

## **Hardin County Planning and Development Commission**

Minutes: 06 July 2021

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Chairman Mark Hinton called the seven hundred twenty second meeting of the Hardin County Planning and Development Commission to order at 5:00 p.m. on Tuesday, 06 July 2021, in the second floor Meeting Room of the Hardin County Government Center. Other Commission Members in attendance were Greg Lowe (Vice Chairman), Larry Jagers, II (Secretary), and Steve Steck (Commissioner). Also, in attendance were Director Adam King, AICP, Planner, Nikki McCamish, Administrative Assistant, Susan Bowen, Planning Technician, Haley Baird, Assistant County Attorney, Philip Moore, and the individuals listed on the attached sign-in sheet. Commissioner Mark Nelson was not in attendance.

At 5:00 p.m. Chairman Hinton announced the first item on the agenda was the **Annual Election of Officers**. Chairman Hinton asked if there were new nominations, and there were none. Commissioner Steck made a motion to keep the current officers in their existing roles. Secretary Jagers II provided the second. Motion passed 3-0 with Chairman Hinton abstaining.

At 5:01 p.m. Chairman Hinton called for consideration and action on the **Financial Report #11, May 2021**. Secretary Jagers II made a motion to accept the Financial Report as presented. Vice Chairman Lowe provided the second. Motion passed 3-0 with Chairman Hinton abstaining.

At 5:03 p.m. Chairman Hinton called for consideration and action on the **Minutes from the Meeting held on 15 June 2021**. Secretary Jagers II made a motion to accept the Minutes as presented. Commissioner Steck provided the second. Motion passed 3-0 with Vice Chairman Lowe abstaining from the vote due to him having recused himself from that meeting as an adjoining property owner.

The following items are for informational purposes only and do not require action:

### **MEETING WITH SURVEYORS & NOLIN RECC**

On 29 June 2021, the Planning Commission hosted a meeting between the local surveyors and NOLIN RECC to discuss the subdivision plat process and ways to streamline the process moving forward including the potential for electronic signatures.

Chairman Hinton announced that the next regular scheduled meeting will be held on Tuesday, 20 July 2021 at 5:00 p.m. and called for the meeting to be adjourned at 5:09 p.m. Vice Chairman Lowe made a motion to adjourn the meeting. Secretary Jagers II and Commissioner Steck provided the second. The motion passed unanimously.

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**ADOPTED AND APPROVED THIS 20th DAY OF JULY 2021 BY THE HARDIN  
COUNTY PLANNING AND DEVELOPMENT COMMISSION.**

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LARRY JAGGERS II, SECRETARY

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Chairman Mark Hinton called the seven hundred twenty first meeting of the Hardin County Planning and Development Commission to order at 5:00 p.m. on Tuesday, 15 June 2021, in the third floor Fiscal Court Room of the Hardin County Government Center. Other Commission Members in attendance were Greg Lowe (Vice Chairman), Larry Jagers, II (Secretary), Steve Steck (Commissioner), and Mark Nelson (Commissioner). Also in attendance were Director Adam King, AICP, Planner Nikki McCamish, Administrative Assistant, Susan Bowen, Planning Technician, Haley Baird, Assistant County Attorney, Philip Moore, County Engineer, Charlie Allen and the individuals listed on the attached sign-in sheet.

At 5:00 p.m. Chairman Hinton announced they would be skipping to the second item on the agenda and called for consideration and action on the **Minutes from the Meeting held on 1 June 2021**. Secretary Jagers II made a motion to accept the Minutes as presented. Commissioner Steck provided the second. Motion passed 4-0 with Chairman Hinton abstaining.

At 5:01 p.m. Chairman Hinton announced that he would serve as the Hearing Officer and preside over the Public Hearing, and he explained the Public Hearing process.

At 5:02 p.m. Vice Chairman Lowe announced that he was recusing himself from the hearing due to him being an adjoining owner of the proposed Zone Change and CUP on the agenda.

At 5:03 p.m. Commissioner Nelson made a motion to extend the allotted time to speak for both sides to one hour due to the amount of people in attendance. The motion passed 4-0 with Vice Chairman Lowe having recused himself from the proceedings.

Chairman Hinton then asked Assistant County Attorney Moore to conduct the swearing in ceremony for all those in attendance that planned to speak.

At 5:06 p.m. Chairman Hinton called for consideration and action on the first item on the agenda, a Map Amendment and Conditional Use Permit submitted by **IBV ENERGY PARTNERS (APPLICANTS) ON BEHALF OF CLAYTON & GERALDINE GREY, KERBY GREY AND DOROTHY & EUGENE HILL (OWNERS)**, who are requesting a Zone Change from the Rural Residential Zone (R-2) to the Agriculture Zone (A-1) and a Conditional Use Permit to allow for a Utility Scale Solar Farm known as "Rhodes Creek Solar". The property consists of 11 tracts totaling  $\pm 1072$  acres located south of Hardinsburg Road (KY 86), east of Hansborough Road and on both sides of South Black Branch Road in Cecilia, KY. The PVA map numbers are: 103-00-00-049, 125-00-00-029, 103-00-00-058, 125-00-00-028.02, 125-00-00-028.01, 125-00-00-030, 126-00-00-004, 147-00-00-027, 148-00-00-001, 126-00-00-014 and 148-00-00-002. Director King explained the public notice requirements, presented and entered the exhibits into the record, reviewed the staff report and presented the powerpoint slide presentation

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regarding the proposed Zoning Change Map Amendment and the Conditional Use Permit with 26 proposed conditions.

At 5:40 p.m. Chairman Hinton opened the floor for any individuals who wanted to speak in favor of the proposal.

Robin Saiz, of 10214 Allamanda Boulevard, Palm Beach Gardens, FL and Jeff Chang of 8609 Southamptton Drive, Raleigh, NC stated that they would be representing ibV Energy Partners and that they had prepared a PowerPoint presentation for the Commission and those in attendance.

Robin Saiz, of 10214 Allamanda Boulevard, Palm Beach Gardens, FL stated he and his friend started the ibV Energy Partners company together and that they employ many veterans. Mr. Saiz stated that he started this company because of his personal experience and his time with the military and Future Farmers of America (FFA). He stated that the company has a parent company that is based out of Germany and that they have a global footprint and multiple projects in the United States. Mr. Saiz went over multiple different aspects of the project, such as, buffering, project lifecycle (Development – Construction – Operation – End of Life) and land leases. He stated that the reason the Rhudes Creek Solar Project got started is because of an RFP from LG&E / KU and because companies want to add renewable energy to their portfolios. The transmission capacity and availability in the Cecilia area drew them to this particular location.

Jeff Chang, of 8609 Southamptton Drive, Raleigh, NC stated this project is a 100 Megawatt AC and 160 Watt DC and that the energy will be generated from both the bottom and top of the solar panels because they will be bi-facial. He stated the panels will also be on a tracking system from East to West to follow the sun. Mr. Chang stated the project itself is about 750 acres of the 1,072 acres, and that during the construction process they will employ around 250-300 people. He stated that they have already submitted multiple permits and applications to local, state and federal agencies, and that they just recently submitted applications to US Army Corp. of Engineers and the Kentucky Division of Water. Mr. Chang also stated that they have also been in contact with Sonoco about the gas pipeline on the site and are currently working through the glare analysis. Mr. Chang then submitted twenty letters of support (**Exhibit DD**) into the record.

Robin Saiz, of 10214 Allamanda Boulevard, Palm Beach Gardens, FL stated they held two stakeholder engagements at the Cecilian Ruritan Club, the first in 2020 with twenty seven people in attendance and the second on April 1, 2021 with seven people in person and four online attendees. He noted that the major concerns raised were with stormwater, erosion and noise. Mr. Saiz stated in regards to noise produced by the solar panels, the panels themselves don't produce noise; the only noise is produced by the fans that turn on and off to keep the inverters cooled down. He stated for these fans

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the decibels at 10 meters away is 60 decibels, and at the closest house when they tested it, the ambient current decibels was at 70.

Jeff Chang, of 8609 Southamptton Drive, Raleigh, NC stated that they have done pre and post development calculations for stormwater infiltration and runoff. He stated per their calculations the weighted curve for pre-development is 69 and post-development is 67. Mr. Chang stated that they will not be putting very much concrete on site and that they want to use natural vegetation and work with the existing landscape and topography with very little grading required. He stated they are currently on their fifth iteration of their landscaping plan and are looking at different spruce trees for screening. Mr. Chang also stated that they wanted to do something for the community so they are looking at doing a walking path around the Cecilia Ball Park. Mr. Chang then submitted an Economic Impact Analysis prepared by Dr. Coomes with the University of Louisville (**Exhibit EE**) into the record. He stated that during the construction process it's estimated they will employ 240 full time and 72 indirect employees with a total of \$15.2 million in payroll. Mr. Chang stated current tax revenue is \$6,533 and if the solar development project is approved the estimated tax revenue would be \$67,171.

Robin Saiz, of 10214 Allamanda Boulevard, Palm Beach Gardens, FL stated they knew another concern was property value impacts. Mr. Saiz then submitted a Property Values Study prepared by Kirkland Appraisals (**Exhibit FF**) into the record. Mr. Saiz stated per the study, solar development doesn't create more traffic, there is no odor, and that noise is not a concern. He explained that environmentally there are no toxins and that aesthetically there are significant setbacks and landscape buffering in place. His synopsis of the study was that solar facilities do not have a negative impact on neighboring property values.

Jeff Chang, of 8609 Southamptton Drive, Raleigh, NC stated in a sale vs. resale analysis of a house in South Carolina that was only 105 feet from panels, there was no impact. He stated for critical issues analysis of the Rhudes Creek Solar Project there are no recognized environmental conditions, they performed a wetland delineation study and had jurisdictional review performed. Mr. Chang stated in regards to engineering there have been engineering studies done, geotechnical studies performed, a Stormwater Pollution Prevention Plan (SWPPP) prepared, large generator interconnection process, karst mapping, project layout and construction phasing plans created. He stated for the karst areas; even though there are no required setbacks they are offsetting 100 feet from all existing and surveyed karst areas. Lastly, Mr. Chang stated the process and project in Hardin County has been the most due diligence their company has ever done.

Robin Saiz, of 10214 Allamanda Boulevard, Palm Beach Gardens, FL explained they have worked with the primary landowners as much as they can to save their farmland and then return it back at the end of the project. Lastly, Mr. Saiz stated when rounding up to 200,000 acres of farmland in Hardin County, this project is taking up less than half of one percent of that total acreage.

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At 6:27 p.m. Chairman Hinton asked the Commission members if they had any questions for Mr. Saiz or Mr. Chang. Commissioner Nelson asked if the leases were transferable. Mr. Saiz stated yes. Secretary Jaggars II asked how tall the panels were going to be. Mr. Chang stated at full tilt the panels are 16.5 feet tall and when level they are 9.5 feet tall. Secretary Jaggars II asked how much concrete there would be. Mr. Saiz stated the piles are driven in so the only concrete would be small concrete pads for the inverters to sit on. Secretary Jaggars II then asked about the noise produced by the panels. Mr. Saiz stated the panels do not make any noise; the only noise produced is a slight hum from the fans cooling the inverters. Chairman Hinton asked about switchyards and battery storage reserves. Mr. Saiz stated this project will not have any battery storage just the solar panels.

At 6:30 p.m. Chairman Hinton opened the floor for any individuals who had questions for Mr. Saiz and Mr. Chang.

David Miller, of 1608 Franklin Crossroads, Cecilia, KY asked how many panels would be on site. Mr. Chang stated around 200,000 panels total. Mr. Miller asked if these panels would be thin film panel. Mr. Chang stated no they would be bi-facial panels. Mr. Miller asked if thin film panels were more efficient. Mr. Chang stated no. Mr. Miller asked if the panels were toxic and had cadmium in them. Mr. Saiz stated no. Mr. Miller asked why is Rhudes Creek Solar an LLC. Mr. Saiz stated it is typical once you receive a power purchase agreement to create an LLC for the project. Mr. Miller then asked if the LLC was a limited liability and if the bonding would be through the LLC. Mr. Saiz stated yes. Mr. Miller asked if the ibV company had ever been in a lawsuit with property owners. Mr. Saiz stated no. Mr. Miller asked what the bonding price would be. Mr. Saiz stated that hasn't been decided yet and Director King stated those amounts have not been set yet. Mr. Miller asked if the panels were considered e-scrap. Mr. Saiz stated they are recyclable. Mr. Miller asked about the karst topography. Mr. Chang stated they do have some moderate risk areas, but that they have a monitoring plan to watch for potential issues. Lastly, Mr. Miller asked about the surface water management. Mr. Chang stated they have addressed the stormwater issues with the Best Management Practices (BMP's) that they will be using.

Mary Powell, of 1440 Hansborough Road, Cecilia, KY asked about the 60' right-of-way for Hansborough Road that was labeled on the map sent out. Mr. Chang stated this was an error on their part and that Hansborough Road does not have a dedicated right-of-way. Mrs. Powell asked about the landscaping and what would happen if the trees died in regards to who would come out to replace them. Director King stated the neighboring property owners would need to notify the Planning Office and then we would do a site visit within a week of the call and we would notify ibV of the issue. Mrs. Powell then asked about the 100' setback for the Ag Zone. Director King stated the A-1 Zone has to a 70' front setback from the road right-of-way line and a 100' side and rear setbacks. Mr. Chang then clarified that the fencing and landscaping for the project would be within that 100' setback but no panels would be within the setback.

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Phillip Williams, of 722 Hansborough Road, Cecilia, KY asked if any ecological studies on the waterfowl and wildlife had been done, and if this project would impede the waterfowl migration. Mr. Saiz stated the fencing would be 6' tall and that U.S. Fish and Wildlife and U.S. Army Corp of Engineers did studies on site in the spring and fall.

Paul Brantingham, of 148 Deerbrook Lane, Elizabethtown, KY asked what the revenue streams for the project were. Mr. Chang stated there is a power purchase agreement in place for the energy produced. Mr. Brantingham clarified he wanted to know who received the profits from the project. Mr. Saiz stated ibV Energy Partners and the parent company in Germany. Mr. Brantingham asked is there gallium arsenide or rare elements in the panels. Mr. Chang stated he didn't believe so and would have to look into that. Mr. Brantingham asked on the decommissioning if the Planning Commission was prepared for a hazardous waste site and if the Hardin County landfill would be able to take those hazardous materials. Mr. Saiz stated the solar panels are recyclable because the main element is silicon but that once the panels are chosen he could provide a data spec sheet with the panel materials.

John Heath, of 1677 South Black Branch Road, Cecilia, KY asked if these underground lines would produce sound that traveled underground. Mr. Saiz stated the property value study did not address or do any research on underground sound. Mr. Heath also asked about the water runoff issues. Mr. Chang elaborated on the pre and post development numbers for the stormwater runoff that are a part of the stormwater plan. Lastly, Mr. Heath asked if the 6' tall fence was too tall for deer. Mr. Saiz stated the height of the fence is a condition that hasn't been set yet.

Wade Rushing, of 1302 Hansborough Road, Cecilia, KY asked about the town hall meetings held by ibV and stated he never received notification of them. Director King noted that the two meeting mentioned were held by ibV and not the Planning Commission. Mr. Saiz stated they mailed letters to everyone within 1,200 feet of the project and believed there were 65 certified letters sent out and the second notification was also published in the newspaper.

David Miller, of 1608 Franklin Crossroads, Cecilia, KY came back up to ask where the electricity would be going. Mr. Saiz stated LG&E and KU with 50% of the power being for Toyota and 25% of the power for Dow with the remaining 25% unspoken for. Mr. Miller asked about the stormwater issues and what would happen if they flooded someone? Mr. Chang stated they are doing stormwater management and should not create any issues downstream. Mr. Miller asked what type of panels would be used. Mr. Saiz stated that the panels are monocrystalline, bi-facial but that the manufactured had not yet been chosen.

Larry Clark, of 2706 Nacke Pike, Cecilia KY asked if the panels caused a heat island effect. Mr. Saiz stated there is research being done that they cause a 1% difference but that it completely dissipates out over 6 meters and that studies were ongoing for solar

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projects in the Sahara desert. Mr. Clark asked if it was true that ibV only has 12 employees. Mr. Saiz stated they have 28 employees in the U.S. and the parent company has 400 employees in Germany.

Mary Powell, of 1440 Hansborough Road, Cecilia, KY came back up to question ibV regarding holding town hall meetings in the middle of a pandemic. Mr. Saiz stated the October and April meetings were CDC compliant concerning COVID.

Heather Smith, of 2390 Yates Chapel Road, Cecilia, KY asked who was responsible if something happened regarding flooding or chemical spills. Director King stated there would be bonds in place regarding decommissioning. Mr. Saiz elaborated that they have insurance policies in place in addition to the bonds but that the company could face litigation if issues arose. Mrs. Smith also asked about videos she had seen online regarding birds dying near solar farms. Mr. Saiz indicated those are where mirrors are used as part of the facility but this project has no mirrors.

Paul Brantingham, of 148 Deerbrook Lane, Elizabethtown, KY came back up to ask if any studies on grapefruit sized hail damage to panels has been done. Mr. Saiz stated if there is damage they have warranties to fix the damage. Mr. Brantingham asked if ibV would be regulated under the Public Service Commission. Mr. Saiz stated they are already going through the Public Service Commission with the Power Purchase Agreement (May 2020) and that they have to go through the State Siting Board as well.

Jennifer Wilmoth, of 1100 Wilmoth Lane, Cecilia, KY asked if she noticed their farm was having a flooding issue due to the panels would ibV come and fix the issue. Mr. Saiz stated with the design of the project they are actually making the stormwater issue better but that if flooding it is their fault he thinks it is their obligation to fix the issue.

At 7:19 p.m. Chairman Hinton opened the floor for any individuals who wanted to speak in favor of the proposal for the remainder of the allotted time.

Clayton Grey, of 670 South Black Branch Road, Cecilia, KY stated he was one of the property owners for the project. He stated whether ibV was approved or not he wanted his land to be zoned Agricultural (A-1), he has never sold a single acre from the farm and has his land in a trust so that it will be inherited by family but cannot be sold. Mr. Grey stated he was approached in September of 2019 about this project and he studied and talked to his family for three months. He indicated that he feels coal is running out and that everyone needs electricity so he saw this as an opportunity to do something good for the community and the state.

Robin Saiz, of 10214 Allamanda Boulevard, Palm Beach Gardens, FL stated he looked up the chemicals and elements mentioned previously and that their solar panels will not contain those mentioned.



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Johnny Melton, of 4100 International Plaza, Suite 730, Fort Worth, TX, stated his company is a full Erosion Prevention Sediment Control (EPSC) company and that he wanted to represent that the ibV company has done their due diligence and is an upstanding company. He stated he believed this project would be beneficial and he is always a fan of anything that brings energy to this country. Mr. Melton stated for the construction projects they always look for local talent and try to staff as many local people as possible. Lastly, Mr. Melton stated when they come to the community for a job the community benefits because they stay local and shop local which brings money to the community.

Robin Saiz, of 10214 Allamanda Boulevard, Palm Beach Gardens, FL stated he wanted to thank everyone for their time and questions. Mr. Saiz stated he wished some of the questions could have been answered in their two previous town hall meetings. He stated they want to stand by their project, help the community and be good neighbors.

No one else spoke in favor to the proposal.

At 7:33 p.m. Chairman Hinton opened the floor for any individuals who wanted to speak in opposition of the proposal.

David Miller, of 1608 Franklin Crossroads, Cecilia, KY submitted his opposition speech for the record (**Exhibit GG**). Mr. Miller stated there were many issues brought up so far, including the scope and magnitude of the project. He stated it is 1.67 square miles of glass, rebar, concrete, wires, etc. He equated it to 1,000 football fields of prime land. Mr. Miller stated he wanted to concentrate on three things: 1. What we do know about this project, 2. What we don't know about this project, and 3. What could happen. Mr. Miller stated in regards to, "1. What we do know about this project", it's big, produces 100 Megawatts of energy and it won't help anyone in Hardin County. He stated solar panels are not efficient. Mr. Miller thought we really need to look into hydrogen power instead of solar. Mr. Miller stated Hardin County Government will receive some tax credits and money, but not as much as you would think. He feels that the wildlife will be greatly affected. Mr. Miller stated we know we have a stormwater problem and that issues will get worse with all these panels, and this water from the panels will go into Nolin River via sinkholes and will end up in our drinking water. Mr. Miller stated in regards to, "2. What we don't know about this project", how much energy will actually be produced and what if the company forfeits the bonds. He doesn't think the company is going to fix any problems that arise, because it will cost them more money. Mr. Miller explained in regards to, "3. What can happen with this", that bad things can happen. He is concerned about a catastrophe where elements from the panels leak out. He does not feel solar is efficient and that there is no need for this facility. Mr. Miller explained that there are good renewable resources (hay, grass, flowers, etc.) that the area currently has and that we don't need to get rid of them for solar panels. He explained how much food this farm could produce and equated it to 30 million sandwiches based on bushels of wheat or 82 million crayons regarding soybeans. Lastly, Mr. Miller stated farmers believe they

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can do what they want with their land, but you can't if it affects your neighbors or your community.

Clayton Grey, of 670 South Black Branch Road, Cecilia, KY asked Mr. Miller about hydrogen power and what are you going to do when we run out of water. Mr. Miller stated we have salt water we can use.

Cezanne Davis, of 250 Basham Lane, Cecilia, KY, explained that the signs on Hwy 86 was the first she had heard of this project and she wished she would have known about the project earlier. She stated this area is very wet and is concerned about the ponds on Hwy 86 and more flooding. Mrs. Davis stated the Sandhill Cranes come here every year and this area is right in their migratory pattern, she asked if KY Fish and Wildlife had done a study about this habitat and the migratory pattern in regards to this project.

Heather Smith, of 2390 Yates Chapel Road, Cecilia, KY stated this area has some of the lowest income people and they were only notified two weeks before this meeting. Mrs. Smith asked about the bonding process. Director King stated the Planning Commission would hold bonds for decommissioning and potential damage to the county roads during construction. Mrs. Smith asked the Commission how they were going to protect Cecilia and make sure any promises by the developers are kept.

Keith Taul, of 3136 Hardinsburg Road, Cecilia, KY stated he has been approached by ibV multiple times and he believes they are very professional and they have tried to adjust their plans to accommodate his concerns. Mr. Taul feels this is Industrial Development and that it should be called a solar powerplant instead of a solar farm. He read through the definition of a farm and cited that farms produce food, feed, fiber, plants and animals. Mr. Taul doesn't understand why the Agricultural Zone would even be considered for generating electricity through solar panels. Mr. Taul stated if we have to have solar panels, even though they are inefficient, they need to be placed in an area that doesn't have an impact like this one will such as old mine areas in Western Kentucky. He stated he also is concerned with the stormwater issues for his neighbors. Lastly, Mr. Taul stated this decision is setting a precedent for all the other solar companies considering this area and that solar is not needed here. He is concerned with Cecilia becoming the solar capitol of the world.

Don Sexton, of 434 South Black Branch Road, Cecilia, KY stated he moved here in 1976 and bought a feed mill. He stated a lot of the small farmers have lost their farms and he lost his business because he relied on small farmers. Mr. Sexton stated he is against the project and against the 100' setback the Ag Zone imposes on adjoining properties once they subdivide.

Linda Sexton, of 434 South Black Branch Road, Cecilia, KY stated they live on a hill and it would be impossible to screen the solar panels from view. She stated their farm had

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been in her family since the 1940's and the land is sacred to them. She does not want to look at solar panels.

Glenn Harrington, of 2528 Hardinsburg Road, Cecilia, KY stated he is located right in the middle of this solar development and that with other proposed developments he could be in the middle of 5,000 acres of solar in Cecilia. He stated he is a full time farmer, third generation, and farming is all that he has ever done. Mr. Harrington stated that farmers are supposed to be good stewards of this earth, and currently farmers are less than 2% of the population. He stated if we lose our farmland, then we have to get our food from other countries. Lastly, Mr. Harrington stated his wife works at Nutrien and she and the business will also be impacted by this project because that land will no longer be farmed.

Russel & Tiffany Tucker, of 133 & 140 Klinglesmith Lane, Cecilia, KY and 1216 South Black Branch Road, Cecilia, KY stated they own the closest house to the solar panels. Mr. Tucker stated they already have stormwater problems and they are worried this development will cause more issues. Mr. Tucker stated he is worried about his livestock and if this will cause more heat and wanted to know what the repercussions would be for his livestock and his livelihood. He stated they bought three farms to leave to their three grandkids, and they believe in farmers rights. Mrs. Tucker asked exactly how close the panels would be to their home. Mr. Chang with ibV stated the closest panels were 304' from their home.

Dan Feeser, of 3438 Hardinsburg Road, Cecilia, KY stated ibV had been to his house multiple times. He stated there are a lot of stormwater issues in this area. Mr. Feeser explained that he and his wife moved to Cecilia in July of 2020 because the area is rural, and this property is their entire life savings. He stated he did not understand how this could be zoned Agricultural if it is really a power plant and not a farm. Mr. Feeser stated he and his wife are completely against this project. He stated if this gets approved the zoning map should be thrown out the door because this project is not Agricultural. Mr. Feeser stated the United Kingdom has just outlawed construction in prime farmland and that our prime farmland needs to be protected and not used for solar. Lastly, Mr. Feeser noted that he feels that food is more important than electricity.

Sondra Noe, of 424 Hansborough Road, Cecilia, KY stated she lives on the stretch of Hansborough Road between the two curves and enjoys seeing the wildlife in the area. She does not understand how this benefits Cecilia. Lastly, Mrs. Noe stated she stayed in this area after the passing of her husband because of the beauty of the area.

Mary Powell, of 1440 Hansborough Road, Cecilia, KY stated when she bought her land everything was zoned R-2. Mrs. Powell asked about lot sizes in the Agricultural Zone. Director King stated if the Agricultural Zone was approved there would be a 25 acre minimum lot size as opposed to the 3 acre minimum lot size in the R-2 zone.

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Jennifer Wilmoth, of 1100 Wilmoth Lane, Cecilia, KY stated she is currently building a market and farm operation similar to Huber's in southern Indiana. She stated this would bring agri-tourism to the area. Mrs. Wilmoth stated she's planting orchards and currently has around five employees. She stated if this solar development happens it would ruin her business. Lastly, Mrs. Wilmoth stated on Easter she had 5,000 people on her farm but that this proposed solar farm could end her dreams.

No one else spoke in opposition to the proposal.

At 8:40 p.m. Chairman Hinton closed the hearing, to public discussion and announced a 10 minute recess.

At 8:54 p.m. Chairman Hinton announced they would be continuing the hearing and asked the Commission Members if they had any questions or discussion.

Commissioner Nelson stated per the property value study submitted, property values decreased when there was light landscaping. He stated we have heard multiple concerns about the size of the project, and asked if the Commission could limit the size / acreage of the project similar to what Meade County has done with a 1,200 acre limit for solar projects in that county. Director King stated he was not aware of any precedent for acreage limitations within KRS 100 and that would be a legal question for the County Attorney.

Commissioner Steck asked Mr. Chang about the efficiency of the panels. Mr. Chang stated they calculate the efficiency by annual generation and their capacity factor should be around 24% because they are using bi-facial panels absorbing energy on both sides and the panels will be on a tracker system which follows the sun.

Secretary Jagers II asked Mr. Saiz what the contents of the panels were going to be. Mr. Saiz stated the solar panels have silicon and aluminum alloy, no toxic gases and metals, the panels with harmful toxins and metals are expensive and are used in outer space. Secretary Jagers II asked about cadmium specifically. Mr. Saiz stated no that cadmium is used in thin film panels. Secretary Jagers II then asked about the potential of damage to the panels and if studies had been done on issues as a result of the damaged panels. Mr. Saiz stated they would fix any broken panels and that he could get the Commission data sheets on everything in the panels at a later date.

Commissioner Nelson asked about the process for the developer to move from one phase of construction to the next. Director King stated the size of the construction phases (approximately 200 acres each) was determined to correlate with the Stormwater Ordinances. County Engineer Allen stated his office was responsible for inspecting the site to determine there aren't any stormwater issues.

Director King asked Mr. Chang about the phasing process and whether once a phase was completed if it was connected to the grid or whether all phases had to be

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connected at once. Mr. Chang stated the project would go online after everything is constructed and installed.

Chairman Hinton stated he is struggling with the aesthetics of a 6' tall fence with 16.5' panels behind it with spruce trees.

Commissioner Steck asked if the Hill's were in the audience and if they would come forward and speak.

Gerald Hill, of 521 East Main Street, Cecilia, KY spoke on behalf of Dorothy & Eugene Hill as their Power of Attorney. He stated if the Conditional Use Permit for the solar development was not approved he would not want his property zoned Agricultural (A-1) and that he would want it to remain Rural Residential (R-2).

At 9:20 p.m. Chairman Hinton stated that there would be two separate votes; one for the Zone Change Application from the Rural Residential Zone (R-2) to the Agricultural Zone (A-1) and the second vote being for the Conditional Use Permit for a Utility Scale Solar Farm known as "Rhudes Creek Solar".

Director King restated the application, reviewed the 4 step process in the Comprehensive Plan and gave the staff recommendation for approval of the Zoning Change from Rural Residential (R-2) to Agricultural (R-1) and presented Resolution # 2021-009 for consideration.

Commissioner Steck made a motion to approve the Zone Change request from Rural Residential (R-2) to Agricultural (A-1), and to adopt Resolution 2021-009, with the condition that if the Conditional Use Permit is denied, the Hill Property will remain in the Rural Residential Zone (R-2), based on the staff report and the exhibits entered into the record, the testimony provided by the staff and those in attendance and that the request is in agreement with the Comprehensive Plan as follows: Step 1: Development Policies 1, 2, 4 – 6, 8 – 10; Step 2: Property Characteristics 1 – 4, 7 & 10; Step 3: Land Use Plan Group: Natural Resource; Step 4: Planning Area: # 21 Natural Resource Area and that the proposal is in agreement with the following Goals and Objectives from the Comprehensive Plan:

Goal 9: To promote energy efficiency and conservation on a community wide basis.

Goal 14: To assure that Hardin County's nonrenewable resources are developed in a manner which will best serve the County.

Secretary Jagers II provided the second. The motion passed 4-0, with Vice Chairman Lowe having recused himself from the proceedings.

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At 9:23 p.m. Chairman Hinton announced they would now be considering the Conditional Use Permit for a Utility Scale Solar Farm known as “Rhudes Creek Solar”, and asked the Commission for discussion on the potential conditions.

Commissioner Nelson stated there needed to be larger setbacks, more landscaping and he would like to look more into limiting the acreage of solar in the county similar to the Meade County ordinance.

Secretary Jagers II stated he was also interested if the acreage limitation was a possibility. He explained that he knows we need energy but we also need food. He noted that as a farmer and an employee of an agricultural business he has struggled with this decision and even lost sleep over it. He thinks prime farmland should be farmed but also believes in farmers rights.

Commissioner Steck brought up the idea of tabling the request so that more research could be done.

Chairman Hinton stated his concern that the proposal does not benefit Hardin County. He stated he believes there are more appropriate areas solar could be placed, and that he believes this would change the character of Cecilia.

Commissioner Steck stated they are talking about hiring 300 people, but there aren't 300 people in Hardin County to hire for these construction jobs. He explained he has had a hard time with this decision but does not feel it belongs in a farming community.

Commissioner Steck made a motion to deny the Conditional Use Permit for a Utility Scale Solar Farm known as “Rhudes Creek Solar Farm”, based on the proposal not being in compliance with Development Guidance System, Zoning Ordinance (Section 16-3) Standards for Issuance of a Conditional Use Permit as follows:

The proposed solar farm would change the character and established pattern of development of the area.

The proposed solar farm may adversely affect the use of neighboring properties.

The proposed solar farm may be injurious to property and improvements in the vicinity.

Secretary Jagers II provided the second. The motion to deny the Conditional Use Permit passed 3-1, with Commissioner Nelson voting in opposition to the motion and Vice Chairman Lowe having recused himself from the proceedings. The Zone Change to Agriculture (A-1) for the Hill property was therefore considered withdrawn based on Gerald Hill's testimony and the property will retain its Rural Residential (R-2) zoning.

## **Hardin County Planning and Development Commission**

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Chairman Hinton then announced that there was a 21 day appeal period to appeal the decision of the Planning Commission to Hardin County Fiscal Court. The appeal application would need to be filed at the Planning Commission office.

The following items are for informational purposes only and do not require action:

### **PLANNING TECHNICIAN HIRED**

The newest member of the Planning Commission staff is Haley Baird. Haley is a graduate of Western Kentucky University with a Bachelor's degree in Geography with a concentration in Environmental Studies and Agriculture. She also has a certificate in GIS. She was previously employed as a Soil Conservationist with the National Resource Conservation Service.

At 9:30 p.m. Chairman Hinton announced that the next regular scheduled meeting will be held on Tuesday, 6 July 2021 at 5:00 p.m. and called for the meeting to be adjourned at 9:31 p.m. Commissioner Steck provided the second. The motion passed unanimously.

**ADOPTED AND APPROVED THIS 6th DAY OF JULY 2021 BY THE HARDIN COUNTY PLANNING AND DEVELOPMENT COMMISSION.**

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LARRY JAGGERS II, SECRETARY

## Hardin County Planning and Development Commission

Minutes: 1 June 2021

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Chairman Mark Hinton called the seven hundred twentieth meeting of the Hardin County Planning and Development Commission to order at 5:00 p.m. on Tuesday, 1 June 2021, in the second floor Meeting Room of the Hardin County Government Center. Other Commission Members in attendance were Greg Lowe (Vice Chairman), Larry Jagers, II (Secretary), and Steve Steck (Commissioner). Also in attendance were Director Adam King, AICP, Administrative Assistant, Susan Bowen, Assistant County Attorney, Philip Moore and the individuals listed on the attached sign-in sheet. Commissioner Mark Nelson and Planner Nikki McCamish were not in attendance.

At 5:02 p.m. Chairman Hinton announced the first item on the agenda is a continuation from the previous meeting on 4 May 2021, a Map Amendment submitted by **DONNA & DOUG REED** requesting a Zone Change from the Rural Residential Zone (R-2) to the Urban Residential Zone (R-1) to allow for their property to be further subdivided into a 9 lot, single family residential subdivision. The property is a  $\pm$  10.202 acre site located on the west side of Crisp Road, Elizabethtown, KY. Director King announced that Doug Reed had withdrawn the request earlier in the day via email and that all neighbors who had signed in at the original hearing were called and notified. Therefore, the review of the proposed Preliminary Plat for Kingsway Crossing for the associated 9 lot subdivision was also withdrawn.

At 5:05 p.m. Chairman Hinton called for consideration and action on the third item on the agenda, a public facility review to determine compliance with the Comprehensive Plan (KRS 100.324).

Director King reported that **KY 86 VOLUNTEER FIRE & RESCUE** is proposing to construct a new, second fire station on a 0.648 acre site located at 7410 Hardinsburg Road, Cecilia, KY. Director King gave a summary of the proposal, reviewed the proposed Resolution 2021-008, and presented the reasons established in KRS for approving a Public Facility. Vice-Chairman Lowe recused himself from the review due to being the Assistant Fire Chief of the department.

Secretary Jagers, II made a motion to adopt Resolution Number 2021-008 (attached) approving the proposed KY 86 Volunteer Fire & Rescue Station # 2 as a Public Facility and that the request is in agreement with the Comprehensive Plan. The motion was seconded by Member Steck. The motion passed 3-0 with Vice-Chairman Lowe having recused himself.

At 5:10 p.m. Chairman Hinton called for consideration and action on the fourth item of the agenda a request by **KY 86 VOLUNTEER FIRE & RESCUE** to waive the planning review and electrical inspection fees associated with the proposed fire station. Director King stated that Derrick Peters, Chief of the KY 86 Volunteer Fire and Rescue Department requested that the planning review and electrical inspection fees be waived. Director King had previously spoken with David Veirs, our contracted Electrical Inspector and he agreed to waive his electrical inspection fees. Member Steck made a



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motion to approve the request from KY 86 Fire and Rescue to waive the fees associated with the planning review and electrical permits. Secretary Jaggars, II provided the second. Motion passed 3-0 with Vice-Chairman Lowe having recused himself.

At 5:15 p.m. Chairman Hinton called for consideration and action on the fifth item of the agenda the **Second Reading of the FY 2022 Budget**. Director King presented the budget to the Commission. Vice-Chairman Lowe made a motion to accept the Second Reading of the FY 2022 Budget as presented with the 3 amendments from the first reading. Secretary Jaggars, II provided the second. Motion passed 3-0 with Chairman Hinton abstaining.

At 5:25 p.m. Chairman Hinton called for consideration and action on the **Financial Statement #10, FY2021, April 2021 and the Minutes for the Meeting held on 18 May 2021**. Secretary Jaggars, II made a motion to accept the Financial Report and Minutes as presented. Member Steck provided the second. The motion passed 3-0 with Chairman Hinton abstaining.

At 5:30 p.m. Chairman Hinton announced that the next regular scheduled meeting will be held on Tuesday, 15 June 2021 at 5:00 p.m. and called for the meeting to be adjourned at 5:32 p.m. Vice-Chairman Lowe provided the second. The motion passed unanimously.

**ADOPTED AND APPROVED THIS 15th DAY OF JUNE 2021 BY THE HARDIN COUNTY PLANNING AND DEVELOPMENT COMMISSION.**

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LARRY JAGGERS II, SECRETARY

## Hardin County Planning and Development Commission

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Chairman Mark Hinton called the seven hundred nineteenth meeting of the Hardin County Planning and Development Commission to order at 5:01 p.m. on Tuesday, 18 May 2021, in the second floor Meeting Room of the Hardin County Government Center. Other Commission Members in attendance were Greg Lowe (Vice Chairman), Larry Jagers, II (Secretary), Steve Steck (Commissioner), and Mark Nelson (Commissioner). Also in attendance were Director Adam King, AICP, Planner Nikki McCamish, Assistant County Attorney, Philip Moore and the individuals listed on the attached sign-in sheet.

At 5:01 p.m. Chairman Hinton announced that he would serve as the Hearing Officer and preside over the Public Hearing. He explained the Public Hearing process and then asked Assistant County Attorney Moore to conduct the swearing in ceremony for all those in attendance that planned to speak.

At 5:04 p.m. Chairman Hinton called for consideration and action on the first item on the agenda, a Map Amendment submitted by **DOGWOOD CIRCLE INVESTMENTS LLC (OWNER) AND SCOTT WOOD (APPLICANT)**, who are requesting a Zone Change from the Tourism and Convenience Commercial Zone (B-2) to the Convenience Commercial Zone (C-1) to allow for the retail sales of merchandise – gun store. The property is a  $\pm 0.101$  acre site located at 211 East Main Street in Glendale, KY. The PVA map number is 190-30-02-002. Director King explained the public notice requirements, presented and entered the exhibits into the record, reviewed the staff report and presented the powerpoint slide presentation regarding the proposed Zoning Change Map Amendment.

At 5:26 p.m. Chairman Hinton opened the floor for any individuals who wanted to speak in favor of the proposal.

Jeff Key, of 576 White Mills Road, Glendale, KY stated that he is one hundred percent in support of Woods Armory. Mr. Key stated that he knows change is hard, but that he believes in the free market system and that Mr. Wood should be able to follow his dream. He also explained that he knows and believes in the Wood family and that he stands behind them. Lastly, he stated having the gun shop would allow people somewhere else to shop while waiting to get into the Whistle Stop to eat.

Allen Ash, of 244 Jagers Road, Glendale, KY stated he has lived in Glendale and has known Scott Wood his entire life. Mr. Ash supports the gun shop and is happy that he is not changing the exterior of the building.

Brian Cardin, of 203 East Main Street, Glendale, KY explained that he is the President of the Merchant Association in Glendale. Mr. Cardin stated he is in complete support and that Mr. Wood is not changing the exterior of the building. He noted that at the recent Spring festival in Glendale that lots of people were interested in the gun shop.

Doug Sharp, of 2685 Glendale Hodgenville Road West, Glendale, KY stated he has known Scott Wood his entire life and that the Wood's family are good people. Mr. Sharp

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stated he supports Mr. Wood's dream to open this shop and that he would bring honesty and integrity to Glendale. Lastly, Mr. Sharp stated he has lived in Glendale for thirty-three years.

Mike Frantz, of 4480 Bardstown Road, Elizabethtown, KY, He stated he is the new owner of the Whistle Stop and that Glendale needs a place for men to shop. Mr. Frantz stated he is in support of Mr. Wood's business.

Steve Conner, of 145 East Main Street, Glendale, KY stated he lives three doors away from the location and that his wife used to keep Scott Wood as a kid. Mr. Conner stated the Mr. Wood is a super young man with integrity and that he believes he would be an asset to the community.

Gary Williams, of PO Box 210, Glendale, KY stated he has known Scott Wood since he was a kid and that he has always been upfront, honest and good. Mr. Williams stated that he walks Glendale all the time and he sees guys sitting on benches with nothing to do outside while their wives shop at the antique stores.

Scott Wood, the Applicant, of 1067 Puckett Road, Elizabethtown, KY provided testimony and answered questions from the Commission members and staff. He stated that he and the landlord both thought the site was already zoned properly, so he has already made renovations and set up the inside of the building. Mr. Wood stated once he realized the zoning wasn't correct when trying to get the ATF letter signed by the Planning Office, they came in and applied for the zone change. He stated they won't be changing the exterior of the building, and he has one sign right now but plans to do lettering on the window in the future. Mr. Wood stated he works a full time job so the business will only be open part time. He also noted that he currently operates a home based gun shop out of his home near Glendale.

Josh Cooper, of Dogwood Circle Investments, LLC, the Owners, of 215 North Mulberry Street, Elizabethtown, KY provided testimony and answered questions from the Commission members and staff. He stated he was there on behalf of his family's business and that they are in favor of the proposal. He stated they bought the store and just assumed that any commercial business was permitted. Mr. Cooper explained they had painted the exterior of the building and built a deck on the rear to access the second story apartment and they are trying to uphold the community and preserve the historical character of Glendale. Mr. Cooper suggested making retail sales a Conditional Use within the B-2 Zone in the future. Mr. Cooper then submitted a copy of KRS 100.325 (**Exhibit W**) into the record. His interpretation of this statute was that it prohibits Planning & Zoning from regulating federally licensed firearm businesses. He also explained that if the zone change was approved and the B-2 text was amended to allow for retail sales that he would not have issue with rezoning back to the B-2 zone at some time in the future.

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Chairman Hinton stated the Commission was going to take a minute to review KRS 100.235 and discuss it. Assistant County Attorney Moore stated that there are a couple ways to interpret KRS 100.325, his interpretation was that it was meant to not allow zoning regulations that would specifically prohibit licensed firearm dealers. He explained to the Commission that he would need time to do additional research to try to determine the legislative intent of the regulation.

No one else spoke in favor to the proposal.

At 5:47 p.m. Chairman Hinton opened the floor for any individuals who wanted to speak in opposition of the proposal.

Dan Linker, of 147 East Main Street, Glendale, stated his opposition is not with the gun store or the Wood's family; actually he would fully support the gun store within the B-2 zone; but that he is against the zone change. Mr. Linker stated he does not want a 7-Eleven or other commercial business to be allowed in this location. He noted that currently, there are multiple business for sale in the B-2 zone and he doesn't want the doors to be left wide open for incompatible commercial businesses to come in to Glendale. He explained he fully supports the business just not the change in zoning.

Dennis Large, of 139 East Maple Street, Glendale, KY stated he is not as concerned that it's a gun store, but that he is worried about losing the tourism type of business that Glendale is known for. Mr. Large also stated he does not like Mr. Wood's logo for his business.

Annette Jones, of 452 East Main Street, Glendale, KY stated she owns the True Kentucky Store, which is one of the businesses for sale currently. She is a gun owner herself, and would probably purchase something from Mr. Wood's business, but that she is worried about the character of the town. She noted that Glendale and its historic downtown is the only one left of its kind in Hardin County. She also raised issue with the bars on the windows and that shows this business is of a different character that does not fit with the character of the town.

No one else spoke in opposition to the proposal.

At 5:58 p.m. Chairman Hinton closed the hearing, to public discussion.

Director King restated the application, explained the staff report, presented Resolution # 2021-007 for consideration and stated if there are concerns with the KRS 100.325 that the Commission could vote to table the request and let Assistant County Attorney Moore do further research. Director King also stated that regardless, he recommends the Planning Commission look at amending the text of the Zoning Ordinance and the Land Use Table for the B-2 Zone and to also potentially begin work on an Amendment to the Comprehensive Plan to do a small area plan for the Glendale Rural Village.

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The Planning Commission discussed the concerns of the citizens and the proposed zone change. While also discussing the possibility of doing a text amendment to the B-2 zone in the Zoning Ordinance.

Commissioner Steck made a motion to approve the Zone Change request from Tourism & Convenience Commercial (B-2) to Convenience Commercial (C-1), and to adopt Resolution 2021-007 based on the staff report and the exhibits entered into the record, the testimony provided by the staff and those in attendance and that the request is in agreement with the Comprehensive Plan as follows: Step 1: Development Policies 2 – 5, 7, 8 & 12; Step 2: Property Characteristics 1 – 5, 9 & 10; Step 3: Land Use Plan Group: Rural Village; Step 4: Planning Area: # 7 Glendale Rural Village and that the proposal is in agreement with the following Goals and Objectives from the Comprehensive Plan:

Goal 6: To improve and promote Hardin County as a place for commerce and industry.

Objective 1: To provide adequate space for the proper location of commercial and industrial land use.

Goal 7: To encourage the recognition and restoration of historically important sites.

Objective 2: To promote the utilization of these sites in a way which is compatible with their historical character.

Goal 8: To promote conservation and efficient utilization of existing community resources.

Objective 3: To encourage the adaptive reuse of buildings.

Vice Chairman Lowe provided the second. The motion passed 4-1 with Secretary Jagers II voting in opposition.

At 6:19 p.m. Chairman Hinton called for consideration and action on initiating a Text Amendment to the Land Use Table in the Zoning Ordinance for the B-2 Zone, to look at permitted and conditional uses for the zone. Commissioner Nelson made a motion to initiate the process. Commissioner Steck provided the second. The motion passed 4-0 with Chairman Hinton abstaining.

At 6:21 p.m. Chairman Hinton called for consideration and action on the second item on the **Minutes from the Meeting held on 4 May 2021**. Vice Chairman Lowe made a motion to accept the Minutes as presented. Secretary Jagers II provided the second. Motion passed 4-0 with Chairman Hinton abstaining.

The following items are for informational purposes only and do not require action:

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### **Planner Completes Provisionary Employment Period**

On 6 May 2021, Planner Nikki McCamish successfully completed her six month provisional employment period.

Chairman Hinton announced that the next regular scheduled meeting will be held on Tuesday, 1 June 2021 at 5:00 p.m. and called for the meeting to be adjourned at 6:23 p.m.

**ADOPTED AND APPROVED THIS 1<sup>ST</sup> OF JUNE 2021 BY THE HARDIN COUNTY PLANNING AND DEVELOPMENT COMMISSION.**

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LARRY JAGGERS, II SECRETARY

## Hardin County Planning and Development Commission

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Chairman Mark Hinton called the seven hundred eighteenth meeting of the Hardin County Planning and Development Commission to order at 5:00 p.m. on Tuesday, 4 May 2021, in the second floor Meeting Room of the Hardin County Government Center. Other Commission Members in attendance were Greg Lowe (Vice Chairman), Larry Jagers, II (Secretary), Steve Steck (Commissioner), and Mark Nelson (Commissioner). Also in attendance were Director Adam King, AICP, Planner Nikki McCamish, Assistant County Attorney, Philip Moore and the individuals listed on the attached sign-in sheet.

At 5:01 p.m. Chairman Hinton announced that he would serve as the Hearing Officer and preside over the Public Hearing. He explained the Public Hearing process and then asked Assistant County Attorney Moore to conduct the swearing in ceremony for all those in attendance that planned to speak.

At 5:04 p.m. Commissioner Nelson announced that he was recusing himself from the hearing due to this family's personal relationship with the applicant.

At 5:05 p.m. Chairman Hinton called for consideration and action on the first item on the agenda, a Map Amendment submitted by **DONNA & DOUG REED**, who are requesting a Zone Change from the Rural Residential Zone (R-2) to the Urban Residential Zone (R-1) to allow for their property to be further subdivided into a 9 lot, single family residential subdivision. The property is a  $\pm 10.202$  acre site located on the west side of Crisp Road, Elizabethtown, KY, currently known as Lot 4 of Crisp Road Acres. The PVA map number is 145-00-00-033 (parent tract). Director King explained the public notice requirements, presented and entered the exhibits into the record, reviewed the staff report and presented the powerpoint slide presentation regarding the proposed Zoning Change Map Amendment.

The applicant, Doug Reed, of 102 Childers Court, Elizabethtown, KY provided testimony and answered questions from the Commission members and staff. He stated that they purchased the 10 acre tract and wants to create a 9 lot subdivision. Mr. Reed stated that they have already contacted Nolin RECC about the electric easement and that easement will be moved next to the road and be underground. He stated all the homes will be site built homes and that they plan to record subdivision restrictions, and that some examples of potential restrictions would be 1,500 sq. ft. minimum home excluding the garage, all concrete or asphalt driveways and that he is open to suggestions for additional restrictions. Mr. Reed stated the road entrance for the proposed subdivision is close to the St. John Road / Crisp Road intersection, so it would not cause a lot of traffic on Crisp Road. Lastly, Mr. Reed stated that they didn't want his development to be a detriment to the neighborhood.

Chairman Hinton then asked Director King how three smaller lots were approved along St. John Road as shown on the Crisp Road Acres plat. Director King stated that when the County went from one acre to three acre minimum lot size in the R-2 zone in 2009, that they created a concept called "Open Space Design" which allows for flexibility on

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the lot size for the entire development to average three acres per lot. Lots less than three acres are approvable in collaboration with larger lots that bring the average to three acres per lot.

Scott Curtsinger, of 276 Bill Court, Elizabethtown, KY provided testimony and answered questions from the Commission members and staff. He stated that he did the septic site evaluation with Durrett Engineering and that he previously worked for the Health Department for ten years. Mr. Curtsinger stated that he wanted to do his due diligence and when he noticed the depression area he wanted to show it and the 70' septic setback that the Health Department requires. He stated he wanted to make it clear that just showing this 70' sinkhole buffer area does not officially classify that there is a sinkhole in the field, just that there is a depression area. Mr. Curtsinger stated that all 9 proposed lots passed, and had room for curtain drains. Lastly, he stated these lots will support 3-4 bedroom houses and that the County requires for each lot to have the necessary septic area and a 100% repair area on site.

At 5:35 p.m. Chairman Hinton opened the floor for any individuals who wanted to speak in opposition of the proposal.

Greg Skillman, of 6035 St. John Road, Elizabethtown, KY spoke in opposition of the proposal. He stated that he lives on Lot 12 of Crisp Road Acres, and that this development would be behind his house. Mr. Skillman stated his concern is that the proposed lots are wet and he doesn't see how the septic systems would work. He questioned if proper permitting was being obtained to cross the blueline stream on site and asked if the proposed septic area had accounted for lateral repair area. Lastly, Mr. Skillman asked about the proposed subdivision street and if Crisp Road met the requirements to have another road off of it.

Director King stated that the developer would have to manage all the water / drainage on site and that both the quantity and quality of water would be reviewed by the County Engineer. He also stated that Crisp Road does qualify to have a subdivision street off of it because it has 18' of pavement width and a 40' right-of-way as shown on the survey.

Judith Skillman, of 6035 St. John Road, Elizabethtown, KY spoke in opposition of the proposal. She stated that the proposed development would be behind her house and that this entire area stays very wet and that she is very worried that the septic systems are going to fail. Mrs. Skillman stated this area floods and that there is a sinkhole on the property that she has watched grow bigger over the years. Lastly, Mrs. Skillman presented pictures of the property being flooded in 2017, which were brought by Katherine Bright; these photos became **Exhibit O** for the record.

Luke Wilkinson, of 7719 Cambridge Court, Crestwood, KY and the owner of adjoining Lot 5 of Crisp Road Acres, spoke in opposition of the proposal. He stated he and his wife wanted to build a house and raise their three kids in a rural area. Mr. Wilkinson



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stated he believes the proposal is inconsistent with the Comprehensive Plan and cited Goal 1, Objective 1 and Goal 12. He also noted the Comprehensive Plan calls for preservation of the rural character in the St. John Road Corridor. Lastly, Mr. Wilkinson stated that he felt this was spot zoning to have an R-1 property surrounded by R-2 properties and that if approved, he would apply to rezone his 19 acres to also be developed.

Tim Davis, of 6109 St. John Road, Elizabethtown, KY spoke in opposition of the proposal. He stated he owns the farm just to the west and that this ground is very wet and that all the water from this area drains to his pond. Mr. Davis stated that his property has two septic systems and when it is wet you can't flush the toilet. Mr. Davis said the ground there has a shallow hard pan and that if the proposed septic systems were installed he is worried that they would fail and the septic would leach out and into his pond.

Richard Thomas, of 535 Rock Hill Lane, Elizabethtown, KY spoke in opposition of the proposal. He stated the property and the entire Crisp Road Acres was his family farm, so he has lived on this property for many years. Mr. Thomas stated the sinkhole on the property is what he calls an inactive sinkhole and has been there since 1968. Mr. Thomas stated the sinkhole has gotten bigger at times and then it would fill in but that it has never completely collapsed. He stated the ground is extremely wet natured and he doesn't know how the 9 proposed lateral systems could work on this farm. Lastly, Mr. Thomas stated that when his family subdivided the farm and created Crisp Road Acres, they could have done this zone change process and subdivided smaller, but they didn't pursue that option because they didn't believe the ground could handle the septic systems.

Kathryn Bright, of 872 Crisp Road, Elizabethtown, KY spoke in opposition of the proposal. She stated they bought their 26 acres in 1994 and their plumber at that time told them they would have to have a curtain drain and a special septic system because the ground was so wet. Mrs. Bright stated the curtain drains have to have somewhere to release the water they are carrying, and is concerned where these proposed curtain drains are going to release the water. She stated the sinkhole mentioned is on site and that her father and husband had filled the sinkhole in multiple times and that it does get bigger at times. Lastly, Mrs. Bright stated that she brought in the photos (Exhibit O) that were placed on the record and that those photos were taken in 2017 and shows how much water comes off the road.

Derek Smith, of 1360 Crisp Road, Elizabethtown, KY spoke in opposition of the proposal. He stated the drainage from the road goes into a crosstile in his front yard that goes under Crisp Road, then releases that water onto this proposed development site. He stated he is concerned that the development will get approved and the road put in and then when the septic won't work the road and site will be abandoned, and he does not want to see that. Lastly, Mr. Smith stated that the entire farm is where the

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Sandhill Cranes land every year during their migration and he is concerned this development will hinder that.

Sherry Phillips, of 333 West Bryan Road, Elizabethtown, KY spoke in opposition of the proposal. She stated that she also owns land on Crisp Road and that there is a gas lease for this property and the surrounding properties. Mrs. Phillips stated that she wanted to make sure the Commission was aware of the gas lease because she believes banks will not lend you money on this land due to the gas lease.

Bobby Bright, of 872 Crisp Road, Elizabethtown, KY spoke in opposition of the proposal. He stated he lives across from Lot 11 of Crisp Road Acres and that there is a sinkhole on the proposed 9 lot subdivision. Mr. Bright stated the sinkhole has been filled multiple times that he knows of over the past 25 years and that the hole has gotten bigger. He stated he has had to have a friend pull his tractor out of the field, on this property, twice because it is so wet. Lastly, he stated that his property is tiled and the ground is so wet that he still, even with his property being tiled, can't walk across his back yard.

Derek Smith, of 1360 Crisp Road, Elizabethtown, KY came back up to inform the Commission that his grandmother's property, 1278 Crisp Rd., Elizabethtown, KY, is directly across the street and is also very wet and that they cannot drive across the farm because they will get stuck.

Holly Lasley, of 1216 Crisp Road, Elizabethtown, KY spoke in opposition of the proposal. She stated that her one acre property also has curtain drains, and that even in the summer, her ground is so wet that she cannot mow her yard.

Assistant County Attorney Moore announced that the allotted 30 minutes for speaking in opposition had ended. Chairman Hinton asked if there was anyone else wanting to speak in opposition for items not previously mentioned to raise their hands. Since there were still some people wanting to speak in opposition, Commissioner Steck made a motion to extend the time limit for both those speaking in favor and opposition for an additional 10 minutes. Secretary Jaggars II provided the second. Motion passed unanimously.

At 6:16 p.m. Chairman Hinton opened the floor for any individuals who wanted to speak in opposition of the proposal within the extended 10 minutes.

Dwayne Smith, of 1396 Crisp Road, Elizabethtown, KY spoke in opposition of the proposal. He asked what would happen if the subdivision were developed and all of the septic system fail. He asked if that happened could there be any recourses or legal action taken? Director King stated as part of the development process extensive drainage analysis & plans has to be prepared and that if that happened any parties that are aggrieved could have multiple legal recourses.

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Tim Davis, of 6109 St. John Road, Elizabethtown, KY came back up to ask the Commission if the County has the same regulations on detention basins as the City of Elizabethtown. Director King stated the County has different regulations than the City of Elizabethtown but the developer will have to deal with both the quantity and quality of water on site. Director King stated this will all be part of the required drainage plans prepared by an Engineer.

Richard Thomas, of 535 Rock Hill Lane, Elizabethtown, KY came back up to inform the Commission that when the family decided to sell the land that they subdivided it as small as they were comfortable with and how they thought their parents would have wanted it.

Judith Skillman, of 6035 St. John Road, Elizabethtown, KY came back up to voice her concern to the Commission about the traffic that the subdivision will create. She stated the subdivision would create more traffic and that the intersection of Crisp Road and St. John Road is dangerous.

Katherine Bright, of 872 Crisp Road, Elizabethtown, KY came back up to voice her concern to the Commission about the traffic that the subdivision will create. She stated she walks Crisp Road every day and the traffic is bad because everyone has realized that Crisp Road is a good cut thru road. Mrs. Bright stated this subdivision could potentially put 18-20 more cars on the road.

Abbey Wilkinson, of 7719 Cambridge Court, Crestwood, KY and the owner of adjoining Lot 5 of Crisp Road Acres spoke in opposition of the proposal. She stated they bought Lot 5 of Crisp Road Acres and that she believes this proposed development goes against Goal 1, Object 1 of the Comprehensive Plan. Mrs. Wilkinson stated this development would create scattered development and is spot zoning. She stated they bought this land because it is rural and this development would ruin that.

Derek Smith, of 1360 Crisp Road, Elizabethtown, KY came back up to ask the Commission if the runoff from the subdivision could affect people's drinking wells.

Assistant County Attorney Moore announced that the additional 10 minutes for speaking in opposition had ended.

At 6:26 p.m. Chairman Hinton opened the floor for any individuals who wanted to speak in favor of the proposal within the extended 10 minutes.

Doug Reed, of 102 Childers Court, Elizabethtown, KY came back up to inform the Commission that they he isn't proposing this development to be a detriment to the area, and that change & growth are coming regardless. Mr. Reed stated that his surveyor and engineer will be responsible for working out any drainage concerns or issues and that due to the necessary drainage basin he may lose some lots.

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No one else spoke in favor to the proposal.

At 6:29 p.m. Chairman Hinton closed the hearing, to public discussion.

Director King restated the application gave the staff recommendation for approval of the Zoning Change from Rural Residential (R-2) to Urban Residential (R-1) and presented Resolution # 2021-006 for consideration.

The Planning Commission discussed the concerns of the citizens and the proposed 9 lot subdivision. Commissioner Steck stated he wanted to look at the site. Chairman Hinton stated he would like to see the drainage plans and that he felt uncomfortable approving a 9 lot subdivision without them due to the drainage concerns raised by those in attendance. Secretary Jaggars II stated he agrees that they need to go look at the site.

Secretary Jaggars II made a motion to table the proposal until June 1, 2021 at 5:00 p.m. to allow for the Commission members to visit the site and for drainage plans to be prepared. Vice Chairman Lowe provided the second. The motion passed 3-0 with Chairman Hinton abstaining.

At 6:42 p.m. Chairman Hinton called for consideration and action on the next item on the agenda, the **Minutes from the Meeting held on 20 April 2021**. Vice Chairman Lowe made a motion to accept the Minutes as presented. Commissioner Steck provided the second. Motion passed 4-0 with Chairman Hinton abstaining.

The following items are for informational purposes only and do not require action:

### **American Planning Association Policy Guide Delegate**

Director, Adam King, AICP was appointed as the Policy Guide Delegate for Kentucky to the American Planning Association. He will serve a one year term. He will assist with the completion of policy guides on Equitable Economic Development, Legacy Cities and Zoning Reform for APA.

Chairman Hinton announced that the next regular scheduled meeting will be held on Tuesday, 18 May 2021 at 5:00 p.m. and called for the meeting to be adjourned at 6:44 p.m.

**ADOPTED AND APPROVED THIS 18<sup>TH</sup> OF MAY 2021 BY THE HARDIN COUNTY PLANNING AND DEVELOPMENT COMMISSION.**

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LARRY JAGGERS, II SECRETARY

## Hardin County Planning and Development Commission

Minutes: 20 April 2021

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Chairman Mark Hinton called the seven hundred seventeenth meeting of the Hardin County Planning and Development Commission to order at 5:00 p.m. on Tuesday, 20 April 2021, in the second floor Meeting Room of the Hardin County Government Center. Other Commission Members in attendance were Greg Lowe (Vice Chairman), Larry Jagers, II (Secretary), Steve Steck (Commissioner), and Danny Percell Sr. (Commissioner). Also in attendance were Director Adam King, AICP, Planner Nikki McCamish, Assistant County Attorney, Philip Moore and the individuals listed on the attached sign-in sheet.

At 5:01 p.m. Chairman Hinton announced that he would serve as the Hearing Officer and preside over the Public Hearing. He explained the Public Hearing process and then asked Assistant County Attorney Moore to conduct the swearing in ceremony for all those in attendance that planned to speak.

At 5:02 p.m. Chairman Hinton called for consideration and action on the first item on the agenda, a Road Closing Review submitted by **SAMANTHA & STEPHEN REYNOLDS**, who are requesting a favorable recommendation from the Planning Commission to Hardin County Fiscal Court to close a 40' undeveloped right-of-way for future street on the south side of Wilmoth Street, Elizabethtown, KY in Lincoln Meadows Subdivision to allow for the property to be merged with their adjoining Lots. Director King presented and entered the exhibits into the record, reviewed the staff report and presented the powerpoint slide presentation regarding the proposed Road Closing Request.

Stephen Reynolds, of 117-D Manor Avenue, Bardstown KY provided testimony and answered questions from the Commission members and staff. He stated that the reason they have requested the road closing is part of an Amended Plat to merge all of his lots together. The Road Closing will also result in his property no longer being a corner lot and thus he will no longer have two front building setbacks. He stated closing the 40' undeveloped right-of-way will allow them to amend those lots and create a single lot that they can build their home on.

No one else spoke in favor or in opposition to the proposal.

At 5:15 p.m. Chairman Hinton closed the hearing, to public discussion.

Director King gave the staff recommendation for a favorable recommendation from the Planning Commission to Fiscal Court to close the 40' undeveloped right-of-way for future street on the south side of Wilmoth Street, Elizabethtown, KY in Lincoln Meadows Subdivision to allow for the property to be merged with their adjoining Lots and presented Resolution # 2021-005 for consideration.

Secretary Jagers II made a motion to favorably recommend from the Planning Commission to Fiscal Court to close the 40' undeveloped right-of-way for future street on the south side of Wilmoth Street, Elizabethtown, KY in Lincoln Meadows Subdivision to allow for the property to be merged with their adjoining Lots, and to adopt Resolution

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# 2021-005 based on the staff report and the exhibits entered into the record, the testimony provided at the hearing by the staff and those in attendance.

Vice Chairman Lowe provided the second. The motion passed 4-0 with Chairman Hinton abstaining.

At 5:20 p.m. Chairman Hinton called for consideration and action on the second item on the agenda, the **Minutes from the Meeting held on 16 March 2021**. Secretary Jagers II made a motion to accept the Minutes as presented. Commissioner Steck provided the second. Motion passed 4-0 with Chairman Hinton abstaining.

At 5:23 p.m. Chairman Hinton called for consideration and action on **Financial Report # 9, FY 2021, March 2021**. Vice Chairman Lowe made a motion to accept Financial Report # 9 as presented. Commissioner Percell provided the second. Motion passed 4-0 with Chairman Hinton abstaining.

The following items are for informational purposes only and do not require action:

**APA-KY Meeting** On 19 March 2021, Adam participated in the KY Chapter of the American Planning Association monthly meeting via Zoom to discuss Conference planning for the Fall of 2021.

**Radcliff-Elizabethtown Metropolitan Planning Association Meeting** On 14 April 2021, Adam participated in the Technical Advisory Committee meeting via Zoom to discuss the SHIFT 2022 project list for transportation projects. SHIFT stands for the Strategic Highway Investment Formula for Tomorrow.

**Building Inspector completes Provisionary Employment Period** On 14 April 2021, Building Inspector Edwin Alicea successfully completed his six month provisional employment period.

At 5:30 p.m. Director King gave a presentation entitled, "Solar Regulations in KY" to the Planning Commission and staff for one hour of continuing education credit hours.

Chairman Hinton announced that the next regular scheduled meeting will be held on Tuesday, 4 May 2021 at 5:00 p.m. and called for the meeting to be adjourned at 6:30 p.m.

**ADOPTED AND APPROVED THIS 4<sup>TH</sup> OF MAY 2021 BY THE HARDIN COUNTY PLANNING AND DEVELOPMENT COMMISSION.**

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LARRY JAGGERS, II SECRETARY

## Hardin County Planning and Development Commission

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Chairman Mark Hinton called the seven hundred sixteenth meeting of the Hardin County Planning and Development Commission to order at 5:00 p.m. on Tuesday, 16 March 2021, in the second floor Meeting Room of the Hardin County Government Center. Other Commission Members in attendance were Greg Lowe (Vice Chairman), Larry Jagers, II (Secretary), Steve Steck (Commissioner), and Danny Percell Sr. (Commissioner). Also in attendance were Director Adam King, AICP, Planner, Nikki McCamish, Assistant County Attorney, Philip Moore and the individuals listed on the attached sign-in sheet.

At 5:01 p.m. Chairman Hinton announced that he would serve as the Hearing Officer and preside over the Public Hearing. He explained the Public Hearing process and then asked Assistant County Attorney Moore to conduct the swearing in ceremony for all those in attendance that planned to speak.

At 5:03 p.m. Chairman Hinton called for consideration and action on the first item on the agenda, a request for a Zone Change from the Agricultural Zone (A-1) to the Urban Residential Zone (R-1) and a Waiver from the 100' building setback line adjacent to Agricultural Zones to allow for a proposed 9 lot single family residential subdivision. The property is a proposed  $\pm$  10.365 acre portion of two tracts totaling 34 acres near 879 Wooden Lane, Elizabethtown, KY. **RITA & STEVE WOODEN** are the owners of the property which is identified by PVA map numbers 243-00-00-002 & 004. Director King explained the public notice requirements, presented and entered the exhibits into the record, reviewed the staff report, reviewed the request for a Waiver from the Agricultural Zones 100' setback and presented the powerpoint slide presentation regarding the proposed Zoning Change Map Amendment.

Steve Wooden, of 1869 Wooden Lane, Elizabethtown, KY provided testimony and answered questions from the Commission members and staff. He stated that the proposed lots have never been farmed and that they couldn't be farmed because of the rock from the old quarry located on the 879 Wooden Lane lot. Mr. Wooden also stated he uses the old quarry, which is now a pond, as his irrigation for his farm, hence he wanted to keep that area zoned Agricultural.

At 5:19 p.m. Chairman Hinton opened the floor for any individuals who had questions about the proposal.

Christopher Reyes, of 202 McMillian Loop, Elizabethtown, KY asked which specific lots would be waived of the 100' setback adjacent to the Agricultural Zone, since he adjoins multiple of the proposed subdivision lots. Director King stated that lots 6, 7, 8, and 9 of the proposed subdivision would be waived of the 100' setback, and that with the Zone Change the portions of Mr. Reyes' lot that adjoin the proposed lots would no longer have a 100' setback. Director King did state though that the portion of Mr. Reyes' property that would still be adjoining the Agricultural Zone would still maintain that 100' setback.

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No one else spoke in favor or in opposition to the proposal.

At 5:21 p.m. Chairman Hinton closed the hearing, to public discussion.

Director King gave the staff recommendation for approval of the Zoning Change from Agriculture (A-1) to Urban Residential (R-1) and presented Resolution # 2021-003 for consideration.

Commissioner Steck made a motion to approve the Zone Change request from Agricultural (A-1) to Urban Residential (R-1), and to adopt Resolution # 2021-003 based on the staff report and the exhibits entered into the record, the testimony provided at the hearing by the staff and those in attendance and that the request is in agreement with the Comprehensive Plan as follows: Step 1: Development Policies 1, 2, 4, 5, 7, 8, 9 & 10; Step 2: Property Characteristics 1 – 7 & 10; Step 3: Land Use Plan Group: Urban Area; Step 4: Planning Area: # 3 North Urban Area and that the proposal is in agreement with the following Goals and Objectives from the Comprehensive Plan:

Goal 1: To improve Hardin County as a place of Residence.

Objective 1: Promote formation of neighborhood units as opposed to scattered development.

Objective 11: To develop a supply of housing which, meets the population demand.

Commissioner Steck also stated the request for a Waiver from Special Provision 17-4 Agricultural Zones adjacent to Residential Zones be granted to reduce the 100' building setback adjacent to the existing Agricultural Zone to the typical R-1 setback of a 10' side and 15' rear for proposed Lots 6, 7, 8 and 9.

Vice Chairman Lowe provided the second. The motion passed 4-0 with Chairman Hinton abstaining.

At 5:27 p.m. Chairman Hinton stated they would be skipping ahead of the agenda and called for consideration and action on the fourth item on the agenda, the **Minutes from the Meeting held on 2 March 2021**. Secretary Jaggars II made a motion to accept the Minutes from the meeting held on 2 March 2021 as presented. Commissioner Steck provided the second. Motion passed 4-0 with Chairman Hinton abstaining.

At 5:30 p.m. Chairman Hinton called for consideration and action on the second item on the agenda, a request for a Zone Change from the Rural Residential Zone (R-2) to the Urban Residential Zone (R-1) and a Variance from the 1:4 lot width-to-length ratio to allow for their property to be further subdivided into two lots. The property is a  $\pm$  11 acre site at 1382 Berrytown Road, Rineyville, KY. **DEBBIE & DAVID ASBELL** are the owners of the property which is identified by PVA map number 098-00-00-031.05.



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Director King explained the public notice requirements, presented and entered the exhibits into the record, reviewed the staff report, and the powerpoint slide presentation regarding the proposed Zoning Change Map Amendment.

David Asbell, of 1382 Berrytown Road, Rineyville, KY stated he had no comments, that Director King had covered everything.

No one else spoke in favor or in opposition to the proposal.

At 5:41 p.m. Chairman Hinton closed the hearing, to public discussion.

Director King gave the staff recommendation for approval of the Zoning Change from Rural Residential (R-2) to Urban Residential (R-1) and presented Resolution # 2021-004 for consideration.

Vice Chairman Lowe made a motion to approve the Zone Change request from Rural Residential (R-2) to Urban Residential (R-1), and to adopt Resolution # 2021-004 based on the staff report and the exhibits entered into the record, the testimony provided at the hearing by the staff and those in attendance and that the request is in agreement with the Comprehensive Plan as follows: Step 1: Development Policies 2, 4, 5, 7, 8 & 10; Step 2: Property Characteristics 1 – 6 & 10; Step 3: Land Use Plan Group: Urban Area; Step 4: Planning Area: # 5 West Urban Area and that the proposal is in agreement with the following Goals and Objectives from the Comprehensive Plan:

Goal 1: To improve Hardin County as a place of Residence.

Objective 1: Promote formation of neighborhood units as opposed to scattered development.

Objective 11: To develop a supply of housing which, meets the population demand.

Commissioner Percell provided the second. The motion passed 4-0 Chairman Hinton abstaining.

At 5:41 p.m. Chairman Hinton called for consideration and action on the request for a Variance from the 1:4 lot width-to-length ratio to allow for the Asbell's property to be further subdivided into two lots. Director King explained the Variance request, reviewed how KRS 100.203 and the Zoning Ordinance 5-4 allow the Planning Commission to vote on a Variance in the company of a Zone Change.

No one spoke in favor or in opposition to the proposal.

At 5:48 p.m. Chairman Hinton closed the hearing, to public discussion.

Commissioner Steck made a motion to grant the Variance based on the staff presentation and the testimony provided in the public hearing. He stated that this was

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not out of character for the area. He stated it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of the requirements of this regulation and will satisfy the language of the KENTUCKY REVISED STATUTES (Section 100.243 and DGS 5-3 (B) (1) Findings necessary for granting variance) which are as follows:

- B) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;

The Variance was granted with the noted conditions:

1. To allow for a Variance from the 1:4 lot-to-width ratio so that the +/- 11 acre property may be further subdivided into two lots.
2. A Subdivision Plat shall be required and shall substitute for the required Site Plan.
3. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.

Secretary Jaggars II provided the second. The motion passed 4-0 with Chairman Hinton abstaining.

At 5:50 p.m. Chairman Hinton called for consideration and action on the third item on the agenda, a Preliminary Plat of **FOXWOOD SUBDIVISION. LITTLE RED HEN ENTERPRISES, LLC** are the owners of the property which is identified by PVA map number 235-00-00-001.03. Director King explained the proposed subdivision would be 15 lots, is zoned Urban Residential (R-1), has no environmentally sensitive areas located on site, no direct access to Lincoln Parkway for the lots outside of the proposed street and that the subdivision will have a sign and cluster mailbox unit. Commissioner Percell made a motion to Conditionally Approve the Preliminary Plat of Foxwood Subdivision as presented. Secretary Jaggars II provided the second. Motion passed 4-0 with Chairman Hinton abstaining.

At 5:57 p.m. Chairman Hinton called for consideration and action on **Financial Report # 8, FY 2021, February 2021**. Secretary Jaggars II made a motion to accept Financial Report # 8 as presented. Vice Chairman Lowe provided the second. Motion passed 4-0 with Chairman Hinton abstaining.

The following items are for informational purposes only and do not require action:

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**East Elizabethtown Connectivity Study** On 11 March 2021, Adam participated in a Zoom Meeting of local officials and stakeholders to go over the initial project list by planning/engineering consultant, Qk4.

Chairman Hinton announced that the next regular scheduled meeting will be held on Tuesday, 20 April 2021 at 5:00 p.m. and called for the meeting to be adjourned at 6:05 p.m.

**ADOPTED AND APPROVED THIS 20<sup>TH</sup> OF APRIL 2021 BY THE HARDIN COUNTY PLANNING AND DEVELOPMENT COMMISSION.**

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LARRY JAGGERS, II SECRETARY

## Hardin County Planning and Development Commission

Minutes: 2 March 2021

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Vice Chairman Greg Lowe called the seven hundred fifteenth meeting of the Hardin County Planning and Development Commission to order at 5:00 p.m. on Tuesday, 2 March 2021, in the second floor Meeting Room of the Hardin County Government Center. Other Commission Members in attendance were Larry Jaggars, II (Secretary), Steve Steck (Commissioner), and Danny Percell Sr. (Commissioner). Also in attendance were Director Adam King, AICP, Administrative Assistant, Susan Bowen, Planner, Nikki McCamish, County Engineer, Charlie Allen, Assistant County Attorney, Philip Moore and the individuals listed on the attached sign-in sheet. Chairman Mark Hinton was not in attendance.

At 5:01 p.m. Vice Chairman Lowe announced that he would serve as the Hearing Officer and preside over the Public Hearing. He explained the Public Hearing process and then asked Assistant County Attorney Moore to conduct the swearing in ceremony for all those in attendance that planned to speak.

At 5:03 p.m. Vice Chairman Lowe called for consideration and action on the first item on the agenda, a request for a Zoning Change Map Amendment from Rural Residential (R-2) to Light Industrial (I-1) and a Conditional Use Permit to allow for a proposed concrete form operation. The property is a proposed 14.43 acre portion of a 33.16 acre site located in the 5000 block of South Dixie Highway (US 31W), Glendale, KY. **GROVER BERRY** is the owner of the property which is identified by PVA map number 224-00-00-030. Director King explained the public notice requirements, presented and entered the exhibits into the record, presented the eight letters of opposition from the surrounding property owners, reviewed the staff report, presented possible conditions and presented the powerpoint slide presentation regarding the proposed Zoning Change Map Amendment and Conditional Use Permit.

Commissioner Percell requested a few minutes to read over the letters of opposition from the surrounding property owners.

Eric Spurrier (Spurrier Land Surveying) of 1102 Pawnee Drive, Elizabethtown, KY provided testimony and answered questions from the Commission members and staff. He stated that he was the surveyor who produced the proposed Subdivision Plat and Development Plan. In response to the letters in opposition, he stated that no concrete trucks would ever be on Palmetto Loop, that the trucks aren't full of concrete, it is the leftover remaining concrete from footers or basements and that according to Mr. Berry there are normally only 3-4 trucks a day. The entire operation will be within the 1 acre designated area on the proposed 14.43 acre Lot 2 that is proposed to be rezoned. He also stated that the property is already not favorable for residential development, that I-65/ US 31-W produce noise pollution and emissions pollution; also that the 1 acre site would not have lights and could not be seen from the road. Lastly, Mr. Spurrier went into

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the details of the operation and the concrete washout area. He stated that concrete trucks pour the remaining concrete in their trucks into forms to make concrete barriers. With the concrete that gets stuck on the shoot of the truck the drivers take a water hose to wash the concrete off, so it does not harden and make it seize up. The concrete washout area catches and keeps the leftover concrete from entering the ground water system.

Grover Berry of 339 Mockingbird Valley Road, Louisville, KY provided testimony and answered questions from the Commission members and staff. He stated that he did not know he was doing anything wrong, he has been doing this for probably five years and that he just wanted to continue making the concrete barriers. Mr. Berry stated that he is 80 years old and that this is just a hobby of his and he has no intentions of expanding or doing this for much longer. He also stated that the he never advertises that the forms are for sale and that he has owned the property since 1966.

At 5:52 p.m. Vice Chairman Lowe opened the floor for any individuals who wanted to speak in opposition of the proposals.

Joyce Altsman of 117 Hunset Mill Lane, Pelham, AL spoke in opposition of the proposal. She stated she was there on behalf of Nelceda and Larry Miller who are the owners of two lots in Meadow View Subdivision and live in California, they couldn't attend themselves though because they are 79 & 80 years old and couldn't risk being exposed to Covid-19. She thanked the Commission for doing their due diligence on the research of this property, and stated the main concern is the concrete washout from this operation. Mrs. Altsman said she did not believe the concrete washout station was installed presently and wanted to bring notice to the eight letters of opposition against the proposal.

Mike Surgena of 700 Palmetto Loop #1, Glendale, KY spoke in opposition of the proposal. He stated that his concern was the trees that act as a barrier for Palmetto Loop and are in the floodplain. He wanted to know if the trees were protected and voiced concern about the wildlife no longer being seen in this area.

Frances Carter of 5028 Sportsman Lake Road, Elizabethtown, KY spoke in opposition of the proposal. Mrs. Carter stated she owns the two duplexes that are in Meadow View Estates. She stated most of her questions had already been answered from Director King's presentation, but that her concern was the white sludgy material at the US 31W entrance to the property that are an eye sore. She also had concerns that Mr. Berry's operation had been flying under the radar for five years with no permitting.

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Mrs. Carter also presented two photos for the record (*Exhibit S*) she had taken the day before from US 31W that she stated showed the sludge slurry going into Rhudes Creek. She stated she has owned her properties on Plametto Loop since 1976 and used to see deer and turkey and now she does not. Mrs. Carter did agree that the I-65 expansion did cause most of the issues with the wildlife, and that she is not against anyone making a dollar; but that Mr. Berry used to have the concrete forms visible to the public right-of-way on US 31W with \$40 each spray-painted on the forms.

Grover Berry of 339 Mockingbird Valley Road, Louisville, KY raised concerns that Mrs. Carter has trespassed and the two photos she presented should not be allowed or circulated.

Director King asked if there was a concrete washout station on site currently. Mr. Berry stated yes, the drivers can spray the trucks out in the loading area; but that he was not always on site, so if they don't use the loading dock for washout he can't help that.

Janice Propst of 318 Twelve Oaks Drive, Smiths Station, AL spoke in opposition of the proposal. Mrs. Propst stated she is against the zoning change, and asked why we are changing the zoning for 14 acres when the operation is only using 1 acre.

Director King stated that to meet regulations due to the depth of the site that the proposed lot needs 300' of road frontage and that it is the property owners prerogative on the lot size.

Joyce Altsman of 117 Hunset Mill Lane, Pelham, AL came back up to ask the Commission if they knew of a different concrete form operation in the area that these trucks could be sent to so that this location would not be needed.

Janice Propst of 318 Twelve Oaks Drive, Smiths Station, AL came back up to ask the Commission if the EPA would do water testing to check the water around this site.

County Engineer Allen stated that the concrete washouts presented are EPA approved and once the washout is 75% full they have to be emptied. Director King also noted that on the concrete commercial entrance, the KY Transportation Cabinet will require a bond to be posted and the entrance will have to be inspected.

Francis Carter of 5028 Sportsman Lake Road, Elizabethtown, KY came back up to rebut Mr. Berry's remarks against her, and stated that the photos she took were taken from the right-of-way so she did not trespass.

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Director King then presented powerpoint slides regarding the Conditional Use Permit and presented 14 potential conditions for the concrete form operation.

Joyce Altsman of 117 Hunset Mill Lane, Pelham, AL asked about environmental inspections and Director King stated the EPA in Louisville could be notified of the project and asked to come down to do inspections. He also explained that the County Engineering Department would handle the Erosion Prevention and Sediment Control inspections.

No one else spoke in favor or in opposition to the proposal.

At 6:40 p.m. Vice Chairman Lowe closed the hearing, to public discussion.

The Planning Commission discussed the proposed conditions and if approved wanted the period of the Conditional Use Permit to be one year. In addition, they added a fifteenth condition stating that there shall be no concrete operations on site until the concrete washout is properly installed and functional.

Commissioner Steck made a motion to approve the Zone Change request from Rural Residential (R-2) to Light Industrial (I-1) and to adopt Resolution # 2021-002 based on the staff report and the exhibits entered into the record, the testimony provided at the hearing by the staff and those in attendance and that the request is in agreement with the Comprehensive Plan as follows: Step 1: Development Policies 1 - 8; Step 2: Property Characteristics 1 - 5, 7, 8 & 10; Step 3: Land Use Plan Group: Urban Area; Step 4: Planning Area: # 17 South Dixie Corridor and that the proposal is in agreement with the following Goals and Objectives from the Comprehensive Plan:

Goal 5: To encourage the location and development of different land uses in the most appropriate manner.

Objective 7: Conceive the definitive areas within the county for the highest and best use as residential, commercial and industrial which will make effective use of existing and proposed services and facilities.

Goal 6: To improve and promote Hardin County as a place for commerce and industry.

Objective 8: Promote the development and prosperity of small businesses.

Commissioner Steck also stated the request for the Conditional Use Permit does satisfy the language of the Development Guidance System Ordinance (Section 16-3) Standards for Issuance of a Conditional Use Permit as follows:

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- The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- The use shall be in harmony with the uses permitted by right under the Zone in question and shall not affect adversely the use of neighboring properties;
- The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- The use shall be in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

According to provisions of the Kentucky Revised Statutes, the Hardin County Development Guidance System Zoning Ordinance, and the proceedings before the Planning Commission (the staff presentation and the testimony presented in the Public Hearing); Secretary Steck made the motion to grant the Conditional Use Permit (CUP) with the following conditions:

1. This Conditional Use Permit will allow for a concrete form operation on site.
2. Business Hours of Operation shall be from 8am-5pm Monday – Friday.
3. The “Concrete Form Area” is limited to 1 acre in size and shall include the forms, loading dock, outdoor storage area, concrete washout area and parking.
4. The “Concrete Form Area” must be screened from view and confined by either evergreen trees or solid privacy fencing.
5. A concrete, commercial entrance shall be required at the South Dixie Highway (US 31W) encroachment and must be permitted thru KYTC.
6. Upon discontinuance, all evidence of the concrete form operation must be removed from the site.
7. If the site is ever staffed or an office is proposed, the property shall have a sewerage system (septic tank and lateral lines) or port-a-pot contract approved by the Hardin County Health Department.
8. The existing mature trees and woods between the concrete form area and US 31W must be preserved as a natural screen.
9. A Development Plan in compliance with Section 6 of the Zoning Ordinance shall be required.
10. This Conditional Use Permit shall be issued to the current property owners, Adrienne & Grover Berry, and is not transferable.



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11. This Conditional Use Permit shall be for a period of 1 year from 2 March 2021 to 2 March 2022.
12. A Certificate of Land Use Restrictions shall be recorded in the Office of the Hardin County Clerk.
13. The concrete washout areas must be designed, installed and maintained as illustrated on the approved plans. Waste concrete from the washouts must be disposed of properly and there shall be NO dumping of concrete on the farm.
14. Operation must be in compliance with all local, state and federal regulations and required permitting concerning environmental protections, stormwater runoff, erosion and sediment control and air quality.
15. There shall be no activity on site until the concrete wash out areas are installed and functional.

Secretary Jaggars II provided the second. The motion passed unanimously.

At 6:50 p.m. Vice Chairman Lowe called for consideration and action on **Financial Report # 7, FY 2021, January 2021**. Commissioner Percell made a motion to accept Financial Report # 7 as presented. Secretary Jaggars II provided the second. Motion passed unanimously.

At 6:53 p.m. Vice Chairman Lowe called for consideration and action for the **Minutes from the Meeting held on 2 February 2021**. Commissioner Steck made a motion to accept the Minutes from the meeting held on 2 February 2021 as presented. Secretary Jaggars II provided the second. Motion passed unanimously.

At 6:55 p.m. Vice Chairman Lowe called for consideration and action of **the First Reading of the FY 2022 Budget**. Director King presented the Budget to the Commission. Secretary Jaggars II made a motion to accept the Budget as presented. Commissioner Steck provided the second. The motion passed unanimously.

The following items are for informational purposes only and do not require action:

**13 Years of Service** Director Adam King, AICP celebrated 13 years of service with the Planning Commission on 15 February 2021.

**MPO Meeting** On 3 February 2021, Adam attended the Radcliff Elizabethtown Metropolitan Planning Organization Technical Advisory Committee to discuss the Glendale Transportation Plan Update and he was elected Vice Chairman of the group for 2021-2022.

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Vice Chairman Lowe announced that the next regular scheduled meeting will be held on Tuesday, 16 March 2021 at 5:00 p.m. and called for the meeting to be adjourned at 7:12 p.m.

**ADOPTED AND APPROVED THIS 16<sup>TH</sup> OF MARCH 2021 BY THE HARDIN COUNTY PLANNING AND DEVELOPMENT COMMISSION.**

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LARRY JAGGERS, II SECRETARY

## **Hardin County Planning and Development Commission**

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Vice Chairman Greg Lowe called the seven hundred fourteenth meeting of the Hardin County Planning and Development Commission to order at 5:01 p.m. on Tuesday, 2 February 2021, in the second floor Meeting Room of the Hardin County Government Center. Other Commission Members in attendance were Larry Jaggars, II (Secretary), Steve Steck (Commissioner), and Danny Percell Sr. (Commissioner). Also in attendance were Director Adam King, AICP and Administrative Assistant, Susan Bowen and the individuals listed on the attached sign-in sheet. Chairman Mark Hinton was not in attendance.

At 5:02 Vice Chairman Lowe called for consideration and action on the first item on the agenda a **Refund Request from the Hardin County Community Fair Board**. The applicant, Marty Fulkerson, President of the Hardin County Community Fair Board requested the refund due to the Fair Board being a 501 C3 nonprofit organization. The refund request is for their Zone Change, Variance, Site Plan and Record Plat. Director King reviewed the refund request amount and deducted the standard Administrative Fees, Postage, Envelopes and Printing of the 55 notices for the public hearings. Secretary Jaggars II announced that he wanted to recuse himself from the vote due to his Father being the long time president of the Fair Board. Commissioner Steck made a motion to accept the refund request. Commissioner Percell provided the second. Motion passed 3-0.

At 5:05 Vice Chairman Lowe called for consideration and action on the second item on the agenda the **FY 2020 Annual Audit** prepared by Heartland CPAs and Advisors PLLC (formerly Stiles, Carter & Associates). Secretary Jaggars II made a motion to approve the FY 2020 Audit as presented. Commissioner Steck provided the second. Motion passed unanimously.

At 5:10 Vice Chairman Lowe called on Director King to present the **2020 Annual Report**. Director King then presented a PowerPoint presentation and also distributed paper copies of the report.

At 5:20 Vice Chairman Lowe called for consideration and action for the **Minutes from the Meeting held on 17 November 2020, Financial Report # 5 FY 2021 (November 2020) and Financial Report # 6 FY 2021 (December 2020)**. Secretary Jaggars II made a motion to accept the Minutes from the meeting held on 17 November 2020, Financial Report # 5 FY 2021 (November 2020) and Financial Report # 6 FY 2021 (December 2020) as presented. Commissioner Percell provided the second. Motion passed unanimously.

At 5:26 Director King made acknowledgement of the unanimous email vote (20 January 2021 emails attached) for **Planning Commission Resolution 2021-001 advancing Compensatory Time to Nikki McCamish due to Covid-19**.

## **Hardin County Planning and Development Commission**

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At 5:40 Vice Chairman Lowe announced that since there are no items scheduled for the agenda for the February 16<sup>th</sup>, 2021 meeting that the next regularly scheduled meeting will be held on Tuesday, March 2, 2021 at 5:00 p.m. and called for the meeting to be adjourned at 5:40 p.m. Secretary Jaggars II made a motion to adjourn the meeting. Commissioner Steck provided the second. The motion passed unanimously.

**ADOPTED AND APPROVED THIS 2<sup>nd</sup> OF MARCH 2021 BY THE HARDIN COUNTY PLANNING AND DEVELOPMENT COMMISSION.**

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LARRY JAGGERS, II SECRETARY