

**MINUTES OF THE DANVILLE-BOYLE COUNTY PLANNING & ZONING COMMISSION MEETING
MAY 4, 2016**

The Danville-Boyle County Planning and Zoning Commission met for a regular meeting at Danville City Hall on Wednesday, May 4, 2016 at 9:00 a.m.

COMMISSIONERS PRESENT:

Jerry Leber, Chairman
William Baas
Jeffrey Baird
Clayton Denny
Susie Kelly
Terry Manon
Marion White

OTHERS PRESENT:

Bruce Smith, Attorney
Paula Bary, Director
Jennie Hollon, Administrative Assistant
Dan Steinhauer, Compliance Administrator
Others

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

1. MINUTES

Commissioner White made a motion to approve the minutes of the April 6, 2016 meeting as presented. Commissioner Denny seconded the motion and it unanimously carried.

OLD BUSINESS

2. WYNDEMERE PLACE FINAL PLAT REVISION

Jeff Baird recused himself from the Wyndemere Place decision and left the meeting. The previous Wyndemere Place final plat was approved on April 6, 2016. The purpose of the plat was to combine Tract I and Tract II. The final plat was approved, contingent upon Earl Coffey's signature, the owner's signatures (Charles and Mary Jaye), the covenants for Wyndemere Place being filed, and the required certificate #3. Charles and Mary Jaye do not wish to sign the plat. Paula explained that AGE is therefore going to leave Tract 1B with Tract 1 until an agreement is reached with the Jaye's and Tract 1B can be transferred to the Jaye's, located within Tract B.

The revised plat will replace the previous plat. The purpose of the revised Wyndemere Place of Cottage Manor final plat is to create Tract 1, Tract 1B, and Tract 2 from the Jeffrey Baird & Associates property as recorded in the deed book 353 page 45, Tract 1A is a non-conforming lot and must be combined with an adjoining property, and to combine Tract 1B with the property of Tract 1 with possible future transfer to Charles and Mary Jaye. The property is located on Cottage Manor, Danville and is zoned NCC. Attorney Bruce Smith added that the plat presented meets our regulations, and the Jaye's issues are not our authority to deal with and will be handled by the owner of the property. Commissioner Manon made a motion to approve the final plat revision. Commissioner Kelly seconded the motion and it carried unanimously.

NEW BUSINESS

3. COULTER FAMILY MINOR PLAT REVOCATION

Nancy Estes requested the minor plat approved on March 2, 2016 be revoked. The property is located on 5990 Lebanon Road, Danville and is zoned AR-1. Nancy stated that the Sims no longer wanted to buy the property. Commissioner Manon made a motion to approve the minor plat revocation. Commissioner Kelly seconded the motion and it unanimously carried.

4. MINOR PLATS

The following minor plats were presented for approval:

- a. Coulter Family LLC – The purpose of this plat was to off-convey Tract 13-1-B from Tract 13 parcel 1. The property is located on 5650 Lebanon Road, Boyle County and is zoned AR-1. Nancy Estes stated that the plat revocation uncombined the Tracts and this plat is to create a stand-alone lot and it was technically correct. Commissioner Manon made a motion to approve the plat as presented. Commissioner Baird seconded the motion and it unanimously carried.
- b. Graves Division – The purpose of the plat was to subdivide the parent tract of 2.948 acres into 2 tracts, Tract #1A and Tract #1B, and to consolidate Tract #1B with the Mike and Ray Graves Farm. The property is located on 11355 Springfield Road, Perryville and is zoned AR-1. Commissioner Denny made a motion to approve the plat as presented. Commissioner Kelly seconded the motion and it unanimously carried.
- c. Jeff & Judy Sparks – The purpose of this plat was to combine Tract 3A and 4A which are to be combined as Tract 3B, to create Tract 4, and to create tract 5A which is to be combined with the remaining portion of Tract 3, as Tract 5. The property is located on 1171 Crawford Hollow Road, Parksville and is zoned AR-1. Commissioner Denny made a motion to approve the plat. Commissioner Baird seconded the motion and it unanimously carried.
- d. Eugene & Pamela Vanhook – The purpose of the plat was to create Lot A-2, A-3 and A-4 from Lot A on plat file 1250-B. The property is located on 4295 Lebanon Road, Boyle County and is zoned AR-1. Commissioner Manon made a motion to approve the plat. Commissioner Baird seconded the motion and it unanimously carried.

5. DAYS INN FINAL PLAT AMENDMENT #2

A final plat amendment for Days Inn was presented by Larry Wesley, KWM Engineering and Henry Greenwell, Newcomb Oil. The purpose of the plat was to adjust the lot line between Tracts 1 & 2 and to dedicate the R/W Tract for roadway use, which creates Tract 3. The property is located at 1641 S. Danville Bypass, Danville and is zoned HC. The owner of the property is Newcomb Oil Company. Attorney Bruce Smith explained that the road, Garland Drive, was conditionally dedicated and approved by the city under Resolution 2016-04-25-03. He spoke with City Attorney Stephen Dexter who explained that the City was not attempting to bypass the Commission or the Board of Adjustments. The resolution was conditionally passed by the City of Danville on April 25, 2016 to allow a 20 foot setback in front of the existing building to the north of the proposed Garland Drive. Typical setback requirements are forty feet in the front, for HC. Additionally, sidewalks would only be on one side of the roadway. Attorney Smith explained the city conditionally approved the plat in order to save an additional meeting after the Commission and Board met.

Paula reported that she was not made aware of the resolution until the TRS meeting. The Board of Adjustments would need to approve a variance on Garland Drive, since the plat shows a 20 foot building setback, rather than the required 40 foot setback. The plat also needs signatures from Earl Coffey and Atmos. Gus Faeth at K.U. had an issue with a 15 foot easement, but has since worked to an agreement and has signed the plat.

Attorney Smith stated again that the city's resolution was not intended to overstep P&Z, and the city was just saying that they were fine with the new road, if P&Z and BOA approves. Larry Wesley, KWM Engineering, reinforced that the resolution was just a show of intent and that they were not trying to circumvent P&Z. Larry

asked if a 40 foot building setback could be shown now and then get a variance for 20 feet. Paula said that it was OK to leave the 20 feet setback on the plat, if P&Z approves it. However, BOA would then need to approve the variance, and a letter of credit would be required to ensure that the developer builds Garland Drive.

Chairman Leber asked if the commission would be setting a precedence if they approved the 20 foot setback today. Attorney Smith stated that the plat could be approved "subject to BOA approval", and would be held and not finalized until the Board approved the variance. Mr. Henry Greenwell, Newcomb Oil, added that another purpose of the plat was to add 60 feet to the Five Star Lot. Mr. Greenwell then asked the commission to approve the plat as presented, subject to BOA approval and the signatures.

Commissioner Manon wanted to verify that Tract 3, a non-conforming, non-buildable lot, would be maintained. Larry Wesley answered that the plat states under "general notes" that Tract 3 is to be maintained as part of Tract 2 until such time that it may be combined with an adjoining property owner.

Commissioner Baird made a motion to approve the plat as presented, subject to Board of Adjustments variance approval, and subject to Earl Coffey and Atmos Energy's signature (on the required certificates). Commissioner Manon seconded the motion with the conditions, and it unanimously carried.

6. CENTRE COLLEGE PRELIMINARY & FINAL PLAT

A preliminary and final plat for Centre College was presented by Nancy Estes, Estes Engineering. Nancy explained that Centre was making a parking lot on their own lot. Paula stated that the plat was technically correct. The purpose of the plat is to off-convey Tract E from the property of Centre College. The property is located on Russell Street, Danville and is zoned GR-B with conditional use. Commissioner Manon made a motion to approve the plat subject to Earl's signature on the final plat. Commissioner White seconded the motion and it unanimously carried.

7. CENTRE COLLEGE SITE PLAN

A site plan for Centre College was presented by Nancy Estes, Estes Engineering. The purpose of this plat was to show a parking lot with 33 parking spaces and 2 handicap parking spaces on 0.567 acres. The parking lot is across from the lacrosse and softball fields and the new soccer field is down the road. The property is located at Russell Street, Danville and is zoned GR-B with conditional use. Commissioner Denny made a motion to approve the plat as presented. Commissioner Kelly seconded the motion and it unanimously carried.

8. FIVESTAR SITE PLAN (DENMARK DR.)

A site plan for Five Star was presented by Larry Wesley, KWM Engineering and Henry Greenwell, Newcomb Oil (Five Star). The purpose of this plat was to show redevelopment of Tract 1 and obtain approval for exemptions of water quantity and quality BMPs. The property is located at 1641 South Danville Bypass, Danville and is zoned HC. A 60 foot area for diesel pumps and landscape plan are included. This will separate the diesel and larger trucks away from cars. Paula added that the same conditions on BOA approval of the 20 verses 40 foot building line will apply. Commissioner Kelly asked if the existing entrances and exits will be used. Larry stated that yes, the existing entrances and exits would be used, but they just adjusted them to allow trucks to get in. Commissioner Baird made a motion to approve the plat contingent upon BOA approval of the variance and the signatures of Atmos and Earl Coffey. Commissioner White seconded the motion and it unanimously carried.

9. DENYO MANUFACTURING CORPORATION SITE PLAN (AMEND 4)

A site plan for Denyo Manufacturing Corporation was represented by James Davis, Denham Blythe and Joey Harris, Denyo. The purpose of this plat was to show the proposed 13,800 square foot office and training center expansion to the Denyo Manufacturing Corporation building. The property is located at 1450 Minor Road, Danville and is zoned IBD. Landscape plans were also shown. Commissioner Denny made a motion to approve the plat subject to signatures from Earl Coffey and the owner's signature. Commissioner Baird seconded the motion and it unanimously carried.

CHAIR BUSINESS

1. DOUG GOOCH, AGE TRAINING ON GPS SURVEYING

Doug Gooch led an informative 45 minute training on GPS surveying for the Commissioners and others in attendance. GPS surveying helps to certify that the boundary is correct. A RTK system costs about \$20,000 each and uses multiple satellites to calculate a position. It is most accurate in large areas (ie. a mile) and has a .03 foot positional error. Random traverse surveying can also be used, particularly in areas that are not as easily reached by satellite (ie. wooded areas, directly under trees, against a brick wall, or in small buildings). AGE has used GPS for 16 years and it is accurate enough to find a dime in the grass, when the base receiver is set on a known point. GPS surveying has been approved by the state board.

2. RESOLUTION #160505 (ADDING NEW SURVEYOR'S CERTIFICATE)

Paula Bary presented a draft resolution, following Section 8 of KAR guidelines. Commissioner Manon asked for input from the surveyors in attendance on the draft resolution #1605604. Nathan King, KWM Engineering, stated that the type of surveying used can be an "and/or" situation. At times, both random traverse and GPS surveying techniques are used. Doug Gooch recommended a certificate to include both types of surveying, since they use a hybrid of the two in various locations. Chairman Leber tabled the resolution. Commissioner Denny seconded the motion and it unanimously carried.

3. PAYMENT OF BILLS

A list of bills in the amount of \$1,714.44 was presented for approval. Commissioner White made a motion to pay the bills. Commissioner Kelly seconded the motion and it unanimously carried.

4. FINANCIAL REPORTS

The financial reports for March 2016 were presented for approval. Commissioner Manon made a motion to approve the reports as presented. Commissioner Denny seconded the motion and it unanimously carried.

5. REVISED FEE SCHEDULE (EFFECTIVE 7-1-16)

A revised fee schedule showing the cost of living increase of 1.5%, during the years 2015 and 2016, was presented for approval. Paula commented that in 2015, the commission voted to not increase the fee schedule, since the cost of living only went up by 0.8%. This year, the cost of living has increased by 0.7%, so the department proposes a total of a 1.5% increase in fees. Commissioner White made a motion to approve the fee schedule as presented. Commissioner Manon seconded the motion and it unanimously carried. The revised fee schedule goes into effect July 1, 2016.

6. BEAUTIFICATION COMMITTEE APPOINTMENT

Paula explained that Planning and Zoning has a representative on the Beautification Committee. The committee meets the first Monday of every month at 4:00. Commissioner Baird made a motion to re-appoint Paula Bary. Commissioner Kelly seconded the motion and it unanimously carried.

This concluded the business scheduled on the agenda. The meeting was adjourned at 10:32 a.m.

Prepared by:

JENNIE HOLLON
ADMINISTRATIVE ASSISTANT