Convention Center is heavily posted and is opposed to any heavy truck traffic. That's there for everybody to see every day of the week. The problem that we foresee is that it's going to severely damage the value of our property with all that smell, all the noise, and all the excess traffic coming in and out there. I can see the safety hazards myself from many years of experience but the biggest concern we have is what will come with environmental changes if there is a lot of industry that goes into that corner. Now we propose, the property was donated and given to the public. Now we feel the property would be better used if it was used for something for the public good like a golf course, park, or something of that nature. In April of 2009 was when the City enacted a zoning ordinance and Chapter 9 of the Barren County 2014 Comprehensive Plan states the purpose to regulate, restrict and limit the purpose of promoting public health, safety, morals and to preserve the visual and/or historical character of the city and the intensity of land use. Heavy industrial is a very intense use of land and is not appropriate and may even violate zoning standards to take property planned for public use in 2014 foreseen to remain used for that purpose on the 2014 Future Land Use Map and leap frogging of the most intense possible. The Cave City Future Land Use Map does not consider this area one where heavy industrial use should be permitted at that time. Ah, I would like to say, ah, the biggest factors we have is the safety issues that going to come on Grinstead Mill Road because with that small bottleneck going into an industrial site, after many years of trucking, there is going to be problems, there is going to be people miss it, go down to the next street and think they can turn in and go to it. There is no exit. As he said earlier, the changes to Grinstead Mill Road to improve it for truck traffic would be almost astronomical. I guess that's about all I've got to say about it.

Gumm: Is there anyone else in the audience who would like to, I'm sorry Charley, would you like to pose a question?

Commission Attorney Charles A. Goodman, III: Anyone have any questions of Mr. Reynolds?

Gumm: Ok, I'm sorry.

Richardson: I have some questions for Mr. Reynolds.

Gumm: Can you come back up please sir?

Richardson: Mr. Reynolds, you did understand, you talked about the traffic on Grinstead Mill Road but there's not going to be any traffic, any additional traffic on Grinstead Mill Road because there won't be an entrance on it?

Reynolds: Yes sir, I understand there is no proposed entrance on the back side but as I stated earlier, if you will sit in Horse Cave for just a little while at Southern States and watch the trucks that miss the turn offs for the Industrial Park and see the traffic hazards they create, it won't be long before you have traffic hazards on both ends.

Richardson: You do understand, of course, that the Transportation Cabinet has approved the entrance and the way you get into that property?

Reynolds: I've been told that, yes.

Richardson: And now you talked additional traffic by your property, to your property. Don't you join the interstate right there?

Reynolds: Yes sir.

Richardson: And I believe he said there were 35,000 cars a day that went along beside that.

Reynolds: It's not the traffic in behind us, the noise we are concerned about, it's accessing our own property. You get one truck, one train setting on the tracks at the exchange in Cave City, it can cause a backup traffic for four (4) hours.

Richardson: What does that have to do with this property?

Reynolds: Because if one train get, if you have one back up at the crossing, they will be past that exit in just a few minutes.

Richardson: And how will that affect you?

Reynolds: Ah, well we won't be able to get in and out of our property and anybody that owns property on Grinstead Mill Road will also be out.

Richardson: So you think that it's gonna back traffic up on (Highway) 70 when the train goes through?

Reynolds: Well, not just when trains but when trucks miss that turn and try to find a place to turn around, where is a truck gonna turn around so they can come back to that entrance there.

Richardson: I don't know how many gonna miss it, do you?

Reynolds: No but I can imagine there will be several.

Richardson: Now you understood, Mr. Reynolds that they testified there would be a turn lane for going into this property?

Reynolds: There is a proposed turn lane.

Richardson: Everything here is proposed, you know. We are agreeing to build it like it's proposed, you understand that that is going to have a turn lane there?

Reynolds: Yes sir.

Richardson: Thank you.

Reynolds: That will be a turn lane for left turns only, correct?

Richardson: Yes, I guess that's right.

Reynolds: Ok, so all the traffic coming from the city out to the restaurants, coming from the historical area going to the restaurants and hotels is gonna be held up by any truck traffic coming in and out there also.

Richardson: I think that road has the right of way.

Gumm: Yes sir, Charley?

Goodman: Might want to see if anyone has any questions of Mr. Reynolds while he is still up.

Gumm: Any other questions of Mr. Reynolds?

Commission Member Ricky Houchens: I've got a question. Do you actually live on the (adjacent) property?

Reynolds: Ah, not at this current time, no.

Houchens: Does anyone live on the property that is here?

Reynolds: No sir.

Houchens: Is there a home on the property where there is a residence?

Reynolds: There are three (3) lot sites where we intend to improve.

Houchens: Intend, OK.

Reynolds: They've already had homes exist on them.

Houchens: Would it be too much for me to ask what you actually do with this property?

Reynolds: At the current time it is leased for agricultural use.

Houchens: OK. Who would that be, would that be too personal?

Reynolds: Ah, Ricky Cary is the man who leased it.

Houchens: OK. Well, I just think it's important that we, you know, if you've got an argument with what is proposed that we understand what that you are doing there at the present. So you are talking about future, that it would be a problem, I guess, for somebody if they built a home there or something to rent or sell or something.

Reynolds: Yes sir. As I said there are three (3) existing home sites already there that have been used in the past.

Houchens: OK.

Gumm: Are there any other questions?

Commission Member Eddie Atnip: How much acreage do you own adjacent?

Reynolds: Plus or minus 16 sir.

Gumm: Thank you Mr. Reynolds.

Chairman Gumm asked if anyone present would like to speak in opposition of the proposed request.

No one else present addressed the Commission.

Chairman Gumm closed the hearing.

A motion was made by David Rutherford to approve the Cave City Public Properties, Inc. Application to change the zone for the property in question approximately 1,100 feet northwest of the Mammoth Cave Street and Sanders Street intersection and 500' northwest of the Grinstead Mill Road and Blair Road intersection because the map amendment is in agreement with the adopted Comprehensive Plan and also the Binding Elements as follows: there shall be no ingress/egress entrance/exit onto Grinstead Mill Road from the proposed property seeking the Map Amendment; and there shall be a fifty (50") foot landscape buffer along the northern property line adjacent to the farmland located north of the subject property. No buildings, structures or uses shall locate within the aforementioned landscape buffer.

Chairman Gumm questioned the motion due to the fact that I may have misheard Kevin because I do not believe that the proposed amendment is in accordance with the Comprehensive Plan so we will have to have another Finding and Fact outside of that particular one sir.

Mr. Rutherford stated that he stood corrected and withdrew his motion.

A motion was made by Danny Basil and seconded by Forrest Wish to approve the proposed zoning change application for Cave City Public Properties, Inc., Applicant from P, Public to I-2, Heavy Industrial, because the nature of the neighborhood has changed and the requested zone change is consistent with the changes and character of the neighborhood which are different than what was anticipated by the Comprehensive Plan when it was put together and that as part of this change, we include the Binding Elements of no ingress/egress entrances are permitted onto Grinstead Mill Road form the subject property, and that there be a fifty (50') foot landscaped buffer along the northern property line adjacent to the farmland that was discussed here earlier with no building, structure or uses located within the landscape buffer. Motion carried unanimously.

There being no further business to come before this meeting, upon the motion of Janis Turner, seconded by Eddie Atnip, and unanimously carried, the meeting adjourned.

JOINT CITY-COUNTY PLANNING COMMISSION  
OF  
BARREN COUNTY, KENTUCKY

By: \_\_\_\_\_  
Tommy Gumm, Chairman

ATTEST:

\_\_\_\_\_  
Janis Turner, Secretary-Treasurer