

**MINUTES OF THE DANVILLE-BOYLE COUNTY PLANNING & ZONING COMMISSION MEETING  
JANUARY 20, 2016**

The Danville-Boyle County Planning and Zoning Commission met for a regular meeting at Danville City Hall on Wednesday, January 20th, 2016 at 9:00 a.m.

**COMMISSIONERS PRESENT:**

Jerry Leber, Chairman  
William Baas  
Jeffrey Baird  
Clayton Denny  
Logan Germann  
Mary Ann Hollon  
Susie Kelly  
Terry Manon  
Marion White

**OTHERS PRESENT:**

Henry Smith, Attorney  
Paula Bary, Director  
Jennie Hollon, Administrative Assistant  
Others

Chairman Leber called the meeting to order and announced there was a quorum present. He then led the opening prayer.

**MINUTES**

Commissioner Baird made a motion to approve the minutes of the December 2, 2015 meeting as presented. Commissioner Hollon seconded the motion and it unanimously carried.

**OLD BUSINESS**

**2. ZONE CHANGE DECISION FOR CENTRE COLLEGE (RUSSELL, DILLEHAY, ROY ARNOLD.)**

Commissioner Hollon made a motion to remove the zone change from the table. Commissioner Baird seconded the motion and it unanimously carried. Chairman Leber asked Paula Bary to refresh everyone on the Centre Zone change. Ms. Bary stated that the Centre College zone change request is for 7.308 acre of property. The property consists of three streets, Russell Street (GR-B), Dillehay Street (IBD), and Roy Arnold Avenue (GRC), and the property west of Roy Arnold is GR-C and is Centre College athletic fields. The property is planned to be used as a tournament grade soccer field with team locker rooms. The requested zoning is GR-C (civic use). Commissioner Germann moved to approve the zone change based on the findings of fact recommending approval of the zone change request, prepared by Attorney Bruce Smith. Commissioner Kelly seconded the motion, and it unanimously carried.

**NEW BUSINESS**

**3.      MINOR PLATS**

The following minor plats were presented for approval:

- a.      Dwayne and Michelle Brown- The purpose of this plat was to create one tract from the Michael L. Shannon and Christina R. Shannon property (Tract 4A-1), shown as a non-conforming tract. This non-conforming tract (4A-1) must be combined with an adjoiner or remain with the parent tract. This tract 4A-1 will be combined with the property of Dwayne Brown and Michelle Brown. The property is located on Curtis Road, Gravel Switch, KY 49328. The property is zoned AR-1. Dale Shepperson shared that basically they are going to remove a barn and combine the property. The lot is non-conforming (less than 1 acre). Paula asked for a time frame for the barn removal. Mr. Shepperson stated that as soon as the property is in the Brown's name, the barn will be removed as soon as possible. Commissioner Hollon made a motion to approve the minor plat as presented. Commissioner Manon seconded the motion and it unanimously carried.
  
- b.      Jeff and Judy Sparks- The purpose of this plat was to create Tract 2E. Also, the purpose is to retrace the property boundaries of Tract 2B and consolidate Tract 2B with Tract 2C. The total combined area is to be henceforth described as tract 2D, and to dedicate a public county road right-of-way at the end of Crawford Hollow Road. The property is located on Crawford Hollow Road, Parksville, Boyle County and is zoned AR-1. Kendal Wise stated that the property owner has a large farm and they were making one large tract and making 1 existing tract larger. Commissioner Manon made a motion to approve the minor plat as presented. Commissioner Baird seconded the motion and it unanimously carried.
  
- c.      David and Walter Gander- The purpose of this plat was to retrace the boundary of property of Gander and to divide into Tract A and Tract B. Ms. Estes, of Estes Engineering & Surveying, stated that it was just two brothers dividing a farm. The property is located on US 150 Bypass, Stanford Road, Danville and is zoned AR-1. Commissioner Hollon made a motion to approve the plat as presented. Commissioner Baird seconded the motion and it unanimously carried.

**CHAIR BUSINESS**

**1.      PAYMENT OF BILLS**

A list of unpaid bills in the amount of \$4,153.62 and paid bills in the amount of \$1,725.49 (correct total) was presented for approval. Commissioner Baird made a motion to pay the bills. Commissioner Hollon seconded the motion and it unanimously carried.

**2.      FINANCIAL REPORTS**

The financial reports for November and December 2015 were presented for approval. Ms. Bary added that income was up significantly, due to commercial construction. Expenses, such as wages, were up slightly due to working on Fridays on the Comprehensive Plan. Commissioner Manon made a motion to approve the reports as presented. Commissioner Denny seconded the motion and it unanimously carried.

**3.      AUDIT FY 2014-2015**

The audit for 2014-15 was presented for approval. Commissioner Manon made a motion to approve the audit as presented. Commissioner Hollon seconded the motion and it unanimously carried.

#### 4. LAND USE MAPS & COMP PLAN DISCUSSION

Paula Bary stated that the maps hanging up were revised to reflect recent changes recommended by the Comp Plan Committee. She shared that these maps are in the discussion phase only and that this is just a proposal. The Comprehensive Plan will not be finalized until it is completed and adopted by the planning commission.

Ms. Bary pointed out several changes on the newest future land use maps. The new maps include the PVA information for Centre owned property as blue for PSP (public/semi-public properties). Another change is that Indian Hills Christian Church, on the corner of Lexington Avenue and Grabruck, was updated to PSP, from commercial. On Goggin, the Sanctuary has been annexed by the city and the map has been updated to show the new city limits.

Jerry Leber asked if the 4<sup>th</sup> St. zone change for Self Refind was final yet. Paula stated that it would be sent to the city Monday night, and there would be a first and second reading, before the zone change was finalized.

The Comp Plan is a 20 year planning period for the community. Changes included making the area around Highway 2168 agricultural. Commissioner Germann pointed out that the residential area on property 2168 had been replaced with an agricultural designation. Ms. Bary also showed that the Save A Lot area adjacent to be left is now green for agriculture. Commissioner Baird added that these things were not unanimous, from the Comp Plan Committee members.

Paula Bary stated that she was wanting direction about the maps, in order to work on the Comprehensive Plan more, such as writing texts with specific acreages. Ms. Bary added that the maps are not voted on until the Comp Plan is together to be finalized. Ms. Bary also pointed out that this newest future land use change is not a rezoning, and therefore, property owners are not required to be notified.

Commissioner Manon asked if the commission could vote today on the committee's recommendation of the Future Land Use Maps, in order to "get off the dime and move forward", or if that was like voting on the Comp Plan. Henry Smith, Attorney, stated that this was not a vote and we could just close the discussion.

On the matter of closing the discussion about the future land use maps, Commissioner Germann asked if he could express his dissent. Attorney Henry Smith stated that this was the appropriate time.

Commissioner Germann said he had no conflict of interest. He stated that he did not agree that the Horn-Carmickle property should be agricultural. He agreed with Ms. Scott that land currently served by utilities and roads should be a priority. Good planning is to avoid leap frog zoning, where places like the Old Bridge development are done further from the city core, stretching public services. He questioned whether or not it was smart to have 600 acres of land designated in the exact same way. It would be more logical to have at least some diversity in the zoning. Lastly, farms along 2168 cannot be treated like other rural property, which can be divided into one-acre minimum sized tracts with 40 feet of road frontage. This is because when 2168 was built, the state imposed regulations that there is to be 1600 feet between entrances, roughly 40 times what's allowed in rural areas. Now the rights of the actual farmers are being abused, to placate the wishes of a larger and louder group.

Commissioner Baird also dissented. He felt that it would be negligent for the Planning and Zoning Commission to accept these changes to an agricultural designation for the land. The property along 2168 should not be totally restricted from development. We need to plan for residential growth on the north side, in a 20 year plan. Residential growth will go that way and needs to be balanced with some commercial growth. It is short sighted not to plan ahead and it would be two giant steps backwards for Boyle County. This would send a message to investors that Danville is "Closed for business!".

Commissioner Hollon also dissented. Ms. Hollon said that she was going to put her personal feeling aside, as a resident on the North end of town, and to do what is right for the entire community. Ms. Hollon disagreed with the proposed non-development along 2168. She felt that these areas were not farmable, and a noisy minority was

pushing for the non-development. Also, she stated that the South side of town had very old infrastructure and can't handle more development all in one area.

Commissioner Denny stated that he agreed with the layout of the maps, unless increased housing is going to develop as a need. As of now, he did not see hard numbers for growth in our population.

Commissioner Manon said that he agreed with the layout of the maps, and we should not change the plan because the population data does not show an increase. There is just not any data to justify a change in designation of 100's of acres of land.

Commissioner Baas said he is part of the silent majority and he agreed with the proposed designation of agriculture along 2168. He called attention to page one of the goals and objectives of the Comprehensive Plan, which states that the committee is to prepare a Comprehensive Plan to accurately and faithfully represent the wishes of the community.

Chairman Leber stated that the traffic problem was resolved by building the road and he doesn't want to create another traffic problem by developing around the road. If development is undertaken on the North end of town, another traffic problem would be inevitable. Just because we built a highway does not mean we need to zone it commercial. Leber added that if there was a need for development in the future, we can change to meet it. As of right now, a need has not presented itself.

Chairman Baird again reiterated the fact that we have a jobs problem, and hence the need for more development. He said that we are halting growth with the new future land use maps, and this is not planning nor looking forward. There is no anticipation to grow our community, and spot zoning to address growth as it occurs, as a reaction, is not planning.

Commissioner Kelly had no comment.

Karen Taylor stood at the podium and asked Chairman Leber if she may speak, since she traveled 2 ½ hours and in snowy weather to be here. Mr. Leber allowed her to share her letter.

Ms. Taylor with the Nolan family farm shared that her family farm was split by the new 2168 connector road. She requested that the land along the 2168 road be shown as development, and felt that to plan for the future, her family's land should be considered Residential, as well as Agricultural (AR-1) per the 20-year Future Land Use Map. She also felt that it was "discriminatory to allow development and future growth in southern Boyle County while not even providing the option or dream of growth on the north side of Danville." This land is her family's retirement plan and her options are being taken away. She wants both agriculture and residential shown on the future land use map, for farmland along 2168.

Chairman Leber now opened the floor for public input at 9:46.

Tom Nolan, farmer and land owner, requested both agricultural and residential use of his land for development.

Shawna Horn Stomberger said that she intends to stay in Danville and the 2168 road was built on the borders of her family farm, creating a financial burden on her family. The original land use map addressed her options, and she was shocked and disappointed when all of her options were taken away, on this new future land use map. Her family now has three useless tracts of land. It is beautiful, but her family is not here to sacrifice their livelihood to beautify Danville. The new road has changed things for family farmers, and to ignore this change of the new road is negligence.

Sallie Bright introduced into the record the letter from W.H. Graddy & Associates dated 3/1/2014. She pointed out that Kentucky statutes state that research determines planning and zoning, and we have had very little growth. Additionally, there are many properties that are already available.

Michael Hamm has lived in Boyle since 1970 and is retired. He feels that it is important to maintain as much

open land as possible, and that we have an opportunity to protect what land is left.

Ann Yeager came forward to address one question to the Planning and Zoning Commissioners. Ms. Yeager asked, "Are you planning on changing ALL of Boyle County farmland to Agriculture only, or are you just discriminating against the farmers on 2168?"

Matt Nolan, farmer and land owner, stated that he cannot farm the little cut off islands/tracks of land. He stated that this is no longer farmable agricultural land and that he will be killed just trying the cross the highway constantly. Too many small tracts of land have been cut off from his family's farm.

Chairman Leber asked if anyone else had public comments and then moved on to the next item of business.

**5. COMPLIANCE ADMINISTRATION RESIGNATION**

Paula Bary stated that Ben Guerrant resigned December 30, 2015. Commissioner Hollon added that she called Mr. Guerrant and that he left on good terms, and he resigned because he was approached with an excellent opportunity in our community that he was passionate about. Applications have been taken and are being reviewed. The Personnel Committee is meeting today, January 20, 2016. A recommendation will possibly be made by the February 3, 2016 meeting.

**6. PRELIMINARY PLAT RENEWALS (WILLOW SPRINGS, CANDLEWOOD VALE & HUNT FARM)**

Mr. Joedy Sharpe requested in letter to renew all three preliminary plats for the year 2016. The plat expires February 16, 2016 for Willow Springs Subdivision, The Hunt Farm expires on March 1, 2016 and Candlewood Vale expires on March 2, 2016. Commissioner Hollon made a motion to renew the plats for one year. Commissioner Baird seconded the motion and it unanimously carried.

Commissioner Kelly called the meeting to adjourn. Commissioner Hollon seconded the motion.

This concluded the business scheduled on the agenda. The meeting was adjourned at 10:20 a.m.

Prepared by:

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JENNIE HOLLON  
ADMINISTRATIVE ASSISTANT