

CYNTHIANA-HARRISON COUNTY-BERRY
JOINT PLANNING COMMISSION

REGULAR MEETING
MINUTES
MAY 21, 2018

Courthouse Community Room

6:30 P.M.

Chairman Bear called the meeting to order at 6:30 P.M.

Present: Avi Bear-Chairman, Mathew Harney-Vice Chairman, David Kramer-Secretary,
Rick Boland, Julie Muth, Robert Owen and Daryl Northcutt
Bonnie Skinner-Zoning Administrator
Rochelle Boland-Legal Counsel for Commission
Christopher Philpot-Building Inspection
Steve Eads-Code Enforcement
Charlene Fuller-Recording Secretary

Minutes-April 16, 2018

Robert Owen made a motion to approve the minutes of April 16, 2018. Rick Boland seconded. Boland, Muth, Harney, Kramer, Bear, Owen and Northcutt voted yes. None voted no. Motion Passed 7-0.

APPLICATIONS

1. Old Business

- A. #ZMA-01-18: PUBLIC HEARING-Mike Rozier Construction Co., Inc.-Request Zone Change from A-1 (Agricultural One) to Rural Business (RB) for 1.115 acres at 25 Blackburn Road. (Map#097-0000-019-00-000). (Art. 10 Sec. 10.8)

Attorney Kelli Mulberry, Legal representative for the applicant, Mike Rozier Construction Co. Inc. stated the following: The applicant presented a fairly detailed narrative and she didn't know if she could add a lot more to that. They feel this would be beneficial to the area with a lot of small rural communities use to have a country stores. We feel Dollar General Store would provide a service to the residents in this area. So if you needed something at night you would not have to go all the way back to Cynthiana or Falmouth to say get diapers. We don't believe its completely out the question that's its rural because there is a general store that is fairly close to this location that is already zoned commercial. We also don't feel like we would be competing with this as a country store because the Dollar General Store would be providing other products and services that are not at the Amish Country Store.

Director Bonnie Skinner stated the following: Most of the zone changes that have came before the planning commission have been in compliance with the comprehensive plan, which is the future land use map that was drafted in 2013. In

your report the map is showing the zoning of the location, you can see the existing store and between them is parcel and then a road to were the current location is proposed. What is different now its up to the applicant to make a case that there have been major economic changes in the area that which will support the zone change or the zoning it has now is inappropriate. That was not really presented in full detail. That she did let the applicant know this evening that would be part of their presentation and that's what we would put together as part of the facts and findings. If not in recommendation of approval on this then just state it not compliance with comprehensive plan. Did they have additional facts and findings?

Attorney Kelli Mulberry stated the following: We do realize its not in compliance with the plan but we also would like to say it is on a fairly major highway. We don't feel like it would be a detriment traffic wise getting in and out of this facility. Jerry & Chris Bacon, property owners of property of the proposed zone change, went through the community over the weekend. They got a petition of names/addresses/ telephone numbers and signatures of folks who are in support of this Dollar General of coming into their community. There's approximately 50-60 names on petition and not everyone is here tonight. I would like to make part of record. Director Bonnie Skinner indicated the signatures need to be notarized. The signatures are not notarized but they are valid signatures. Dollar General Store would be different from the Leesburg location, there would be no gas pumps, no bike nights rallies and would not sell alcohol. It's a different environment than Leesburg Store.

Charlie Montgomery, Mike Rozier Construction Co., Inc., stated the following: I'm not the guy that handles most of the zoning stuff normally. I got sent on this. As far as a economic change since 2013, I can't address that. I know there is an obvious need for a convenience type store which that this is. You got 7-8 miles to another place where you can go and get the same thing you can get here. There is support in the community for it. I don't know what else to tell you about it.

Attorney Rochelle Boland, legal counsel for planning commission, stated the only way a zone change could be approved is facts to show: 1.) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate or 2.) That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area. (KRS 100.213) What are the facts to support the zone change?

Attorney Kelli Mulberry stated this would bring in tax base jobs and revenue to the county. Rural areas stores is not unheard of and should have been thought of in comprehensive plan. There was a store in Kelat that recently closed and this would be taking its place. Still a lot of our county areas had stores. I don't think the comprehensive plan addressed what we use to see. This is a Dollar General Store not a mom & pop store. I get that but it still provides a service for the residents in that area. Harrison County needs jobs and revenue. Yes, everyone should pick up

what they need at WalMart or the grocery store but the reality is we don't do that. Its not uncommon to be home and realize that you don't have what you need to make for dinner or diapers or case may be. There were 60 residents in support who lived there.

Charlie Montgomery stated the following: That he was a site selector to find sites for the Dollar General. This is in an area they believe to generate enough business. Dollar Store keeps facts and figures internal, he doesn't get that. The community there is in support of it.

Public in support:

Kristin Bacon, resident of 279 Blackburn Road and owner of subject property, stated the following: That she also owns 58 acres that surrounds it. That she had lived there for 23 years. She bought the 5 acres with an old house. The house was torn down and the lot leveled. The house was used for drugs, fighting cocks, with 20 barrels out in front yard, animal control had been called over & over about horses and a had dead horses on it, raw sewage and an eyesore. She was approached by Mike Rozier Construction for a commercial store. The Grandview Store is their neighbor and there would be no sales of the same products and at Dollar General no conflict of business hours. This would bring additional revenue. Grandview Store went through legally on commercial property. Theres a bar down the road. A truss business on 62. These are all commercial. This will not be an eyesore. That she would be the most affected by it.

Steve Eads stated the truss company was located in Robertson County on 62.

Ruth Baugh, resident of 375 Blackburn Road, stated the following: Her house was the closest to this. That she had a resident there for 34 years. That it was inconvenient not to have a store. Allen's store has some things she could use but his hours of operation would be different also. You don't live there. The Kelat store went out of business many years ago and offered very few things. YouHave this store then a bar approved not to many years ago.

Dale Eckler, resident of 323 Carr Rd., Grandview Store is a family ran store.. Nothing is out there in the area its like horse and buggy. Have Shelby internet but its not good. The Grandview store is a nice country setting and Dollar Store could do the same type of building. There is no competition with Grandview Store they offer different type of commodities.

Jerry Bacon, resident of 279 Blackburn Road and owner of subject property, stated the following: Did Andy Byler have to get a zone change for the trim shop? That he has lived there a long time. That he spent a day going to people in his neighborhood and they were thrilled. The public wanted to know if they could get a gas pump too. That he had spoke to Charles he wanted to keep country setting with trees for a nice setting with no trash. That he bought the corner lot to get rid of mess. There were starving animals on that lot. Charlie came by and asked about

putting a Dollar General there. That he talked to Allen Yoder, he thought it would help his traffic and be a convenience around the area.

Director Bonnie Skinner stated that Mr. Byler was a conditional use.

Steve Eads stated the truss company was located in Robertson County on 62.

Ralph Gloy, resident of 3204 Oddville-Sunrise Rd., stated he was in favor, this would help us out there and be a good thing.

Chairman Bear asked for any other comment in favor, there was none. He then called for public comment in opposition.

Kenneth Price, resident of 9307 U.S. 27 N. and across from proposed site, stated the following: That he had lived on his farm for 47 years across from this location. A chain store to build on a flat spot, Grandview Store has hours of 9:00am-5:00pm, closed on Sunday. The house has been removed, the barrier of trees were removed and the hill removed. From his bedroom he will be able to see the glare of the lights in the parking area. This would devalue his property. Privacy is the main thing since his garage doors would face this site. People would congregate across from his house. At the Antioch Church every weekend with people scratching off in their parking lot. Put yourself in my place.

Joan Price, resident of 9307 U.S. 27 N., and across from proposed site, state the following: They would be across from a big parking lot to meet for drugs, drinking and getting loud. There be drug use and drinking across from us and now this would be setting over from my home, it is unacceptable. That she was against it. Like anyone else if you need something go to town.

Carol McVey, resident of 941 Williams Lane, stated the following: Grandview Store is open during daylight hours. Grandview Store is a family run store and not Comparable to Dollar General Store in tax and jobs. Could this be offered and put in the City of Berry? That she took pride that she has lived in the area for 35 years. This was a beautiful area and corridor, leave it open. That she opposed the zone change.

Tom Mueller, resident of 4530 Ky. Hwy. 1032 E, stated the following: That he had lived in the area for 10 years. That he had settled in area because of the rural setting to his home. The house torn down was an eyesore but why trade it for another one. If like for convenience of going to store then how many do you pass, why not stop at on when going to and from work. That he concerns of trash on the 2 miles to his house from this site. If buy and drive before the trash is thrown out. That he had travelled in France and it was hard to find any trash but not the case around here.

Claire Mueller, resident of 4530 Ky. Hwy. 1032 E, stated the following: She could answer one of the questions from earlier. When she heard about Dollar General

Store one of the first things she thought was “we’re moving”. I love that place, Kelat and the area. One of the questions was how far these things are. I’ve done this 3 times taking missionaries to the airport through Alexandera and it was the exact same each time. The first Dollar Store starting was at 4:37 pm was 2 minutes, later another one 10 minutes, another one at 5 minutes, another one at 5 minutes, another one at 6 minutes, another one at 5 minutes, another one 6 minutes, another one at 6 minutes, another one at 4 minutes, another one at 10 minutes. Some Dollar Stores were only separated by 2 minutes. I just like a possibly we could enjoy the beauty that we have in our county. Dollar Store is mostly scattered 10 minutes to either direction. Would in a couple years Buy and place a store between here and Cynthiana & why not two more stores. Beside going to the Amish Store and a few others have to go to store by car. Dollar Store has been in news a lot here lately for robberies. If I to pick one for a robbery it would be that one on the hill because there were so many escape routes. That’s why you just have them in town. To not see bright lights out night and have everyone hanging out all times of night. The Grandview Store closes early that’s a plus.

Connie Webber, resident of 120 Cecil Webber Rd., stated the following: That she didn’t need to repeat about the rural community. If allowed lets just keep going and not have a rural community. I understand the convenience but it was ten minutes in either direction to Cynthiana or Falmouth. That she opposed this.

Robert Owen read a notarized letter from David & Anne Melcher of 721 Williams Lane in opposition of the zone change request. That they had lived there and loved the country atmosphere and would hate to see it change by construction of an outlet that is not suited to the agricultural nature of where we live. The request would affect the aesthetics at where we live near the proposed project when traveling 27 or live near the Dollar Store the construction that is contrary to the nature usage of the land in this area and contrary to content of the zoning requirements. They say no to zoning request by Dollar General

Chairman Bear called for any other comments in opposition. There being none, he then closed the public hearing.

Avi Bear made a motion to disapprove the requested zone change ZMA-01-18 from A-1 to RB for the following reasons:

Findings for Disapproval

- 1.) The applicant has failed to provide any evidence of facts showing either that The current zoning is inappropriate and the proposed zoning is appropriate, nor has there been evidence of facts showing any major economic, physical or social change not anticipated by the comprehensive plan.
- 2.) The proposed zone change is not in compliance with the comprehensive plan.

David Kramer seconded. A poll vote was taken: Rick Boland-yes, Julie Muth-yes,

Mathew Harney-yes, David Kramer-yes, Avi Bear-yes, Robert Owen-yes and Daryl Northcutt-yes. None voted no. Motion Passed 7-0.

2. New Business

- A. #FDP-05-18: Berry Christian Church-Final Development Plan at 318-320 N. Main St., Berry, Ky. Zoning: Residential One (R-1) and Agricultural One (A-1).

Julie Muth made a motion to approve the final development plan for a 4,500 square foot youth activities building at Berry Christian Church at 318-320 Main Street in the City of Berry subject to: 1.) Any revisions or amendments to the approved Development Plan must be reviewed and approved by the Planning Commission Staff (minor) or by the Planning Commission (major). 2.) Prior to building, the Applicant must obtain a building permit. Mathew Harney seconded. A poll vote was taken: Rick Boland-yes, Julie Muth-yes, Mathew Harney-yes, David Kramer-yes, Avi Bear-yes, Robert Owen-yes and Daryl Northcutt-yes. None voted no. Motion Passed 7-0.

- B. #2018-SD-01: Mike Sosbe-Final Major Subdivision (4 lots) on Peachtree and Sycamore Drive. Zoning: Residential Three (R-3).

Robert Owen made a motion to approve the major subdivision plat for Mike Sosbe on Spruce, Peachtree and Sycamore Drive for parcels 7-10, subject to: 1.) Any further division must come before the Planning Commission. Rick Boland seconded. A poll vote was taken: Rick Boland-yes, Julie Muth-yes, Mathew Harney-yes, David Kramer-yes, Avi Bear-yes, Robert Owen-yes and Daryl Northcutt-yes. None voted no. Motion Passed 7-0.

- C. #FDP-06-18: Russell & Cheryl Case-Final Development Plan at 380 Sea Biscuit Way. Zoning: Industrial One (I-1).

Robert Owen made a motion to approve the final development plan for a 6,000 sq.ft. building at 380 Sea Biscuit Way zoned I-1, subject to: 1.) Any revisions or amendments to the approved Development Plan must be reviewed and approved by the Planning Commission Staff (minor) or by the Planning Commission (major). 2.) Prior to building, the Applicant must obtain a building permit. 3.) Sign Permits shall be obtained from the CHCBJPC office. 4.) Landscaping shall be provided around all off-street loading and unloading areas if gravel. 5.) Dumpster if proposed shall be shown on the Final Development Plan with a typical sketch. 6.) The hard surface entrance shall meet all requirements of the Business Park Overlay Zone. Mathew Harney seconded. A poll vote was taken: Rick Boland-yes, Julie Muth-yes, Mathew Harney-yes, David Kramer-yes, Avi Bear-yes, Robert Owen-yes and Daryl Northcutt-yes. None voted no. Motion Passed 7-0.

- D. #FDP-07-18: 3M-Final Development Plan at 1308 New Lair Road. Zoning:

Industrial One (I-1).

Mathew Harney made a motion to approve the final development plan for a new building at the 3M facility located at 1308 New Lair Road for the construction of a 120 ft. by 240 ft. building zoned I-1 and additional parking space of 180 ft. by 200 ft., subject to: 1.) Any revisions or amendments to the approved Development Plan must be reviewed and approved by the Planning Commission Staff (minor) or by the Planning Commission (major). 2.) The Applicant needs to submit a FDP to Staff with appropriate signature blocks. Robert Owen seconded. A poll vote was taken: Rick Boland-yes, Julie Muth-yes, Mathew Harney-yes, David Kramer-yes, Avi Bear-yes, Robert Owen-yes and Daryl Northcutt-yes. None voted no. Motion Passed 7-0.

OTHER BUSINESS

1. Old Business

A. None.

2. New Business


A. Building Permits and Financial Report

Robert Owen made a motion to approve the building permit and financial report. Rick Boland seconded. Boland, Muth, Harney, Kramer, Bear, Owen and Northcutt voted yes. None voted no. Motion Passed 7-0.

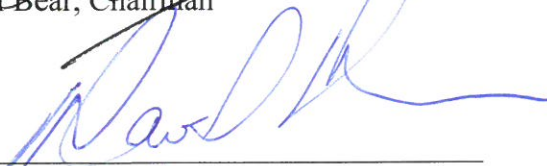
B. Forum Update-The mayor came to the office to address a shortage of rental housing and properties to buy. A meeting was held with large employers, realtors, Surveyor Pat Darnell and builders to work on a solution to solve this problem in the board of education building. Garnett Furnish (EDA) is working on a survey to send to employers to address the needs of the employers on lifestyle and structures.

Adjourn:

Robert Owen made a motion to adjourn being no other discussion. The meeting was adjourned at 8:17 p.m. Avi Bear seconded. Boland, Muth, Harney, Kramer, Bear, Owen and Northcutt voted yes. None voted no. Motion Passed 7-0.



Avi Bear, Chairman



David Kramer, Secretary