

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

July 19, 2021

The Joint City-County Planning Commission of Barren County, Kentucky met in regular session on Monday, July 19, 2021 at 7:00 PM in the Council Chambers of the Glasgow City Hall.

Lewis Bauer, Vice Chairman, called the meeting to order at 7:00 PM.

The roll was called with the following Commission Members present:

| | |
|----------------|------------------|
| Eddie Atnip | David Jessie |
| Joe Austin | Joan Norris |
| Lewis Bauer | David Rutherford |
| Gary Carroll | Janis Turner |
| Ricky Houchens | Candy Wethington |
| | Forrest Wise |

Brad Bailey and Tommy Gumm were absent.

I. GENERAL BUSINESS:

Agenda Item # 1 - Approval of Minutes

A motion was made by Forrest Wise and seconded by Candy Wethington to approve the June 21, 2021 minutes. Motion unanimously carried.

Agenda Item # 2 - Approval of Invoices

The July 19, 2021 invoices was presented for payment.

A motion was made by Eddie Atnip and seconded by Joan Norris to pay the July 19, 2021 invoices as presented for payment. Motion unanimously carried.

Agenda Item # 3 – Committee Reports

Joan Norris presented the Nominating Committee report. The Committee recommended that the current officers, Tommy Gumm, Chairman; Lewis Bauer, Vice Chairman, and Janis Turner, Secretary-Treasurer, be accepted as the officers for the 2021 -2022 Fiscal Year.

A motion was made by Joan Norris and seconded by Eddie Atnip that the Committees recommendation be accepted as officers for the 2021-2022 Fiscal Year. Motion unanimously carried.

Vice Chairman Bauer asked Charles A. Goodman, III and Wanda Kinslow if they would continue in their present positions for the coming year. Both responded “yes”.

Agenda Item # 4 - Treasurer’s Report

The bank balance as of June 30, 2021 was \$19,936.18. Deposits in the amount of \$4,275.00 were received from Barren County and \$1,375.00 from the City of Glasgow in the month of June 2021. The Treasurer’s Report was filed as presented.

Agenda Item # 5 – Director’s Report

Kevin Myatt, Planning Director, told the Commission Members of a KAPA Fall Conference at Land Between the Lakes on September 22–24, 2021. Commission Members could get 12 -16 Continuing Education hours if they attend this meeting.

Mr. Myatt said it an item was brought to us by a citizen of the County with regards to roadways, how they are adopted, and what we could do to talk to Legislative Bodies about, helping spur road development, to get the ball rolling with the Legislative Bodies. Mr. Myatt said he had talks with Judge Hale and the Mayor here in Glasgow, Mayor Armstrong, with several meetings and phone calls and seeing what we can kind of things to get together. All of this was brought to us right before COVID hit and that really kind of squashed this meeting with anybody trying to get those committees together. It is Mr. Myatt’s understanding that we are going to talk, going to sit down with the Transportation Committee at Fiscal Court to discuss possible avenues for roadway development. Not necessarily reducing the price because we have no control over the pricing. But maybe how other roadways may be adopted by alternative manners; whether the Fiscal Court can look at it or the City of Glasgow, Park City or Cave City can look at running a topcoat bill for a certain amount of feet or something outside the box, just to spur that residential growth and development that we know we are lacking in this community and this county. It is my understanding that at some point in the next month or two the Transportation Committee of the Fiscal Court will discuss that, at least get that, get the ball rolling before we can go before the full Fiscal Court members and have some kind of discussion on what we might could do for our Subdivision Regulations to write something outside the box for it.

No action was needed now.

II. PUBLIC HEARING:

- 1. 071921-01-C – Zone Change Application** – *James and Dianna Proffitt, Owner, Rafferty Development, LLC, Applicant – R-1 (Single Family Residential District) – B-2 (General Business District) – Property located at 612 North Dixie Highway – 1.5 +/- Total Acres – Cave City*

A public hearing was conducted.

Vice-Chairman Bauer served as the hearing officer.

Vice-Chairman Bauer swore in Kevin Myatt, Planning Director, who stated that all notifications had been made and presented the Map Amendment.

Commission Member Eddie Atnip asked Kevin if Mr. Brand with the zone change for the RV Park, would that be a social, economic change in that area according to Kentucky law?

Mr. Myatt responded that he would assume that it would be. It's going from a vacant piece of property to a taxable tangent structure, so yes.

Vice-Chairman Bauer asked if anyone present would like to speak in favor of the proposed Map Amendment.

Will McDonough with Primavera and Associates, 301 E Chestnut Street, Portland, Indiana spoke in favor and gave an overview of the proposed structure to occupy the site.

Commission Member Atnip asked Mr. McDonough if the outside lighting could be shoebox lighting.

Mr. McDonough responded yes.

Commission Member Forrest Wise asked if there would be a binding element lighting proposal.

Attorney Charles Goodman said the proposed Binding Element is, and I quote "All lighting for the proposed development shall be designed in a manner to alleviate any light pollution onto adjacent properties."

Robert Smith, 507 Sturgeon Street, Cave City, KY also spoke in favor of the zone change. Mr. Smith stated he was speaking as a resident of Cave City and not as a City Employee of Cave City. He lives in Northside Estates which is adjacent property, pretty much, and has been a 36-year resident of Cave City for 21 years. Mr. Smith gave an overview of the potential taxes that would be received by the City with the proposed use presented for the Map Amendment.

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Vice-Chairman Bauer asked if anyone present would like to speak in opposition of the proposed Text Amendment.

Keith Stone, Owner of Wigwam Village in Cave City, KY presented his thoughts on the zone change application. He presented a handout conceptual photos of the area and those photos were entered as "Exhibit 1" as evidence.

Commission Member Atnip asked Mr. Stone if the drawing presented was his conception for what the project would look like.

Keith Stone replied yes.

Commission Member Ricky Houchens asked Mr. McDonough what the typical height of the signage was.

Mr. McDonough responded 16' x 3'9" to 4'.

Kerry Mears, 110 Northside Estates, Cave City, KY also spoke in opposition. She presented documentation from the Secretary of State reporting that Rafferty Development, LLC did not file their annual report and are in bad standing with the Secretary of State. She asked that the report from the Secretary of State be filed as "Exhibit 2" as evidence.

Commission Member Candy Wethington asked about the validity of the report of the Secretary of State, and if the report should be verified.

Attorney Goodman responded that he could not speak to the report but could tell you that bad standing is not the same thing as dissolved by the Secretary of State. Bad standing simply means you failed to file your annual report and pay your \$15.00. If that continues, it can end up that way, so it's a yellow light before the red light that you need to pay attention to the other thing.

Tina Vincent, 166 Ann Claire Lane, Cave City, KY stated she was neither for or against the zone change but had a question about the retention area. Would it be a pond or underground?

Mr. McDonough responded the retention area could be either a pond or underground. That determination has not been made at this time because this was not a development plan meeting.

Lindsey Lawhon, Cave City, Ky, asked about the water retention and asked if there were other buildings available in the area for the business rather than destroying a landscape area.

Mr. McDonough responded to Lindsey's questions and stated that Dollar General had done an analysis study of the area and determined that location to be the most viable.

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Commission Member Atnip asked Mr. McDonald if the lights at the proposed building could be dimmed after a certain hour and if so, could that issue be agreed upon as a binding element.

Mr. McDonough stated the lights could be dimmed at a certain hour and that it could be a binding element.

Kerry Mears asked what is the ideal area between Dollar General Store to Dollar General Store.

Mr. McDonough said the company does studies to see if the additional stores would/could be supported.

Kurt Rafferty, 937 Shaker Town Road, Bowling Green, KY spoke to the Commission and stated that he is not given the product list by Dollar General. Mr. Rafferty stated that he only purchases the land and builds the store to lease to Dollar General and once they are built, the corporation takes over for product lists and stocks.

David Fulton, 457 Park City-Bon Ayr Road, Park City, KY spoke to the Commission and asked about the population density of the area where the stores are built.

Mr. McDonough responded that Dollar General has their own formula for their calculations.

Keith Stone asked about the possibility of keeping the trees in front of the property as a binding element.

Mr. McDonough said if it was possible, the trees would be saved.

Lindsey Lawhon spoke and told of the distances to other stores in the area.

Leticia Cline, 203 Broadway, Cave City, KY spoke to the Commission and informed them that she was a City Council member of Cave City, however she wanted to speak in regards to the small business owners that could be affected by a corporation locating at 612 North Dixie Highway and that she had concerns for lighting for the Wigwam Village.

Keith Stone once again asked about the vegetation and lighting issues for this property of being a binding element.

With no one else wishing to speak, Vice-Chairman Bauer closed the hearing.

A motion was made by Forrest Wise and seconded by David Rutherford to approve the proposed Map Amendment for the Rafferty Development because the proposed map amendment is in agreement with the adopted Comprehensive Plan and the Binding Elements as follows: All lighting for the proposed development shall be designed in a manner to alleviate any light

pollution onto adjacent properties and a vegetation buffer along North Dixie Highway (US 31-W) adjacent to the parking lot for car lights facing North Dixie Highway to be blocked, and all major signage to be dimmed or extinguished after store hours.

Kurt Rafferty agreed to the Binding Elements presented. Motion unanimously carried.

2. 071921-02-C – Text Amendment – *Amendment to the Cave City Zoning Ordinance – Cave City*

A public hearing was conducted.

Vice-Chairman Bauer served as the hearing officer.

Vice-Chairman Bauer swore in Kevin Myatt, Planning Director, who stated that all notifications had been made for the Text Amendment.

Kevin Myatt, Planning Director, presented the Text Amendment (available in the Planning Commission office).

Vice-Chairman Bauer asked if anyone present would like to speak in favor of the proposed Text Amendment.

Kerry Mears, 110 Northside Estates, Cave City, KY spoke in favor of the Amendment to the Cave City Zoning Ordinance and wanted clarification of residential care versus residential treatments.

Mr. Myatt did explain the difference and noted that it would need to be changed in the Text Amendment to correct an error in the chart of uses available in certain zones and that the Staff would make that change.

Kerry Mears also spoke of changes to the R-1, R-2 and R-3 chart for Halfway Houses to be a separate line item.

Mr. Myatt said they would change it and it would be reflected in the final product to the Cave City Council.

Vice-Chairman Bauer asked if anyone present would like to speak in opposition of the proposed Text Amendment.

No one spoke in opposition.

Vice-Chairman Bauer closed the hearing.

A motion was made by David Rutherford and seconded by Janis Turner to approve the Proposed Zoning Ordinance Update with changes. Motion unanimously carried.

III. SUBDIVISION:

1. 071921-01-B – Subdivision Regulations Pre-Construction Variance Application – Anthony and Darla Boyden, Applicants/Owners – Property located at 49 Green Leaf Drive – Four (4') feet to the Five (5') foot Accessory Structure Setback Regulation – Article 503.2 of the Barren County Subdivision Regulations – 1 Lot – Barren County

Staff Findings:

1. The applicant has filed a Subdivision Regulations Setback Encroachment Variance Application in the appropriate time and has explained the proposed request, see Attachment A.
2. The applicant is requesting a four (4') foot variance to the Five (5') foot side yard setback requirement, Section 503.2 of the Barren County Subdivision Regulations.
3. Attachment B is the large-scale general vicinity map at a five hundred (500') foot scale. Attachment C is at a two hundred (200') foot scale. The property is located at 49 Green Leaf Drive, a County maintained roadway.
4. Attachment D is the Property Photo map, which shows subject property and the neighborhood characteristics.
5. Attachment E is a visual exhibit which shows the approximate property line and its relationship to the building which was constructed and where the approximate setback would be.
6. Attachment F is a plot plan prepared by Pride Land Surveying showing the building, built without a building permit, and its proximity to the property line.

A motion was made by Eddie Atnip and seconded by Joe Austin to approve the Variance Application for Anthony and Darla Boyden, Applicants/Owners, for the property at 49 Green Leaf Drive because the granting of the Variance will not adversely affect the public health, safety and welfare and will not alter the essential character of the general vicinity and will not cause a hazard or nuisance to the public. Motion unanimously carried.

IV. DEVELOPMENT PLAN:

- 1. 071921-01-G – Final Plan – *The Moran at Murphy Court – Glass Holdings, LLC, Applicant/Owner(s) – Property located at 105 Murphy Street – 1 Tract – 4.14 +/- Total Acres – Glasgow – Plans prepared by American Engineers, Inc.***

Staff Findings:

1. Preliminary approval for the proposed development was given on May 17, 2021 – Agenda Item #051721-01-G.
2. Currently the subject property is located within a B-3 (Highway Service Business) District.
3. The existing tract of land contains approximately 4.14 total acres with 2.68 total acres being disturbed in this development.
4. As shown on Sheet C-3.0 the applicant is proposing two (2) 8-plex multi-family dwelling units and accommodating storage units. The storage units are for the inhabitants of the 8-plex dwellings only.
5. Section 158.400(1) of the Glasgow Zoning Ordinance require dwelling units to provide two (2) parking spaces per dwelling unit. The minimum required parking spaces is thirty-two (32); the Applicant is providing forty-seven (47) new spaces.
6. There is no direct access to Myrtle Street or West Cherry Street; access to the site is through the existing parking area.
7. Sheet C-4.0 shows the proposed grading of the subject property as well as drainage calculations for the increased impervious area. As indicated in Runoff Coefficient calculation table the additional impervious area will result in an increased runoff coefficient and thus additional retention will be required. The applicant intends to utilize an existing sinkhole as the means of water runoff leaving the site; the means of drainage to currently exit the development. The engineer proposes altering the existing basin around the sinkhole to accommodate the additional runoff. See note on Sheet C-4.0.
 - A) Two separate storm sewer systems are proposed for the development: both entering the aforementioned retention basin.
 - B) A retention wall is proposed in the north west corner of the development; twelve (12') foot tall at the center and tapering to one (1') foot tall at each end. A profile view of the wall is shown on Sheet C-4.1.

- C) Sheet C-7.1 has been revised to have a detail showing the proposed guard rail along the top of the proposed retaining wall.
8. Sheet C-5.0 shows the required erosion control measures for the site. The applicant proposes a temporary construction entrance leading from the existing parking lot, inlet protection for the proposed drop boxes, and erosion control blankets in the sloping areas. The staff also requires rip-rap in accordance with KY Division of Water standards be installed at the outlet of the proposed headwalls.
 9. A storm water maintenance agreement has been signed with the City of Glasgow Stormwater Coordinator.
 10. The proposed utilities have been approved by the appropriate agencies. Sheet C-6.0 & C-6.1 show the approved utility connections.
 11. Section 158.028(2) of the Glasgow Zoning Ordinance requires any new development provide and maintain landscaped area equal to 10% of the Vehicle Usage Area. The Final Development Plans have been updated to provide a site summary table showing that this requirement is met. All other provision of Section 158.028 (Landscape and Buffer Area Minimum Requirements) have also been met.

Staff Recommendation:

It is the Staff's recommendation of approval of the Final Development Plan subject to the following conditions: adequate soil erosion and sedimentation control measures, shown on the approved plans, be implemented during and after site construction in order to reduce soil erosion and to minimize water runoff to the surrounding developments. Also, updated plans to reflect the landscape requirements as well as the drainage updates and required erosion control measures will be required for Final Development Plan submittal.

A motion was made by Eddie Atnip and seconded by Joe Austin to approve the Final Development Plan for Moran at Murphy Court, because the proposed Development Plan does meet the minimum standards set forth in Section 152 of the Glasgow Development Ordinance and subject to Staff Findings and Recommendations of approval of the proposed development with conditions of: adequate soil erosion and sedimentation control measures, shown on the approved plans, be implemented during and after site construction. Motion unanimously carried.

- 2. 071921-2-G – Preliminary and Final Plan – Tract 4, Phase 2 – J B Enterprises of Cave City, Inc., Applicant/Owner(s) – Property located along New Bowling Green Road and Carroll Knically Drive – 4 Tracts – 5.82 +/- Total Acres – Glasgow – Plans prepare by ACES, Inc.**

Staff Findings:

1. Preliminary approval was originally given on March 15, 2021 – Agenda Item #031521-02-G. The applicant is requesting a change to the plans and has paid the development plan fee to enlarge the building, alter the parking arrangement and point of entrance from Circle Road to the location of an existing gravel entrance.
2. As shown on Sheet C2, the Applicant proposes enlarging the building, adding the appropriate number of parking spaces and moving the proposed entrance. The engineer has stated that the retention area is still sufficient for the minor increase in impervious area.
3. The relocated entrance is to be located at the same point of intersection of an existing entrance onto the property.
4. The proposed grading is to remain the same with minor alterations to accommodate the increased building size and relocated entrance. The proposed retention for the site remains the same and is still designed to accommodate the proposed impervious area.
5. A storm water maintenance agreement has been signed with the City of Glasgow Stormwater Coordinator.
6. This site is still to be serviced by a proposed fire hydrant to be located along Circle Road and an existing hydrant north of the subject property on Carroll Knicely Drive.
7. The original location of the proposed Temporary Construction Entrance will also be moved to accommodate the new entrance along Circle Road.

Staff Recommendation:

It is the Staff's recommendation of approval of the Final Development Plan changes subject to the following conditions: adequate soil erosion and sedimentation control measures, shown on the approved plans, be implemented during and after site construction in order to reduce soil erosion and to minimize water runoff to the surrounding developments.

A motion was made by Ricky Houchens and seconded by David Rutherford to approve the Final Development Plan for JB Enterprises of Cave City, Inc., because the proposed Development Plan does meet the minimum standards set forth in Section 152 of the Glasgow Development Ordinance and subject to Staff Findings and Recommendations of approval of the proposed development with conditions of: adequate soil erosion and sedimentation control measures, shown on the approved plans, be implemented during and after site construction. Motion unanimously carried.

3. 071921-03-G – Preliminary Plan – Barren County Speculative Building Scott, Murphy & Daniel LLC, Applicant/Owner(s) – Property located on the North side at the end of Carroll Knicely Drive – 1 Tract – 23.572 +/- Total Acres – Glasgow – Plans prepared by Scott & Murphy, Inc.

Staff Findings:

1. Currently the subject property is located within an I-2 (Heavy Industrial) District.
2. The existing tract of land contains 23.572 total acres with 2.51 total acres being disturbed during the speculative phase of construction. The majority of the existing site slopes to the northwest with drainage for the majority of the industrial park flowing to an existing retention basin shown on sheet C-0.5.
3. As shown on Sheet C-1.0 the Applicant is proposing the construction of a 100,000 ft² industrial speculative building with an estimated 31,250 ft² area for future expansion.
4. For the speculative phase of development, the applicant is proposing that initially only one gravel driveway provide access to the building and one gravel parking space. Once possession of the development has been taken over by future tenants another development plan approval by the Planning Commission will be required to ensure that the development plan ordinance regulations are met.
5. Sheet C-2.0 is a detailed proposed grading sheet for the development.
 - A. As shown on the plans, storm water runoff is to drain via proposed drainage ditches to the existing retention pond located to the west of the development.
 - B. This existing retention pond was designed during the initial grading of the Carroll Knicely Industrial Park to accommodate the impervious areas that occurred due to development on the individual parcels and the existing roadway. The retention pond and the easement by which it is maintained is located on the subject property.
6. A storm water maintenance agreement must be signed with the City of Glasgow Stormwater Coordinator before Final Approval can be given.
7. Sheets C-2.1 show Erosion Control measures to be implemented during the site's initial development. The applicant proposes implement a combination of rock check dams and silt fencing. A temporary construction entrance is proposed at the end of Carroll Knicely Drive. Details for the erosion control measures are shown on Sheet C-3.0.

8. Currently the site is serviced by an existing fire hydrant on the opposite end of Carroll Knicely Drive. Final plans shall include proposed utilities suitable for speculative building construction. Until a development plan is approved showing the proposed occupancy load of the building no occupancy is to occur other than marketing to potential tenants.
9. Sheet C-4.0 is a concept drawing for a possible future tenant. Approval of the speculative preliminary plans does not offer this drawing as any type of approval. The sheet is shown for conceptual purposes only.

Staff Recommendation:

It is the Staff's recommendation of approval of the Preliminary Development Plan subject to the following conditions: adequate soil erosion and sedimentation control measures, shown on the approved plans, be implemented during and after site construction in order to reduce soil erosion and to minimize water runoff to the surrounding developments. Should the applicant seek Final approval to obtain a building permit it is noted that building occupancy cannot occur other than for the purposes of marketing the building to potential tenants without a separate development plan approval.

A motion was made by Forrest Wise and seconded by Candy Wethington to approve the Preliminary Development Plan for Scott, Murphy & Daniel LLC, B Enterprises of Cave City, Inc., because the proposed Development Plan does meet the minimum standards set forth in Section 152 of the Glasgow Development Ordinance and subject to Staff Findings and Recommendations of approval of the proposed development with conditions of: adequate soil erosion and sedimentation control measures, shown on the approved plans, be implemented during and after site construction. Motion unanimously carried.

There being no further business to come before the Commission, upon the motion of Janis Turner, seconded by Eddie Atnip, and unanimously carried, the meeting was adjourned at 9:02 PM.

JOINT CITY-COUNTY PLANNING COMMISSION
OF
BARREN COUNTY, KENTUCKY

By: _____
Lewis Bauer, Vice-Chairman

ATTEST:

Janis Turner, Secretary-Treasurer