

**MINUTES OF MEETING
BOURBON COUNTY JOINT PLANNING COMMISSION
THURSDAY, AUGUST 18, 2022**

The Bourbon County Joint Planning Commission met on Thursday, August 18, 2022, at 6:30 p.m. in the City Commission Chambers, City Municipal Building, Paris, Kentucky.

The meeting was called to order by Vice-Chair Steven Osborne.

Attendance was taken by roll call:

Commissioner	Bowman	Present	Commissioner	Perraut	Present
Commissioner	Dionne	Present	Commissioner	Poynter	Present
Commissioner	Donovan	Present	Commissioner	Randolph	Present
Commissioner	Ferrell	Present	Commissioner	Richards	Present
Commissioner	Lovell	Present	Commissioner	Smith	Present
Commissioner	Osborne	Present			

Quorum established. Anna Allen-Edwards, Debra Hamelback and Lewis Stubblefield called in and their absences were excused. Also, in attendance were Legal Counsel, Patrick Watson and Staff Members, Andrea Pompei and Micki Sosby.

Chair Guy Bowman sounded the agenda.

The minutes from the July 21, 2022, meeting were presented for consideration. A motion was entertained to approve the minutes as presented. The motion was made by Commissioner Donovan and seconded by Commissioner Lovell to approve the minutes as presented. The vote was made by roll call to approve the minutes:

Commissioner	Donovan	Approve	Commissioner	Randolph	Approve
Commissioner	Ferrell	Abstain	Commissioner	Richards	Abstain
Commissioner	Lovell	Approve	Commissioner	Smith	Approve
Commissioner	Osborne	Approve	Commissioner	Bowman	Abstain
Commissioner	Perraut	Abstain	Commissioner	Dionne	Approve
Commissioner	Poynter	Approve			

Motion passed.

Commissioner Lovell was asked to present the Review of the Financials. He reviewed the Statements of Assets, Liabilities and Net Assets; Statement of Revenues and Expenditures (Balance Sheet) – showing a showing an outstanding Receivable from the City Contribution. Then the Statement of Revenues and Expenditures (P&L) with revenues under expenditures of (\$55.59). Commissioner Osborne made a motion with a second by Commissioner Smith to accept the Review as presented. A roll call vote was taken:

Commissioner	Ferrell	Approve	Commissioner	Smith	Approve
Commissioner	Lovell	Approve	Commissioner	Dionne	Approve
Commissioner	Perraut	Approve	Commissioner	Donovan	Approve
Commissioner	Poynter	Approve	Commissioner	Osborne	Approve
Commissioner	Randolph	Approve	Commissioner	Bowman	Approve

Commissioner Richards Approve
Motion passed.

Andrea Pompei presented the Claims Report. Items that were different than normal were pointed out as Kim Marshall Print Services (Envelopes, new door hangers), GRW Engineering (development plans and minor subdivisions) and EHI Consultants (revitalization district on west side). Commissioner Osborne made a motion with a second by Commissioner Dionne to accept the Claims as presented. A roll call vote was taken:

Commissioner Ferrell	Approve	Commissioner Smith	Approve
Commissioner Lovell	Approve	Commissioner Dionne	Approve
Commissioner Perraut	Approve	Commissioner Donovan	Approve
Commissioner Poynter	Approve	Commissioner Osborne	Approve
Commissioner Randolph	Approve	Commissioner Bowman	Approve
Commissioner Richards	Approve		

Motion passes.

Chair Bowman introduced the first item on the agenda as ZMA 22-05, a Zoning Map Amendment submitted by Gambill Farm – Squire and David Gambill for property located at 941 Georgetown Road, Paris, Bourbon County, Kentucky. Parcel 026-00-00-048.00. Requesting zone change from R-5 Residential to B-2. He requested that Ms. Pompei present the Staff Report.

Ms. Pompei began by stating that ZMA 22-05 was Zoning Map Amendment for property at 941 Georgetown Road for 55.619 acres. Application date was July 20, 2022; TRC meeting date July 25, 2022; legal notification published in the Bourbon County Citizen on August 4, 2022. Applicant requests a zone map amendment for approximately 55.619 acres of land to the following zoning designations: R-5 to B-2: 47.619 acres; R-4 to B-2: 5 acres; and R-3 to B-2: 3 acres.

In 2021, the Economic Development Authority pursued the construction of a new connector road to provide a second entrance/exit to the Industrial Park. The proposed location for the road is to connect Cleveland Drive (a stub street) to the bypass, approximately 1,500 feet to the south of the intersection of Georgetown and the Bypass.

The application accompanies the following minor subdivision/consolidation applications that had been reviewed and approved by the Technical Review Committee on April 25, 2022:

- MS 22-12 Minor Subdivision request submitted by William Garland Esquire Gambill for the construction of Cleveland Drive connector Road as part of the Paris-Bourbon County Industrial Park, Paris, KY 40361. The purpose is to divide Tract 1 (15.463 acres) leaving the remainder of Tract 2 (40.156 acres. (Parcel ID 026-00-00-048.0).
- ALD 22-14 request submitted by the Paris-Bourbon County Economic Development Authority, Inc. for the consolidation of property to construct a new street to connect the Paris-Bourbon County Industrial Park to the Paris By-Pass, Paris, KY.
- MS 22-13 Minor Subdivision request submitted by William Garland Esquire Gambill, 154 Woodmont Drive, Paris KY, 40361 to construct Cleveland Drive Connector Rd as part of the Paris-

Bourbon County Industrial Park. The purpose is to divide Tract 1B (2.193 acres) leaving the remainder of Tract 1A (13.271 acres).

Her report included a zoning area map that pointed out the existing zoning designations and existing land uses of the property and surrounding properties as A-1, I-1, B-2, R-3, R-4, and R-5. She stated that the future industrial, future commercial and future residential are currently used for agricultural purposes.

Next, she presented the Future Land Use Map from the 2017 Bourbon County Comprehensive Plan. The most recent approved goals for the Comprehensive Plan were adopted by the Planning Commission on February 4, 2021. According to KRS 100.187 these goals shall serve as a guide for the physical development and economic and social well-being of the planning units; in this instance, the City of Paris and the Bourbon County Fiscal Court. Regarding the designated future land use of the property, the current adopted Comprehensive Plan Future Land Use Map designates this property as future industrial.

The discussed property is located along Georgetown Road, a State Route, and Martin Luther King Jr. Boulevard (the Bypass). The property is 1.5 miles from Main Street in downtown Paris. The approximate width of Georgetown Rd. at the entrance to the property is 53 ft. (shoulder-to-shoulder) and 30 ft. driving lanes. The bypass is a 4-lane road with 12 ft driving lanes and median. Georgetown Road is currently under repair/construction. The property does not currently contain infrastructure such as curb, gutters, storm sewer, or sidewalks. The property is not located within the 1% annual floodplain. The property does not currently contain stormwater infrastructure. Per the City of Paris Building Regulations, postdevelopment stormwater runoff must be equal or less than pre-development conditions. Stormwater infrastructure must be provided as part of future development. The property contains sanitary sewer. Additions on the property need approval by City of Paris Wastewater Treatment Facility for sanitary sewer upgrades. Refuse collection is available through Rumpke or another private garbage and recycling collection service. The City of Paris Police Department serves the property. The closest station is located at 525 High Street; 1.5 miles away. The City of Paris Fire Department serves the subject property. The nearest fire station is located on the Bypass at Fords Mills Rd, approximately one mile from the property. Both police and fire stations are close to the property. Water service is to be provided by the City of Paris Water Treatment Plant. Electric service is provided by Kentucky Utilities.

Reviewing the Ordinances, she noted that the Property is adjacent to properties that are zoned as residential and does not create a free-standing district of less than five (5) acres. This property is identified in the Comprehensive Plan as future Industrial. The applicant has proposed the following findings: The existing zoning classification given to the parcel is inappropriate and that the proposed zoning classification is appropriate; and there have been major changes of an economical nature within the area that were not anticipated at the time of the Comprehensive Plan development that have altered the character of the area.

Staff Comments were that the current zoning of the property is Residential. If developed under its current zoning designation, the road traffic and use of industrial and residential will be incompatible; posing a health and safety risk to the community. At the time of adoption of the Transportation Element of the 2017 Comprehensive Plan, it was not anticipated that an Industrial park connector road would be constructed. The future land use map most recently adopted by the City of Paris identified 1.7% of future development for commercial use, or eighty-five acres of vacant land. In comparison, future industrial land is identified as 19.9% of future development or 1,000+ acres of vacant land. This acreage far exceeds the

maximum recommended amount calculated in the most recent land use analysis of the existing 2017 Future Land Use Map.

She also pointed out that no variance or waivers were requested at this time.

Staff Recommendation was that the Applicant's submitted materials assert that the EDA's connector road project is a recent development that was not anticipated at the time of the current Comprehensive Plan adoption. She said that proof must be presented by the applicant to support the proposed following finding and subsequent staff recommendation to approve ZMA 22-05 to change the zoning from the following: R-5 to B-2: 47.619 acres R-4 to B-2: 5 acres R-3 to B-2: 3 acres. If the motion is to approve the request, there must be necessary findings that the future construction of an industrial connector road is a major change of economic and physical nature that were not anticipated at the time of the adoption of the current elements of the Comprehensive Plan. She also stated that the proposal for the connector road was not seen until 2020 and no funds were anticipated until 2022.

After the completion of the Staff Report, the Chair asked who was present to represent the applicant. G. Davis Wilson, attorney stepped forward. He stated that he was representing the Gambills in their request for a zoning map amendment based on the zoning being inappropriate.

He asked that Eric Brad Gregory step forward as his first witness. Mr. Gregory was sworn in. He stated that he was giving testimony as a Civil Engineer and Land Surveyor. He is a graduate of the University of Kentucky and is employed by HMB as an engineer. Primarily in charge of land surveys for the last 3 years. He was a municipal engineer for 20+ years. He designed site; has been on property and designed connector road. Paris EDA will be funded as part of a stimulus grant needing a quality based design. They looked at different iterations; this stayed within budget. In 2017 there was nothing in the Comprehensive Plan, but the grant process effects the connector road and has significant impact on the property. He referred to a design on an easel to reflect the plans for the concept. This is the lonely location to tie the Industrial park to the bypass. He was asked why it was most appropriate to rezone. He replied that the property does not industrial footprint. Residential and Industrial are not compatible. Sidewalks are an issue. There would be none on the connector road. As for future land use, the topography is challenging for industrial that required large, flat plots of land. The connector road will result in a notable change that was not known in 2017 and will result in an increase in Industrial traffic.

Next, Mr. Wilson as that the Gordon Wilson, Executive Director of the Paris Bourbon County Economic Development Authority step forward and be sworn in. Mr. Wilson stated that he had held this position for eight ½ years and was charged with recruiting and retaining industry. He also works with the Chamber of Commerce on retail projects, such as the need for a grocery. Before coming to his current position, he was employed at Hinkle Contracting with job duties of estimating, asphalt paving, highway paving, environmental railroad design, rising to the position of Vice-President. He explained some of the reasons for the need for a connector road were that EMS and E911 needed another entrance into the Industrial Park. With only one entrance there was not way to get in if Georgetown Road is blocked. There has been a significant increase in the amount of traffic from the Industrial Park on to Georgetown Road and from the other industries, such as CMWA. Through the Pandemic/Cares Act, they qualified for 2.8 million to budget to build a connector road. Plans are complete, building specs done, final step is for everything to go to Atlanta with hope to bid in September and start in October. Mr. Wilson stated that he was familiar with the Gambill property. A connector road should create a major economic change but will not fit in well with a residential area. Changing the zoning from residential to business would create a buffer

between the Industrial Park and the Bypass. Assist in recruiting industry if they can also work on recruiting business. Paris has a need for hotels, grocery chain, retail opportunities. The Chamber of Commerce gets requests for information (RFI's) expressing these needs. The connector road cut down on the number of lots suitable for industry. PBCEDA does not object to the request for this zoning map amendment as changes have been created since 2017.

With no one signed up to speak, Chair Bowman opened and closed the Public Hearing on the ZMA 22-05. Commissioner Poynter asked about the lanes of the connector road on to the Bypass, merge lane, left turn lane. Mr. Wilson said the Kentucky Transportation Cabinet must approve all roads and they did not approve those. The connector road will be three lanes with no sidewalks. Chair Bowman reminded the Commissioners that the meeting was for the zoning map amendment only and the connector road was conceptual at this time. Commissioner Dionne asked who wanted this change and was told the request was from the property owners. Chair Bowman stated that he liked the transition from the Bypass to Business then Industrial rather than Residential to Industrial. Hearing no other questions from the Commissioners, the Chair said that he would entertain a motion to approve or deny ZMA 22-05, a Zoning Map Amendment submitted by Gambill Farm – Squire and David Gambill for property located at 941 Georgetown Road, Paris, Bourbon County, Kentucky. Requesting zone change from R-5 Residential to B-2.

Commissioner Dionne agreed with the Applicant's submitted materials that the EDA's connector road project is a recent development that was not anticipated at the time of the current Comprehensive Plan. Since proof was presented by the Applicant, Commissioner Dionne made a motion to approve ZMA 22-05 to change the zoning from the following: R-5 to B-2: 47.619 acres, R-4 to B-2: 5 acres, R-3 to B-2: 3 acres. The motion was made with the findings that the future construction of an industrial connector road is a major change of economic and physical nature that were not anticipated at the time of the adoption of the current elements of the Comprehensive Plan. Commissioner Osborne made a second to the motion. A vote was taken by roll call:

Commissioner Poynter	Approve	Commissioner Ferrell	Approve
Commissioner Randolph	Approve	Commissioner Lovell	Approve
Commissioner Richards	Approve	Commissioner Perraut	Approve
Commissioner Smith	Approve	Commissioner Osborne	Approve
Commissioner Dionne	Approve	Commissioner Bowman	Approve
Commissioner Donovan	Approve		

Motion Passed.

The next item on the agenda was the Enforcement of County Zoning Violation for property located on Shawhan Road, Bourbon County, KY (Parcel 023-00-00-011.01). Legal Counsel explained to the Commissioners that it was Planning Administrator Pompei's determination that the current use of the property owned by Rex Simpson and located on Shawhan Road (Parcel 023-00-00-011.01) was illegal under the current Agricultural Zone classification within the Bourbon County Zoning Ordinance. The Joint Board of Adjustment heard the appeal by the property owner in May and agreed with the Planning Administrator's determination and upheld their decision at a second hearing. The property owner had the opportunity to appeal the decision to the Circuit Court but took no action. Now, it is up to the Planning and Zoning Commission to decide to forward this on to Circuit Court to permanently enjoin Mr. Simpson from continuing this operation.

Commissioner Dionne asked the cost to litigate the matter. Legal Counsel said it would be 75% of his standard rate of \$150. Commissioner Ferrell stated that this would put the man out of business. He was very unhappy, and this was a 'grey area' and a bad situation. That the person complaining was not someone to be listened to and that Mr. Simpson was a hardworking, decent man. Commissioner Dionne asked if this was a decision to pursue and go on or not; enforce or find something he can change to fit in the zone. Legal Counsel said the decision had been made final by the JBOA. Ms. Pompei said her decision was based strictly on the ordinance. The Fiscal Court chose not to weigh in on it. That the Ordinance reads as it does, and it was not up to the Fiscal Court to interpret the Ordinance. Commissioner Ferrell continued by stating that Commissioner Poynter and BOA member West had proved to not be business friendly with their JBOA vote. There were other businesses operating in the county that were 'grandfathered' in but were not being 'picked on' as Mr. Simpson was. Also, there were other businesses operating but no letters were sent to them. Commissioner Poynter stated that he was a local businessman and was very pro-business, but in this case, Mr. Simpson was in violation of the ordinance, and he felt they were not singling Mr. Simpson out, there was no other course but to find him in violation. Once something is brought before the JBOA, they are duty bound to view it.

The Commissioners proceeded to discuss possible options. Zoning map amendments versus spot zoning. Discussion on motor carrier functions. What part of work on property is agricultural and what part is commercial. Is there a time limit to file with the court. Has there been a change in the behavior of Mr. Simpson or does he continue to operate? Commissioners were advised to not discuss this matter with the property owner. Commissioner Smith asked if his business could be involved in assistance to Mr. Simpson. Opportunities to get Mr. Simpson in Compliance. Commissioner Dionne suggested to table it, send a letter, and do another site visit.

At the end of the discussion, it was decided to not take any action at this time.

The final item brought before the Commission was action to acknowledge a mistake in the previous motion to approve ZMA 22-04. The prior motion was made based on a typographical error in the Staff Report and caused confusion. It is requested that a motion be made to correct the error. Commissioner Dionne made a motion to acknowledge a mistake in the motion to recommend the approval of ZMA 22-04 based on the typographical error in the Staff Report that inadvertently resulted in recommending approval of less than Applicant's request to rezone. This motion will change the acreages from R-1 to R-5 10.10 acres; A-1 to R-8 8.93 acres and I-1 to R-8 98.058 acres. Commissioner Poynter made a second to the motion. A vote was made by roll call:

Commissioner	Donovan	Approve	Commissioner	Randolph	Approve
Commissioner	Ferrell	Abstain	Commissioner	Richards	Abstain
Commissioner	Lovell	Approve	Commissioner	Smith	Approve
Commissioner	Osborne	Approve	Commissioner	Bowman	Abstain
Commissioner	Perraut	Abstain	Commissioner	Dionne	Approve
Commissioner	Poynter	Approve			

Motion passed.

With that being the final item on the agenda, the Chair asked about any upcoming dates.

- TRC: 8/22/2022
- Planning Workshop: 9/12/2022
- P&Z Meeting: 9/15/2022
- JBOA: 9/20/2022
- OKI 3-day planning conference in Louisville. West Side Revitalization Project will do a presentation at the conference. Andrea Pompei is in charge of reservations.

With nothing further to come before the Commission, the Chair asked for a motion to adjourn. Steven Osborne made the motion; Dan Donovan made a second to the motion. All were in favor. Meeting adjourned.

Chair

Date