

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

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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 Jaggers, 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 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 Jaggers 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 Jaggers 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 Jaggers 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 Jaggers 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

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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 Jaggers, 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 Jaggers 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 Jaggers 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 Jaggers 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**.

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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 Jaggers 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