

Land of Lincoln Planning and Zoning Commission

18 February 2016 Meeting Minutes

The Land of Lincoln Planning and Zoning Commission was called to order on Thursday, 18 February 2016, by Paul Lassanske, Chairman.

Roll was called and the following Commission members were present for the hearing: Paul Lassanske, Marsha Duncan, Rick Roach, Steve Payne, and Timmy Morris. Robert Enlow and Darin Williams were not present.

Timmy Morris made a motion to approve the minutes of the 10 December 2015 Planning and Zoning meeting minutes. Rick Roach seconded and the motion carried unanimously.

Paul Lassanske discussed the correction to the minutes of the 13 November 2014 meeting. The minutes read: The Commission discussed the update to the Sub dividers agreement. Correction: The Commission discussed the update to the environmental certification of on-site sewage disposal. Rick Roach made a motion to approve the corrected minutes. Marsha Duncan seconded and the motion carried unanimously.

Blake Durrett of Durrett Engineering came before the Commission. Mr. Durrett explained the plat signature wording allows others than the health department inspector to sign for the existing septic inspection. Exhibit A: copy of plat signature wording initially and revised. Exhibit B: 902 KAR 10:085 Kentucky on-site sewage disposal systems, section 5 states individuals eligible for approval as consultants shall include:

1. Professional engineers
2. Registered architects
3. Soil scientists
4. Professional geologists
5. Certified inspectors whose certifications have not been suspended or revoked.

Mr. Durrett follows the same regulations as the environmental office.

Exhibit C: KRS 211.350 (5) states a professional engineer cannot inspect their own septic systems.

Exhibit D: KRS 211.360 Certification of Inspectors

Mr. Durrett stated he can perform site evaluations. Hardin and Spencer Counties allow Mr. Durrett to inspect existing systems. Mr. Durrett is insured and has a lot of documentation for every system. Mr. Durrett also has an evaluation for the homeowner to fill out.

Exhibit E: Durrett Engineering Onsite Sewage Disposal System Evaluation.

Paul Lassanske stated Mr. Durrett's request will be placed on the next agenda.

REZONINGS:

David Graham came before the Commission requesting a rezoning of 2.3 acres located at 233 Mill Rd. from R-1A (single family residential conventional) to B-3 (Highway Business District).

Paul Lassanske explained if the rezoning passes there will be a conditional use permit.

Mr. Graham stated the only employees would be him and his wife. There would be 20 to 30 cars outside. The hours would be 9-5 except when cars are delivered later. Mr. Graham stated he has approval to add a driveway to New Jackson Hwy.

Steve Payne asked what the property was used for before Mr. Graham bought it. Mr. Graham stated it was in foreclosure Mr. Thompson bought it. Mr. Graham bought it from Mr. Thompson.

Mr. Graham built a garage for his RV and a garage for his classic cars. All the cars outside are ready for sale except a 1955 Fiat that he plans to restore. Any other cars that he buys that need repairs are sent to the shop right away.

Gordon Ireland stated there were 15 cars outside when he went to the property. The closest commercial property is the Dollar Store. All surrounding properties are residential.

Don Peace came before the Commission. He entered Exhibit A: his written comments. Mr. Peace's mother, Mary Peace, lives at 162 Mill Rd. Mr. Peace stated the area has always been residential or agricultural. It is quiet and peaceful. He believes the used auto sales will have a negative impact on the quality of life. Mr. Peace stated rezoning to B-3 will cause more vehicles at all times, day or night. Mr. Peace is concerned because all the neighbors will be forced to look at a used car lot.

Gary Reynolds came before the Commission. Mr. Reynolds submitted a petition signed by the surrounding property owners, exhibit B. The petition states the

residents of the surrounding properties ask for the rezoning request be denied. They feel it would disrupt the peaceful community with noise at all hours, be an eyesore, drag down the property values, and make safety concerns on Mill Rd. Mr. Reynolds stated the car lot is causing the water to not drain.

Mr. Reynolds submitted pictures he took February 17th and 18th. Exhibit C: from Mary Peace's front porch. Exhibit D: from Harvey Milby's property. Exhibit E: from Pat Vance's property. Exhibit F: from Earl Sallee's property.

Alton Milby came before the Commission. Mr. Milby stated the garages were built over the septic and power lines.

David Graham stated the septic was inspected before he moved in and it is in front of the house.

Tommy Heath came before the Commission. Mr. Heath lives across the street from Harvey Milby. Mr. Heath stated the water way comes down in front of his house and water stands in the yards. Mr. Heath stated that trucks unload cardboard on Mill Rd.

Charles Bale came before the Commission. Mr. Bale doesn't think a business should be in a residential area.

Steve Payne stated that the Comprehensive Plan for that area states residential.

Paul Lassanske explained the zoning regulations for a B-3 district.

David Graham stated the car lot did not disturb the water way and the state said the new driveway would help the water issue.

Steve Payne stated the water drainage is not an issue for Planning & Zoning. Steve Payne stated that the conditional use permit or rezoning should have been approved before building the garages.

Steve Payne denied the rezoning request because it doesn't meet the comprehensive plan and there hasn't been any substantial change in the neighborhood. Rick Roach seconded and the motion carried unanimously.

If Fiscal court approves the rezoning, Mr. Graham will have to get a conditional use permit.

ADMINISTRATIVE:

Payment of Bills: Rick Roach made a motion to approve the income and expenses for December 2015 as presented. Timmy Morris seconded and the motion carried unanimously.

Rick Roach made a motion to approve the income and expenses for January 2016 as presented. Timmy Morris seconded and the motion carried unanimously.

Gordon Ireland explained building permits for the last 6 years.

With no further business coming before the Commission at this time, Timmy Morris made a motion to adjourn. Rick Roach seconded and the motion carried unanimously.

The Planning and Zoning Meeting adjourned at 8:55 p.m.

Submitted by: Susan Caldwell