

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

July 18, 2022

The Joint City-County Planning Commission of Barren County, Kentucky met in regular session on Monday, July 20, 2022, at 7:00 PM in the Council Chambers of the Glasgow City Hall.

Chairman Gumm recognized Mr. Thomas Grubbs and Ms. Maria Westcott appointments to the Planning Commission and asked Mr. Goodman to administer the oath of the offices. Mr. Goodman swore Mr. Grubbs and Ms. Westcott in.

Chairman Gumm called the meeting to order and called for a roll call of members.

The following Commission Members were present:

Eddie Atnip	Ricky Houchens
Joe Austin	Joan Norris
Lewis Bauer (Zoom)	Janis Turner
Bobby Bunnell	Candy Wethington
Thomas Grubbs	Maria Westcott
Tommy Gumm	Forrest Wise

David Rutherford was absent.

I. GENERAL BUSINESS:

Agenda Item # 1 - Approval of Minutes

A motion was made by Candy Wethington and seconded by Eddie Atnip to approve the June 20, 2022, meeting minutes as presented. Motion unanimously carried.

Agenda Item # 2 - Approval of Invoices

The invoices for July were presented for payment.

A motion was made by Forrest Wise and seconded by Candy Wethington to approve the invoices as submitted. Motion unanimously carried.

Agenda Item # 3 - Committee Report

There was no Committee Report for July.

Agenda Item # 4 – Treasurer’s Report

Janis Turner, Treasurer, presented the Treasurer's Reports for the period ending June 30, 2022.

The bank balance as of June 30, 2022, was \$1,008.86. Deposits in the amount of \$2,810.00 were received from Barren County and \$1,578.47 from the City of Glasgow in the month of June 2022. The Treasurer's Report was filed as presented.

Agenda Item # 5 – Director's Report

Kevin Myatt, Planning Director, stated that the continuing education courses are available through the Ohio Chapter of the American Planning Association.

II. SUBDIVISION:

- 1. 071822-01-B – Agricultural Application for Division of Real Estate – David & Lena Dickerson, Applicant/Owner(s) – 1 Tract – 10.345 +/- Total Acres – Property located at 111 MacKay Lane – Barren County – Plans prepared by Pride Land Surveying, Inc.**

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 at 111 Mackay Lane, a County maintained roadway, which ends to become a private roadway.
3. The proposed division takes place along an existing vehicular way, see Attachment C, Property Photos.
4. The existing vehicular way is mentioned in deed book 207, page 321, see Attachment D.
5. Attachment E is a survey showing the vehicular way and proposed Tract. The proposed division of property that is presented for the proposed Agricultural Exemption (see Proposed Plat) contains one (1) Tract consisting of 10.356 +/- total acres.
6. 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.

7. 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 Eddie Atnip and seconded by Joan Norris to approve the Agricultural Application for Division of Real Estate for David & Lena Dickerson, Owners, for property located at 111 MacKay Lane, Barren County, because the proposed division does meet the minimum standards set forth in KRS Chapter 100.111(2)(20)(22). Motion unanimously carried.

2. 071822-02-B – Preliminary & Final Plat – Burton Subdivision, LLC – Richard Burton, Applicant/Owner(s) – Red Cross Road – 6 Lots – 3.704 +/- Total Acres – Glasgow – Plat Prepared by Pride Land Surveying, Inc.

Staff Findings:

1. Attachment A is the application for the proposed subdivision.
2. This subdivision was originally a Minor Conveyance Plat, consisting of four (4) Tracts, see Attachment B. The applicant is proposing further subdivision of the Parent Tract which will result in six (6) proposed tracts, requiring a Major Plat (Attachment C) be recorded and thus requiring Planning Commission approval.
3. The proposed development is being divided along existing road frontage and each Tract exceeds the minimum lot size requirements, per Article 502.2.2 of the Barren County Subdivision Regulations.
4. All utilities are available to each lot by Farmers Rural Electric, SCRTC, and the Glasgow Water Company and each has signed the plat, in addition to the local Fire Chief and the Health Department.
5. The proposed land division is to be serviced by a proposed fire hydrant located near the property line of Tracts # 3 (three) and #4 (four), across Red Cross Road. The proposed hydrant coverage meets the requirements of Section 702.0 of the Barren County Subdivision Regulations.
6. Entrances onto Red Cross Road will require approval from the Barren County Road Department.

Staff Recommendation:

It is the Staff's recommendation of approval of the Preliminary and Final Plat.

A motion was made by Candy Wethington and seconded by Janis Turner to approve the Preliminary & Final Plat for the Burton Subdivision, LLC, Richard Burton, Owner, because the proposed Subdivision does meet the minimum standards set forth in the Barren County Subdivision Regulations and subject to Staff Findings and Recommendations. Motion unanimously carried.

III. PUBLIC HEARING:

- 1. 071822-01-G – Zone Change Application** – *Doug Pyles, Applicant, Danny & Mariam Gibson, Owner – B-2 (General Business District) to I-1 (Light Industrial District) – Property located approximately one thousand two hundred (1,200') feet north east of the Happy Valley Road and N L Rogers Wells Boulevard intersection and at the intersection of Magnolia Drive and N L Rogers Wells Boulevard – 6 +/- Total Acres Under Review – 10.95 +/- Total Acres – Glasgow*

Commission Member Lewis Bauer recused himself from this agenda item over a possible conflict of interest.

Chairman Gumm opened the hearing and served as the Hearing Officer. Chairman Gumm acknowledged KRS 100.213 for any Map Amendment.

A public hearing was conducted.

Chairman Gumm swore in Kevin Myatt, Planning Director, who stated that all notifications had been made and placed in the paper and presented the proposed Map Amendment and Staff Report.

Charles A. Goodman III stated that the property on the agenda is currently zoned B-2, General Business and that the physicality of the property is currently a vacant field. In a point of clarification, Mr. Goodman read the permitted uses within a B-2 General Business zoning classification.

Chairman Gumm asked if anyone wanted to speak in favor of the Zone Change.

Mr. Rich Alexander, Attorney, representing the applicant came forward.

Mr. Alexander gave a presentation to the Planning Commission and the history of the property. Mr. Alexander stated that the property was located within a mixture of other uses, such as R-1, Low Density Residential, R-4, High Density Residential, B-2, General Business, and I-1, Light Industrial. Mr. Alexander pointed out that at about 1,000' feet west, there is a self-storage container facility. Mr. Alexander stated that the current zoning classification, B-2, allows for much more dramatic shift in the land use that what his applicant is proposing. Mr. Alexander

stated that bars, motels/hotels, big box retail stores, farm implement business centers, halfway house facilities would be permitted under the current zoning classification. Mr. Alexander reiterated that the intended use is I-1, Light Industrial, for only mini-warehouse storage and that only six (6) acres be subject to the rezoning that the aforementioned residential lots remain from the previous binding element on the property. Mr. Alexander stated that they would also include the northeast corner of the property at the intersection of Magnolia Drive and Rogers Wells Boulevard to remain commercial and to act as a buffer the existing residential neighborhood.

Mr. Alexander called Luke Pyles, son of the Applicant, to the podium.

Luke Pyles, 2807 Windstar Avenue, Bowling Green, KY.

Chairman Gumm: OK. Can you solemnly swear or affirm the testimony you are about to give is the truth and nothing but the truth?

Mr. Pyles: Yes.

Chairman Gumm: You may proceed.

Mr. Alexander: Mr. Chairman, I would move to introduce the PowerPoint presentation as evidence and as a supplement to Mr. Pyles testimony.

Mr. Alexander: Would you state your name for me?

Mr. Pyles: Luke Pyles.

Mr. Alexander: Are you the son and business partner of the applicant, Doug Pyles?

Mr. Pyles: I am.

Mr. Alexander: Briefly tell us how you decided on coming to Glasgow for this use.

Mr. Pyles: We ran Pyles Concrete in the area for several years and sold to Irvin Materials in December and re-diversified into land management and real estate and thought this was a nice parcel of ground.

Mr. Alexander: I want to walk you through the PowerPoint and did you prepare this presentation?

Mr. Pyles: I did, yes.

Mr. Alexander asked Mr. Pyles to describe the slides presented about the proposed structure of storage warehousing, to the Planning Commission.

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Mr. Alexander: Are you asking for any lights to be put on poles?

Mr. Pyles: No sir. We are wanting to be dark sky compliance.

Mr. Alexander: When you say dark sky compliant lighting, does that (on the PowerPoint slide) illustrate the type of lighting you would use?

Mr. Pyles: Yes sir. (Mr. Pyles referenced the graphic on the PowerPoint presentation)

Mr. Alexander: Is that the type of lighting you would use as a Binding Element that would be used on this property?

Mr. Pyles: It is.

Mr. Alexander: You also mentioned one access. You are not asking for any other access onto Magnolia or any other location other than the existing access off the By-pass, is that correct?

Mr. Pyles: That is correct.

Mr. Alexander: Anyone that wants to access that storage unit would they have to have a code to get in the gate?

Mr. Pyles: Yes.

Mr. Alexander: So the general public could not go in, loiter or hang out or anything unless they had the code to get to that storage unit?

Mr. Pyles: Correct, yes. They have to be customers of the facility.

Mr. Alexander: Are you willing, Luke, for as a Binding Element, this area that is subject to the zone change be exclusively used only for the mini-storage facility?

Mr. Pyles: Correct, yes.

Mr. Alexander: What about signage to advertise the business? Where would you proposed the signage be located?

Mr. Pyles: It would be on Rogers L Wells Boulevard and it wouldn't be on the Magnolia side.

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Mr. Alexander: Again, are you willing to agree to what's called a dimmer switch or whatever software that at dusk the illumination of the signage would diminish for the residential areas?

Mr. Pyles: Yes.

Mr. Alexander: Let me go through these Binding Elements so that you have this clearly on the record, okay? What I would like for you to do, when I ask you about it you just we agree or disagree. Do you agree as a Binding Element that the rezoned property would be exclusively used for mini-storage warehousing as depicted in the presentation?

Mr. Pyles: Yes.

Mr. Alexander: Do you agree that there would be no access to the storage facility off of Magnolia Drive and that the only access would be along the By-pass?

Mr. Pyles: Yes.

Mr. Alexander: Do you agree that the signage for this business would be illuminated, but it would be placed on a timer or dimmer so that the lighting would diminish at dusk?

Mr. Pyles: Yes.

Mr. Alexander: Do you agree that the overall lighting plan would be as shown on your powerpoint, all lighting would project down and there would not be any elevated light poles?

Mr. Pyles: Yes.

Mr. Alexander: This is already a part of the zoning ordinance, and the binding element from 1992, but obviously you're agreeing that the vacant residential lots along Magnolia would remain residential, correct?

Mr. Pyles: Correct.

Mr. Alexander: Am I correct that you are agreeing to the very tip of the property, that lot, would stay B-2, and would not be changed to I-1?

Mr. Pyles: Correct. While we are requesting light industrial, for storage, we would like to retain all rights to B-2 classifications for that portion.

Mr. Alexander: And that is that tip that your referring about, correct?

Mr. Pyles: Yes, but we would before we built the storage units, we would like to utilize that.

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Mr. Alexander: I want to make sure we're clear here. You are only talking about that little tip by Magnolia?

Mr. Pyles: Correct. But if for some reason we change our mind on storage, we would like to have the B-2 availability.

Mr. Alexander: I think that is all the questions that I have of Mr. Pyles.

Mr. Goodman: I would like to ask Mr. Pyles some questions. I am a bit confused of the additional binding elements which you refer to in your presentation. Can we call that up?

The Staff displayed the presentation of the applicant.

Mr. Goodman: It is my understanding that the area, the tip, which I assume is the area that continues to the rear of the existing R-1 lots to the By-Pass. That would be limited to single family residential use, but still be I-1 because we are not doing a zone change application for that, but you could agree as a binding element to use as a single family residential use. But now what I am hearing, with some clarification, is that you want to use it as that but you could use it or sell it as B-2, which it originally is now. Is that what you're saying?

Mr. Alexander: My understanding is that the 1992 Binding Elements stop right there.

Mr. Goodman: I know that.

Mr. Alexander: And this right here is currently B-2, and he (the applicant) can confirm that is that the concession is, or at least I think it is a concession, to the neighborhood is that rather than make this I-1, that section, it would remain B-2 and only this portion would remain I-1.

Mr. Pyles: Correct.

Mr. Goodman: My understanding was that it would be single family residential, but what you're saying is that it would remain commercial.

Mr. Pyles: Yes sir.

Commission Member Eddie Atnip: When this was originally re-zoned B-2, the Applicant had stated there would be no access to 31, obviously that has changed. The tip we are discussing now, allowed for access to this property then. It would be a nightmare as far as traffic goes, that road could not handle it. You've got a very good layout here, to me, that tip, it would in fact give a buffer, that is originally B-2. Because the residential lots, was the buffer for Magnolia and now that leaves that little tip up there as commercial. Would you consider that as a Binding Element as residential?

Mr. Pyles: So to rephrase, you're asking up there to be rezoned to only single family homes?

Commission Member Atnip: That is correct. Because that leaves the buffer and it takes the buffer away if you don't do that.

Mr. Pyles: I understand. We would like to keep it as is if we can. If we don't buy this and someone else buys this, they have the right to all the B-2 zoning.

Member Atnip: I understand and I would hate to see that.

Mr. Pyles: We would like to keep it.

Commission Member Atnip: I understand you would like too, but if you had to to get it passed, would you consider it?

Mr. Pyles: I would have to take a really long look, I would have really think about it.

Chairman Gumm: I think we have come to a conclusion here.

Mr. Alexander: Mr. Chairman, could I call Kevin Myatt?

Chairman Gumm: Yes.

Mr. Alexander: Mr. Myatt, following up on Mr. Pyles testimony, drill down a little bit of what you stated on your staff report, am I correct that even with the 1992 Binding Elements that are on this property nothing would prevent anyone from accessing the property from Magnolia Street?

Mr. Myatt: That is correct.

Mr. Alexander: And so, really, would it be fair to say that if this zone change were approved, it would be a protection the homeowners on Magnolia going forward?

Mr. Myatt: Yes.

Mr. Alexander: Am I also correct that the current zoning of B-2, you heard the sampling of uses that were currently being permitted for B-2, is there anything in the Binding Elements of 1992 or current zoning ordinance that would prohibit any big box store or shopping center or any of these permitted uses from coming in?

Mr. Myatt: No sir.

Mr. Alexander: Would it be fair to say, Mr. Myatt, that from the perspective of the homeowners, on a scale of 1-10 hypothetically, that the current zoning classification, would it have a more dramatic effect on the area than the proposed zoning classification?

Mr. Myatt: Yes.

Mr. Alexander: That's all the questions that I have.

Mr. Alexander: I'll ask the question to better clarify, when I asked you on a scale on a 1-10 which would be more dramatic, the current zoning or the proposed zoning, you said the current zoning potentially. Could you tell the Commission and those in the audience why, potentially, the current zoning is more dramatic impact than the proposed zoning?

Mr. Myatt: Just from a planning standpoint, the current zoning does allow for the R-1, low density single family housing, that is correct, however, the commercial zoning with the access being on Magnolia Drive, which is a possibility, the commercial uses are much more intensive than a self-storage type use. Self-storage, typically across the state of Kentucky, and your planning units is primarily located in your commercial zones. It is not located in our commercial zoning in our city of Glasgow limits, because when that use was first brought in to the zoning code, it was only placed in industrial zones. There was about 15-20 years ago an opportunity that an individual wanted to change the text amendment, for that type of use to be allowed in commercial zones. It was struck down because the individuals that had already had built, owned and operated that type of use, mini-storage, self-storage were restricted to industrial zonings only and felt it to be unfair that the opportunity would be open to the majority of Glasgow, in that zoning classification, thus the planning commission at that time denied that text amendment that would have allowed it in commercial zonings. From a zoning standpoint, the usage rate is much lower than any other type of commercial usage because most commercial uses will stay open twenty-four hours with individuals going forward and out and I am assuming would have that same type of use, however the amount of people that is going to be located here in your self-storage, mini-storage type uses is much lower than convenience stores, bowling alleys, restaurants at a given time. So, the intensity rate would be much lower, from an industrial standpoint, in this instance.

Mr. Alexander: Mr. Chairman, just to conclude our case for the zone change, the requested zone change is in agreement with the comprehensive plan or in the absence of that finding the current zoning classification is inappropriate and the I-1 zoning classification is appropriate, also there have been major changes in the economic, physical, or social nature in the area that was not anticipated by the adopted comprehensive plan. This is a mixed use area for sure, as I have mentioned earlier and the commercial uses in and around this area in many instances exceed the applicants use. And it has been talked about already due to the quirk in our zoning ordinance the quote "less intense classification of B-2" would permit a greater commercial encroachment upon the neighboring residences than a quote "heavier classification of the proposed I-1", when you consider the Binding Elements that my client, under oath, has agreed to going forward. We have

certainly seen since the adoption of the comprehensive plan, especially the last couple of years, in Glasgow and Barren County a rise in the demand for residential rental properties and as a result of that demand there is also a increase need for places for tenants to store their personal belongs and that is why I say since the adoption of the comprehensive plan there have been changes of a economic and physical character of the area, but I'd like to end with this and emphasize this point, regardless of the commercial zoning classification that is assigned to this property, on a scale of 1-10, the applicants intended use is about the lowest in terms of commercial impact to the neighboring residences as Mr. Myatt testified to and Mr. Pyles testified to with his agreement on the Binding Elements, the traffic flow will be sporadic and it's going to be controlled through the use of the keypad system going in and the lighting is certainly going to be less evasive than certainly other commercial endeavor because all the lighting will be no higher than 10-12' feet with no extended poles and no illumination that way and the buffer zone of 25' and the agreement that the access would stay on the By-pass and will not come off Magnolia, all these things I believe, and I would submit to the commission is the lowest risk, the lowest impact to the neighborhood that there could be if this remained unchanged and this applicant would not want to purchase the property.

Chairman Gumm: Is there anyone else in the audience that would like to speak on behalf of the zone change?

Chairman Gumm asked if anyone was in opposition to the Map Amendment.

Julie Hatcher, 110 Magnolia Drive, Glasgow.

Chairman Gumm: OK. Can you solemnly swear or affirm the testimony you are about to give is the truth and nothing but the truth?

Ms. Hatcher: Yes.

Ms. Hatcher: I received my certified letter in the mail and that is the first I heard about the zone change. Yes, there was signs placed on the property and I did call and speak to Mr. Kevin Myatt about the placement of the signs and I was a little concerned about the tip that they were talking about and it has a for sale sign there, it is five feet long by four feet high and that is since this property went for sale and there is an insert of information about it. And the sign is placed over here in front my property, two and half feet by three feet maybe, and none of the neighborhood saw the sign when it was place and the certified letters was sent to the people that face on Magnolia only, which is in compliance with the law so they are the only ones that got it. So, I in turn placed a sign here on the corner of my property to make the neighborhood aware that this zone change was going in. I am sorry, but I do not get the local newspaper and I read it at work when I get the chance and that tis about it. I do say there is a need for storage in this area, yes there is. I called all the storage companies that currently have storage units here. During the pandemic there has been an increase on the need for storage units. However, with storage units in your neighborhood you bring in three things, you bring in drugs, criminal

activity and homelessness. Everybody here I spoke to, I spoke to Kentucky storage on Kentucky Street and Budget storage which is on Main Street with 750 units at those two locations and her exact words to me were, "you will bring those in, I can't keep crime out, no matter how much security I put in they will cut the fence, they will come through and I have had drug activity". If you look at the area, where it is, this access here really scares the neighborhood because this area the only way for these people is through Magnolia. When school is in session and they're dismissing and everybody is getting off work 31 is backed up all the way to Lexington and up to Happy Valley and I am lucky because I live on the corner and I can go to Lexington Drive but this is the only way for any emergency vehicles to get in there. If you look at this here, this is Shalimar apartments right behind here is already storage units you are correct, that place is off Happy Valley Road, directly across the police station. I went to the police station and asked them if there is increased crime there and activity. I was confirmed by sergeant that yes, they do have increased crime there and yes, they do have drug activity and it is not owned by a local person. It is owned by a gentleman out of Nashville and they spoke to him about changing the access to deny it 24/7 because they had so many calls. So now, they have shut down that gate at dark and they don't allow 24/7 access. So my concern is we know who to speak to and we know what we are up against, and we know it's been that way. I purchased the property in 2016 when I went through a divorce and I lived there with my son and I was single for the last five years and my husband is now moved in with me. I am concerned with the activity that will come with this storage units, yes, they will be here and this is where the criminals will enter, they're going come in through this back area or enter though here and he can put the best gates up and they will cut through. There will be drug activity, there will be homelessness and if they're going to stay here and rip them off, what's to say they won't come to our neighborhood? Our neighborhood is pretty quiet. We know anybody that comes in this road and down through here. Police departments have been purchased, they have exteriorly been fixed to be more presentable but they type of people that rent there still have issues. The cops are there, I'd say twice a month. I have a petition, those statements that I have made is from my research, from me calling, from me going to the police officers and from me talking to the storage sheds. We also have new safe storage by Shoney's they just put in, I'm not sure how many units is there because I couldn't contact the person, it's not open right now and they just put those there now. And it looks to me, if I had to estimate, they put 600-800 storage sheds there. She is full, the lady I spoke to, she does have a waiting list for storage. Her cliental, will always have a waiting list, she stays 75-85% full, but during the pandemic the last two years, she's been at 100%. Her waiting list consists of people that do not live in Glasgow, Kentucky. They're from surrounding areas, she has people from Burkesville, Cave City, Horse Cave, Tompkinsville and Edmonton trying to come here to get storage. In conclusion, this is a petition that I went around neighborhood and had neighbors sign it, I have 53 names of all residences of people that signed it and I'd like to turn that into you guys.

Mr. Goodman: We'll let that be part of the record if you relinquish that to us?

Ms. Hatcher: When he makes the statement I'm not attorney but I do make the statement that this is the last or that this would be less activity, I as a residence there at that corner, could watch

twenty, well my husband set out there but, I'd say on a given weekend I watch probably fifteen people pull into Magnolia, pull into that area and turn around, motor homes, so forth. I've called the police and the gas company twice because they hit the stop sign, so I am really worried about the congestion right here. I know that they're saying they put it across here and turn that into no access off Magnolia, but they can't guarantee that and it has three roads that come to one point there and it is very active. I say storage sheds are not way to go here and I think criminal activity here and here would come into here. Thank you for your time.

Chairman Gumm asked if anyone else would like to speak in opposition to the zone change.

James Jarvis, 110 Dogwood.

Chairman Gumm: OK. Can you solemnly swear or affirm the testimony you are about to give is the truth and nothing but the truth?

Mr. Jarvis: Yes.

Mr. Jarvis: Mr. Alexander, one thing you said the current zoning is inappropriate and the use of I-2 is subjective and is more effective. How can you say something since 1992, thirty years from now, a vacant lot, that could have been built in different ways, is an inappropriate use of the public space?

Mr. Alexander: It is not public space.

Richard Himley, 107 Maple Avenue, Glasgow.

Chairman Gumm: OK. Can you solemnly swear or affirm the testimony you are about to give is the truth and nothing but the truth?

Mr. Himley: Yes.

Chairman Gumm: You may proceed.

Mr. Himley: I do not face directly to the post development. I am on Maple Avenue and the way the post is written it is just the houses that face that area. I am not sure if that is entirely accurate and what's going on there will affect everybody in that subdivision. As well, as listen, I agree there should be more storage facilities available. We're living in a pretty small town here, I think we're at a population at a little over 10,000 people, there is a storage units at Shalimar apartments that is less than 1,200 feet away. How many storage units do we actually need in a small town like this? I can understand the proposed buyer if they decide to buy the property, he's in business. He wants to make money and there is money to be made in doing that. Just how many of those do we actually need. I don't know how many units he proposed because that wasn't mentioned either. There is this question that bothers me it's this access onto Magnolia,

off 31 onto Magnolia, that line is not R-1, why not just move that line over so it could include more residential homes and do away with the idea of cars come through that area and the actual piece of property where the construction is going on for storage. Or run a fence all way to 31 and there is a short gravel driveway that would be considered access or easement road that move cars a certain direction, they would just keep going. What would keep cars coming in there and trying to merge into there or is there going to be a fence all the way out past the R-1 area to 31? Right now it is just off 31 and one way in and one way out. I'm sure it's not a high access area, one may be enough, I'm not sure, no one is going to know until they need to find out one way in and one way out is enough. See a lot of activity and I see a lot of cars come onto Magnolia and getting turned around on Dogwood, trucks, construction trucks and what assurances that our property value isn't going to take a dip dramatically because this is going on. Mr. Myatt, most of this stuff is in commercial zone, send it back to industrial zones and I'm just trying to keep my property values as high as possible. I don't think anyone here on the board or audience would like to see construction built 600 feet away from their investments. The signage is how high? I would not be in objection to somebody purchasing the lot and doing something with the lot, even storage, just think it needs to be thought out. When certain activities take place, what assurances do we have that criminal will be address? Do we take that to the police department, city? Questions and answers. Questions and answers.

Megan Hutcherson, 102 Maple Avenue.

Chairman Gumm: OK. Can you solemnly swear or affirm the testimony you are about to give is the truth and nothing but the truth?

Ms. Hutcherson: Yes.

Chairman Gumm: You may proceed.

Ms. Hutcherson: So, I think the only concern I have about this, the tip, let's not forget you kind of back up a little bit, there is always accident there and it always backs up traffic. It seems like there is several times a month an accident there and it backs up traffic. It's the only problem I have with it. I feel weird about storage units being there, because I walk my dog at night and I would feel leery going up that way. That would be my only other concern.

Sam Tomlison: 113 Maple Avenue.

Chairman Gumm: OK. Can you solemnly swear or affirm the testimony you are about to give is the truth and nothing but the truth?

Mr. Tomlison: Yes.

Chairman Gumm: You may proceed.

Mr. Tomlison: I've lived on the end of Maple for thirteen years at the very far end. One of the things my wife and I have enjoyed living there with our two daughters is it is quiet and peaceful. There have been a couple instances where our vehicles were broken into, and I called the police and had them come check it out. The officer was even able to name a name and say where this person lived and it was from those apartments back across that field. What concerns me, is where there is an increase where those activities could take place. Most of the people on the street I live on are elderly retiree's, I assume, and there is always someone walking early of the morning and I go to work very early in the morning, or late in the evening and they're walking their dogs or out exercising and I would be concerned for their safety. If a police car pulls down our street, everyone looks because it is very uncommon, very quiet and it is a dead-end street, so you won't get a lot of traffic. I would be very much against in the mornings coming out and that be my view. That little tip they're talking about, I see cars there parked, I see cars turn around there and it can be a mess. Traffic from the intersection can be a bottleneck there and any more criminal activity through that area, like she said, fences get cut and try as we might, to keep things secure short of building a concrete wall to cover everything, there is not much we can do. I do want to come out in the morning in my driveway and find somebody I don't know out there or coming up my street. Please do not approve this at this time.

Chairman Gumm asked if anyone else would like to speak in opposition to the zone change.

Chairman Gumm closed the hearing.

Commission Member Atnip: You've heard the concern, Mr. Pyles and Rich, you said you'd have to think about it.

Mr. Pyles: Yes, we would need that to remain if possible. And just to reassure, that portion will not be industrial and will not have storage units on it.

Commission Member Atnip: Oh I know, you plan on selling that to somebody else I am assuming. When this was made B-2, again that was left open because they stated then they could not get access to 31. But now, you have access to 31.

Mr. Alexander: One clarification, obviously that will be fenced area, that would not impact or be part of that development. Also, the concerns voiced by the residences about traffic, again, as I mentioned there will be no access to there and there will be no access up there.

Commission Member Atnip: No, I understand that, but concern still is no buffer. Can you ask your client. Even though you are limited, you can still sell that as B-2 and allow for commercial development.

Commission Member Bobby Bunnell: Mr. Chairman, could I have that clarified, my understanding if this were to be approved, that binding element still applies to that one little section so any further development of that property would not have access to Magnolia.

Chairman Gumm: That is not how I understand it. Kevin, I think it would be appropriate for you to come back and pose the question to you.

Mr. Myatt: The Binding Element as stated is for the industrial zoning classification and for that specific use. If that area that they're discussing on the corner of Magnolia and 31 is not rezoned and left as B-2 it would have access as it would right now to Magnolia Drive. So, the access that is stated is for the entire industrial zoning classification and if that classification goes all the way up to Magnolia Drive there, no access can occur.

Commission Member Forrest Wise: Kevin, does the Binding Elements if that is not changed, nothing could be put there other than storage.

Mr. Myatt: Yes.

Mr. Goodman: Mr. Chairman, I need to ask the legal counsel a question. Mr. Alexander is it the position of the applicant that there would be access to Magnolia Drive? Still you're going to put a fence up between the storage units and that corner. How can you sell it and not have any access to Magnolia?

Mr. Alexander: There will be no access to Magnolia, and our only access would be 31.

Mr. Goodman: So you would have to gain another cut onto 31E?

Mr. Alexander: Yes.

Chairman Gumm: So you are not asking for that tip to be rezoned.

Mr. Alexander: Right.

Chairman Gumm: But it is being shown as rezoned.

Mr. Alexander: We are willing to say that the tip stay the way it is now and that there not be any access off of Magnolia and that there would have to be a cut if it were sold.

Commission Member Bunnell: I would assume the answer to my question is yes, it is correct it is a Binding Element and too it still would have to access to 31.

Chairman Gumm: Folks, the hearing before the Commission Members would like to acknowledge any questions from the audience.

Ms. Hatcher: I would like to ask, the section that is residential is staying there? The zone proposal is to turn the whole red area to and turn it from B-2 to I-1 and now we'll have three

zones there. Now we have the potential to sell that B-2 area to a potential business. And what ever business buys this area will be on Magnolia. That would be more traffic in that area.

Mr. Myatt: As it stands right now, the property can be sold right now. It could be cut into thirty lots right now. The applicant has stated that there is not to be any access onto Magnolia Drive, period, no matter what zoning it is. So, any entrance would have to be off a state highway approval from the Department of Highways State of Kentucky. They're the only ones that would grant it. If that is property is ever severed and sold. As it stands right now, any use we stated in the B-2 zoning, which is what the current zoning map illustrates, any use is permitted there right now, any use will get an entrance onto Magnolia Drive before they'll get an entrance onto the state highway 100% of the time. The applicant has agreed to Binding Elements that there would be no access onto Magnolia Drive, just to reiterate for our Staff Report. Doesn't matter who it is sold to, just as the Binding Element from 1992 applies today will apply in January of 2042.

Chairman Gumm: Thank you, Kevin.

Commission Member Bunnell: What is the remainder of the property left?

Mr. Myatt: It is approximately 1.9 acres.

Commission Member Atnip: I am going to ask one question and it sounds like I am going to beat a dead horse here, but we put a restriction on the land of the 1.9 acres of no access to Magnolia, if you sell that, well, there is no likely hood that you'll get an entrance to 31E because of the closeness of the intersection. If you do that, you will limit yourself and I am not sure what you will be able to do with it.

Mr. Alexander: Mr. Chairman, I would request us to adjourn and let me speak to my client.

Chairman Gumm: We will recess for five minutes.

Chairman Gumm: We are back in session.

Mr. Alexander: I appreciate the opportunity to speak and my client is willing to add as a binding element. The 1.9 acres that has been referenced as the tip, would be willing to extended the residential use and to be clear we would retract the Binding Element that no access would be permitted to Magnolia. So, if it stays residential, obviously they would have to access to Magnolia.

Chairman Gumm: Kevin, our application is not written like how this is stated. Is that a potential problem?

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Mr. Myatt: W advertised for this property to be rezoned from B-2 to I-1 and that Binding Element is just subsequent to that rezoning and it doesn't skew the state statutes we are bound by.

Mr. Goodman: We have gone over the Binding Elements, and I have taken the liberty subject to the approval of the proponent, to for clarification purposes and this will have to be approved to by the proponent. We have four Binding Elements A, B, C, and D proposed, which I have offered a Binding Element E, for everybody's sake, and that would be the area between the existing R-1 lots and the intersection of Magnolia and US 31E having a rear yard line continuous with the existing R-1 lots be restricted to single family residence use. Do you agree to that.

Mr. Pyles: Yes.

Mr. Goodman: Also for clarification you'll be withdrawing Binding Element B which is no access to Magnola Drive.

Mr. Pyles: Yes sir.

Commission Member Atnip: Mr. Chairman, during our last month's meeting and zone change, there was a study submitted that we are nearly 3,000 homes short, so thank you for changing that to residential for more homes.

A motion was made by Eddie Atnip and seconded by Joe Austin to approve the Zone Change Application for the property located approximately one thousand two hundred (1,200') feet north east of the Happy Valley Road and N L Rogers Wells Boulevard intersection and at the intersection of Magnolia Drive and N L Rogers Wells Boulevard, Doug Pyles, Applicant, because the existing zoning classification is inappropriate and the proposed zoning classification is appropriate due to the findings submitted and subject to the Binding Elements submitted, that Mr. Goodman will read.

Mr. Goodman read the binding elements that the development only allows for mini-storage warehousing as shown on the concept drawing and signage is allowed per the Glasgow Ordinance and for it to non-illuminated or on a dimmer switch that restricts light after dark, and lighting to be shine downward and the area between the existing R-1 lots and the intersection of Magnolia and 31E with a continuous rear yard line with the existing R-1 rear yar light lines be restrict to single family use.

A roll call vote was called with 8 yes and 2 no. Motion carries.

2. 071822-02-G – Zone Change Application – *Glass Holdings, LLC, Owner/Applicant – I-1 I (Light Industrial District) to B-3 (Highway Service Business District) – Properties located at 109 & 135 Myrtle Street – 0.75 +/- Total Acres – Glasgow*

Chairman Gumm opened the hearing and served as the Hearing Officer.

A public hearing was conducted.

Chairman Gumm swore in Kevin Myatt, Planning Director, who stated that all notifications had been made and placed in the paper and on the property and presented the proposed Zone Change Application and Staff Report.

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

No one present addressed the Commission.

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

No one present addressed the Commission.

Chairman Gumm closed the public hearing.

A motion was made by Eddie Atnip and seconded by Ricky Houchens to approve the Zone Change for the properties located at 109 & 135 Myrtle Street, Glasgow, Glass Holdings, LLC, Applicant/Owner, because the proposed zoning classification is in agreement with the adopted comprehensive plan. Motion unanimously carried.

IV. DEVELOPMENT PLAN:

1. 071822-03-G – Preliminary & Final Plan – *El Mazatlan – Glasgow Land VJV, LLC, Applicant/Owner(s) – Property located at 102 Max Wagner Drive – 1 Tract – 2.10 +/- Total Acres – Glasgow – Plans Prepared by ACES, Inc.*

Staff Findings:

1. Currently the subject property is zoned B-3 (Highway Service Business District). It is located along Happy Valley Rd (KY-90).

2. The development will contain approximately 2.10 total acres with 1.20 acres of the site being disturbed. The majority of the existing site slopes to the north, toward the adjacent property owner, see Sheet C1. Currently the Tract consists of a vacant lot.
3. The Applicant is proposing the construction of a restaurant. Sheet C2 shows detailed drawings with dimensions, etc. for the proposed parking layout and building location.
 - A. As indicated on Sheet C2 the applicant is proposing a total of ninety-three (93) parking spaces. The parking requirement in Section 158.400(9) is one (1) space per four (4) seats. The proposed development would require eighty-eight (88) minimum parking spaces.
 - B. Drive aisle widths and proposed green space all meet the Glasgow Zoning Ordinance requirements.
 - C. There is a proposed drive-thru for the restaurant which requires space to accommodate eight (8) stacking spaces in accordance with Section 158.404 of the Zoning Ordinance. The proposed plans meet this requirement.
 - D. There is only one proposed entrance onto the adjacent parking lot. No access is proposed to Happy Valley Road (KY-90) or Longhunters Trail.
 - E. The applicant is proposing a wooden slat trash enclosure. This does meet the buffering requirements of the Glasgow Zoning Ordinance. The building height is twenty-one (21') feet; the applicant proposes a parapet wall which will screen the HVAC units on the roof in accordance with the Glasgow Zoning Ordinance.
4. The proposed drainage layout is shown on Sheet C3.
 - A. As shown on the plans, stormwater is proposed to exit the site via an existing storm structure at the entrance. As indicated on the plans the runoff coefficient has increased with the increased impervious area. The engineer intends to utilize the existing retention basin off-site that was designed during the preliminary development of the overall development which is designed to accommodate the impervious areas of any subsequent development or outparcels.
 - B. A retaining wall is proposed on the south side of the proposed development. The retaining wall is approximately six (6') feet tall at its highest point according to Sheet C3. Sheet C8 (Details) proposes a handrail be located along the top of the retaining wall.
5. Proposed erosion control measures are show on Sheet C4.

- A. Curb box inlet protection is shown at each storm inlet structure.
 - B. Silt fence is proposed along the north and east property lines.
 - C. The construction entrance will be located at the sole entrance location for the site.
6. Sheet C5 shows the proposed utility connections for the site.
- A. The applicant is proposing attachment to an existing manhole on the northeast property line.
 - B. The water meter is proposed to be located on the existing line on the northeast property line. There is an existing fire hydrant at the northern most property corner.
 - C. A gas line connection is proposed at the southwest corner of the development.
 - D. The telephone and electrical connections are to utilize existing pedestals and transformers north of the proposed entrance.
7. Construction details are shown on Sheets C7 & C8.
8. The Landscaping sheet, Sheet L1, meets the requirements of the landscaping portion of the Zoning Ordinance by proposing trees in all landscaping islands as well as additional shrubbery.
9. A stormwater maintenance agreement has been signed with the City of Glasgow Stormwater Coordinator, see Attachment C.

Staff Recommendation:

It is the Staff's recommendation of approval of the Preliminary and 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.

A motion was made by Candy Wethington and seconded by Joan Norris to approve the Preliminary & Final Development Plan for El Mazatlan, Owner, because the proposed development does meet the minimum standards set forth in section 152 of the Glasgow Development Plan Ordinance and subject to Staff Findings and Recommendations of approval. Motion unanimously carries.

Commission Member Eddie Atnip asked to receive the minutes 7 days prior to the meeting date and 10 days prior to the meeting date to the Staff.

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There being no further business to come before the commission, upon the motion of Eddie Atnip, seconded by Candy Wethington, and unanimously carried, the meeting was adjourned at 9:13 PM.

JOINT CITY-COUNTY PLANNING COMMISSION
OF
BARREN COUNTY, KENTUCKY

By: _____
Tommy Gumm, Chairman

ATTEST:

Janis Turner, Secretary-Treasurer