



GALLATIN COUNTY PLANNING COMMISSION
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PLANNING COMMISSION MEETING MINUTES

Meeting: February 1, 2022

Planning Commission

- Craig, Patrick
- Dickerson, Greg
- Humphries, Mickey
- Jones, Keith
- Lionberger, Boyd
- Webster, Jack
- Weldon, Alex
- Welte, Chuck
- TBD

Board of Adjustment

- Alexander, Erma Jean
- Cozine, Wilbur
- Skirvin, Brenda
- Smithson, Nikki
- White, David

In attendance were:

James Hansen – Zoning Administrator: Brian Newman – Legal Counsel

The Gallatin County Planning Commission and Board of Adjustment met for a regularly scheduled meeting on **Tuesday, February 1, 2022**, at 7:00 PM at the M.E. Bogardus Extension Office Building Annex, 395 US 42 West, Warsaw, Kentucky 41095.

In Chairman Welte called the duly advertised public meeting to order at 7:00 PM.

The minutes from the January 4, 2022, meeting was reviewed. **Mr. Webster felt his motion was misstated in the minutes and wanted them to read that based on discussion and public comments against a truck stop, he was making a motion to deny the Zone Change. Administrator Hansen acknowledged he would correct the motion as requested by Mr. Webster.**

Motion to Accept: Jack Webster with revision above

Second By: Mickey Humphries with revision above

Approved: Unanimous Consent

Administrator's Report (Copy of permits issued for previous six (6) months included)

Plats: Boundary Surveys – 1

Residential Permits – 3

Commercial Permits – 0

Administrator Hansen advised the Fiscal Court had returned the Finding of Fact and Recommendation from last month's meeting and requested the Commission review the motion to ensure it was in alignment with the requirements for a Zone Change as requested.

Chairman Welte then opened the public comment portion of the duly advertised meeting and requested speakers try to focus on the Change and not the possible project associated with the change. Following is a summary of those public comments:

Stuart Brown – Legal Counsel for the applicants opened the comments stating that his review indicated that based on the surrounding area they felt Commercial was an appropriate zone for this property and asked to submit a Memorandum to the minutes stating their opinion. Attached as Exhibit "A".

Carmen Gullion – Resident of Highway 465 East – asked what the surrounding area was zoned and why not all was the same. Administrator Hansen offered that the Cement Plant on Highway 465 West was a nonconforming use as it existed prior to zoning coming into the area and, except for the Speedway, most of the other properties

in question were located on the East side of Highway 35 within the City Limits of Sparta who does not participate in the County Zoning Regulations.

Bonnie Humphries – Resident of Highway 35- Asked what flexibility the Commission had in approving a Zone Change and whether conditions could be placed on the approval? Administrator Hansen responded that, generally speaking, Zone Changes referred to an area and therefore did not lend themselves to conditions but once a zone was established any Permit Application for a specific project would be subject to conditions if the Planning Commission felt them necessary. She asked if it mattered that land on either side of the proposed area is residential? Administrator Hansen said that was why a Zoning Change was required and if compatible with the Comprehensive Plan could be considered.

Tracy Hudson – Resident of Park Ridge Road – Asked if the house on the property was listed on the National Register of Historic Places? Administrator Hansen acknowledge it was, but research indicated that so long as no public funds were used in the restoration and/or operation the property that the owner of record maintained the right to do what they wanted with their property up to and including demolition. She also asked how the O'Connor's were able to sell their property for commercial development when everyone signed a contract stating they wouldn't? Administrator Hansen asked if there was a Homeowners Association or Deed Restriction of the property and Ms. Hudson advised she wasn't sure, but they all had to sign the same document. Commission Legal Council asked if she had a copy of this document because that could, possibly, influence this proposal? Ms. Hudson advised she did not have a copy and Wayne Scudder another member of the audience suggested there was not any restriction, but it did state approval was needed by the local planning commission before it could be considered. Mr. Scudder advised he had a copy and could produce it quickly for the Commission's review. Mr. Newman advised he would like to view the document which Mr. Scudder left and returned with a copy of the document. Administrator Hansen identified the document by title as "Protective Covenants and Restrictions for Boone Farms" and it was accepted by Ms. Hudson that this was the document she alluded to. Administrator Hansen acknowledge there were a total of eight identified items on this document and that number 7 appeared to be one pertaining to this matter. Item 7 states, in part, "If a lot is to be used for anything other than residential/agriculture/recreational use, it must be approved by the local planning and zoning commission." Mr. Newman stated that based on what was read he was satisfied the terms of this restriction were met by the O'Connor's. Document attached as Exhibit "B".

Dennis Glenn – Resident of Highway 465 West, stated he was against the Zone Change because he had bought 12.5 acres to live off the land and hunt and farm and that any commercial development could adversely affect those plans.

Carmen Gullion – Resident of Highway 465 West – Stated that she felt no matter how you looked at it we were talking about a truck stop, and it would not be good for the area.

Mark Diesterhaft, a resident of Park Ridge Road – Stated he felt there were Pros and Cons with commercial development including noise and light pollution but there could also be positives such as convenience and, in general, better infrastructure. He stated that they bought their property knowing they were at the end of the new airport but, providing the noise was not much greater than he expects he doesn't see it as a problem. He explained his concern would be any substantial traffic increase could cause hardships for residents.

Tracy Hudson – Resident of Park Ridge Road – Asked what the Comprehensive Plan was and why weren't they allowed to review it? Administrator Hansen advised her that the document was available for review at the Fiscal Court Office. Chairman Welte then summarized the parts of the plan being used tonight.

Alex Othman – Applicant for Zone Change – stated he felt there were several commercial operations already existing in the area so why was this change different from them? He also stated that in his experience when dealing with an Interstate the streets immediately around the exits were always zoned commercial to avoid interference with residential properties.

Jeff Stewart expressed concern about potential road building that would be required to support a commercial development. Administrator Hansen asked him to explain but he returned to his seat without an answer.

Carmen Gullion – Resident of Highway 465 East – Expressed that the whole community was against this project and should be listened to.

Bonnie Humphries was unhappy with the last meeting which spoke of the truck stop when we shouldn't have been.

Michelle Diesterhaft – Resident of Park Ridge Road – Expressed concern the truck stop would create and/or increase noise and light pollution.

Crystal O'Connor Jackson – Family Member of Applicant's – Asked where were the people concerned about pollution when the airport and the Speedway came into the County? She stated that they didn't necessarily "want" to sell but "had" to sell due to their mother's deteriorating health.

David Glenn – Resident of Park Ridge Road – Does not want to live near business of any kind.

Michell Diesterhaft – Resident of Park Ridge Road – Stated she felt the applicants could sell their property for some other type of business.

With that Chairman Welte advised that the Public Hearing portion of tonight's hearing was now closed and asked for people's cooperation in not interrupting the deliberation portion of the hearing unless the Commission called on someone specifically for clarification.

Administrator Hansen then read the findings from KRS and the County Comprehensive Plan necessary to approve a map amendment and advised the Commission they were now clear to deliberate.

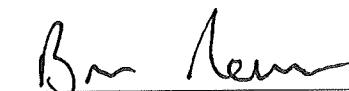
Jack Webster thought we didn't talk about a truck stop at the last meeting and that his motion was in response to the public's comments against a truck stop.

Greg Dickerson repeated the requirements read for a zone change and asked if was understanding them correctly to which Administrator Hansen responded, yes, he was.

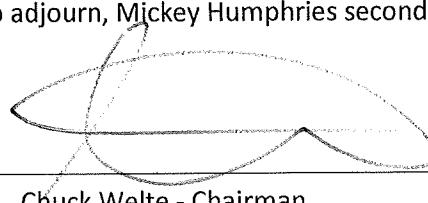
Legal Counsel Brian Newman stated the question before the Commission was whether the application for a map amendment at this location was consistent with the Comprehensive Plan and as such appropriate for the area.

After inquiries of whether there was a motion and no further discussion or debate, Administrator Hansen asked if there was a motion to approve or deny the map amendment before them. With none being heard, Administrator Hansen stated the application dies for lack of a motion

With no further business Patrick Craig made a motion to adjourn, Mickey Humphries seconded the motion, and it was passed by unanimous consent.



Brian Newman – Legal Counsel



Chuck Welte - Chairman