FRANKFORT/FRANKLIN COUNTY PLANNING COMMISSION

MAY 12, 2022
5:30 PM

RUSSELL WRIGHT, CHAIRMAN
The meeting was called to order at 5:30 p.m.

Chairman Wright asked the Secretary to Call the Roll.

MEMBERS PRESENT:

David Boggs  
Keith Lee  
Paul Looney  
Timothy Luscher  
William May, Jr.  
Darrell Sanderson  
Brent Sweger  
Sherron Jackson  
Russell Wright, Chairman

(9)

MEMBERS ABSENT:

Patti Cross  
Charles Stewart

(2)

Also Present:

Edwin Logan, Commission Attorney  
Eric Cockley, Director, Frankfort Department of Planning & Community Development  
Robert Hewitt, Director, Franklin County Planning & Building Codes Department  
Ben Judah, Planning Supervisor, Franklin County Planning & Building Codes Department

There being a quorum, the meeting was called to order.

Following the roll call, Chairman Wright asked those that wished to speak at the Public Hearing to approach the podium to sign in. There were 13 people that signed in to speak. There were also 3 on-line to speak.

Chairman Wright asked for a motion to approve the minutes of the March 10, 2022 meeting. Mr. Sanderson made the motion to approve the minutes and was seconded by Mr. Boggs. Mr. Jackson stated that there was an error of staff’s name on page 1 of the minutes. The spelling of Mr. Judah’s first name is Ben not Bed. Chairman Wright made the motion for a voice vote to approve the minutes with changes as proposed by Mr. Jackson. The minutes were unanimously approved. (9-0)

Chairman Wright asked for a motion to approve the payment of bills from the Amended Agenda. Mr. Lee made a motion to approve the following bills:

**These bills were signed 4/14/2022**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ed Logan (Legal Fee, April)</td>
<td>$1500.00</td>
</tr>
<tr>
<td>Vickie Sewell (PC Secretarial – Mar)</td>
<td>$375.00</td>
</tr>
<tr>
<td>Dawn McDonald (BZA Secretarial – Mar)</td>
<td>$75.00</td>
</tr>
<tr>
<td>Frankfort NewsMedia (Legal Advertising)</td>
<td>$727.65</td>
</tr>
</tbody>
</table>
McBride Dale Clarion (Comp Plan) $22,069.67
Ed Logan (Legal Fee, May) $1500.00
Dawn McDonald (BZA – 4/12/2022) $225.00
Frankfort NewsMedia (Legal Advertising) $368.47
McBride Dale Clarion (Comp Plan Inv. # 4595-2) $10,880.00
McBride Dale Clarion (Comp Plan Inv. # 4595-4) $5,691.24
John Sammons (BZA Refund) $150.00

The motion was seconded by Mr. Sanderson and passed unanimously. (9-0)

Under Staff Items, Eric Cockley, gave an update on the Comprehensive Plan status report. He stated that planning for the next meeting of the advisory plan steering committee officially nominated and selected the at large members from the community to participate. He stated that the next meeting has been scheduled for next Thursday, May 19 at 1:00 p.m. in the River Room at the library. Mr. Cockley stated that he would be posting a list of the advisory committee members on the website.

Mr. Jackson asked if the meeting next Thursday at the library is open to the public to attend to observe and view the meeting. Mr. Cockley stated that anyone was welcome to attend as they do their work but was not meant for public comment. Mr. Jackson also stated that when the contract was done with the consultant, opportunities were discussed for the consultant to sit and talk with groups of individuals about their opinions regarding the comprehensive plan. Mr. Cockley stated that no dates had been set. He also stated that they will advertise in the newspaper, and the public can find out more information on the website distilledtogether.com as to when, where, what time, etcetera.

Ben Judah made a request that the item under new business be brought up before the Public Hearing. Mr. Sanderson made the motion to move the item. The motion was seconded by Mr. Jackson and passed unanimously. (9-0)

Chairman Wright asked the Secretary to introduce the item on the agenda:

In accordance with Section 155.283 of the Franklin County Code of Ordinances, Haddix Construction, LLC is requesting approval of a Development Plan for the construction of ninety-three (93) townhome units at 300 Copperleaf BLVD within the Copperleaf Subdivision. The property is more particularly described as PVA Map Number 086-00-00-028.06 (County Item).

Mr. Judah presented the staff report for the request. He stated that the surrounding land use to the north is an agriculture farm with a residence on site, to the south is a vacant Planned Commercial zone, to the east is Governor’s Place and to the west is Hearn Elementary. He stated that the subject property is 14.92 acres. He further stated that it is surrounded by a mixture of different zoning districts.

Mr. Judah stated that in September 2012 the Planning Commission approved a zone map amendment from Special Residential (RS) to Planned Residential (PR). He stated in January 2013 the Planning Commission approved the development plan for 73 unit townhome development with a nearly identical layout. He stated that the street network is practically identical. Mr. Judah stated that the primary difference is the density. He stated that the unit sizes are a little bit smaller and therefore there are a larger number of units. Mr. Judah stated that he was recommending approval with five conditions. (1) Based on the proximity of the proposed structures to the existing drainage easement and other utility easements, the Planning Department reserves the right to adjust the building locations based on more detailed information provided in the required construction plans. (2) No private improvements,
structures, plantings or recreational features would be allowed within the drainage easement or rights-of-way without proper permit or approval by the planning and building codes department. (3) Any structure adjacent to the detention basin shall have a finish floor elevation of no less than two feet above the top of the detention basin dam. (4) That any outstanding comments from the Technical Review Team related to the Development Plan are adequately addressed prior to approval of the Preliminary Plat. (5) Maintenance of the existing detention basin shall be performed to the satisfaction of the county engineer.

Questions regarding green space were also addressed. Mr. Judah stated that the green space does not decrease at all and meets what is required. Mr. Jackson asked if the development plan was not approved tonight, would the development plan that was approved in 2013 be able to move forward for the 78 units. Mr. Judah replied no.

Mr. Wright asked about where the retaining basin would lie on the map. Mr. Judah stated that it was an existing basin located in the western portion of the property, abuts Governor’s Place and is set aside for detention. Mr. Wright also asked where the water would end up. Mr. Judah stated that the water would ultimately end up in Slickway Branch.

Mr. Luscher asked if there had been a study to determine what the impact of this new development is going to be on the retention basin and has there been any maintenance issues and asked who is responsible for continuing maintenance. Mr. Judah stated that the county engineer had reviewed the proposal and didn’t think a study beyond his review had been done. He stated that in regard to the maintenance issue, the property had been vacant so there hasn’t been any maintenance done on the existing basin. He also stated that there is a lot of vegetation and growth within it that would need to be addressed. Mr. Judah stated that this development would be governed by HOA. Mr. Hewitt stated that the 2017 city county stormwater regulations now provide for owner’s affidavit of maintenance. He also stated that in the case of an emergency the county could go in and perform emergency maintenance if need be. Mr. Hewitt also stated that in the past when basins have not been maintained in older developments, the county at the request of residents and or elected officials have gone in and performed maintenance. He also stated that the roads would be county roads and therefore the curb inlets and storm pipes would become public infrastructure as part of the developer’s installation.

Mr. Looney asked if it was possible to require a higher standard, so the minimum is to try to keep it using the baseline design to no more than it is today based on normal rainfall events. Mr. Hewitt stated that if the developer did not agree with the standard, they could always bring it back before the commission. Mr. Luscher stated that he would like to see an additional 25% put in place. Mr. Hewitt stated that his self and the county engineer have discussed anywhere between 15 and 25 percent extra within the watershed. Mr. Hewitt also stated that the first thing he wants the developer to do is to start on the basin.

Mr. Boggs asked if the streets were going to be wide enough for on-street parking plus the capability for buses and emergency equipment to get through. Mr. Hewitt stated that streets are 26’ wide, so it’s two 12-foot lanes with one-foot gutters so that would not accommodate on-street parking. He also stated that the zoning regulations do require a certain amount off-street parking based on the number of bedrooms.

Mr. Sweger stated that he had a question regarding the entrances to the subdivision concerning egress and ingress. Mr. Sweger stated that it appears excessive to have a separate right turn lane. Mr. Sweger also asked if it would be under the Commission authority if they wanted to modify it to one lane in each direction. Mr. Hewitt stated that the Commission does have that authority, that the roadway entrance design is established in Part 3 of the development regulations, so they were just following code.
Mr. Looney stated that normally sidewalks are five feet, and these are shown as four feet. Mr. Hewitt stated that the typical standards and the right-of-way standards in separate sections of the parts one, two and three are not consistent. He also stated that it is very difficult to tell a developer this is what it needs to be when one section says it’s a 60-foot right-of-way and then your typical section shows a 50-foot right-of-way. He stated that is something that needs to be brought to one of the update committees. He stated they go with what’s reasonable.

Mr. Looney asked about the landscaping plan that shows street trees and if the developer would be installing those prior to leaving the site. Mr. Hewitt stated yes that it was part of the public infrastructure.

Mr. Sweger asked if there was a requirement on the length of driveways to be a certain minimum length between the sidewalk and garage. Mr. Hewitt stated that yes, they looked at that to ensure a car can park and not encroach out into the public sidewalk. He also stated that the standard parking style depth is 18’.

Susan Goddard asked a question regarding the landscaping. She asked if it was the developer’s duty to keep that up and if so, how does that get reported if he doesn’t. Mr. Hewitt stated that prior to acceptance of any public improvements which is a formal request submitted to the Franklin County Fiscal Court, staff does a field inspection to verify and ensure that all improvements per the approved plan were constructed. He stated that if and when the fiscal court accepts those improvements, then it becomes the responsibility of the county. Mr. Hewitt stated that county road crews are out all the time and if a tree gets damaged, knocked over or there’s an accident or something at that time it would be the county’s responsibility to decide whether or not they wanted to reinstall another tree. He also stated that anything within that public right-of-way from the back side of the sidewalk on the one side of the street to the back side of the sidewalk on the other is public right of way and is maintained by the county after acceptance.

Ms. Goddard also voiced concerns regarding the width of the streets. Mr. Judah stated that the roadway width of the streets is done by county standard and that the width of the road is determined if it’s one direction it can be narrower and two-way flow requires 22 feet. He also stated that the Planning Commission has the authority to limit vehicles parking on the street. Mr. Hewitt stated that if a parking restriction is imposed, it’s done one of two ways – it’s either done during the planning and approval stage or done by action of the Fiscal Court.

Chloe (?) of Governor’s Place stated that she submitted an open records request about this development. She stated that she has concerns regarding the volume of traffic and water. She stated that this area has been vacant since the 90’s. She stated that in the open records request there was an analysis that’s been done on the basin before and there were capacity issues. Mr. Hewitt stated that the basin has been roughed in and not finalized yet. Mr. Hewitt also stated that this development will have detention and did show the watershed map and where it flows to.

Mr. Jihad Hallani with Vision Engineering, Lexington, Kentucky introduced himself. Mr. Hallani stated that one of the questions was regarding driveways. He stated that there would be a one car garage and driveway for 2 vehicles per unit.

Mr. Jackson asked Mr. Hallani if he agreed with the staff report presentation with his application. Mr. Hallani stated yes. Mr. Hallani stated that they were in agreement 100% with the staff report. Mr. Jackson stated that he heard three things to modify – the drainage basin percentage increase, sidewalks, and limiting on-street parking. Mr. Hallani stated for the sidewalks, the proposal has two sidewalks on both sides of the streets. He stated that on the drainage he felt an additional 25% was a burden for a single developer to carry. Mr. Jackson stated that a condition of his development being approved is that the detention is improved based on whatever the county engineer and county staff comes up with. Mr.
Hewitt stated that as each individual lot is developed, on-site detention is required for each lot and everyone has to contribute to detaining their own water. He stated that currently the basin is serving as a regional base, but requirements of the county standards are that each commercial lot have its own on-site detention whether that be underground storage, or surface detention basin. Mr. Hewitt also stated that this will become less of a regional basin and more of the basin necessary for this because they will be draining public streets that they are going to construct and turn over to the county. Mr. Hewitt stated that it was his opinion that this development be held to their impervious area plus 25% not that of the entire Copperleaf Development because that was not the intent of that basin. Mr. Hallani stated that he would agree to the 25% increase.

Mr. Hallani stated that in regard to on-street parking he felt that in providing 3 parking spaces per unit which is more than is required per resident he didn’t feel there was a need to add another additional constraint on the street parking. Mr. Hewitt stated that he would work with the developer in restricting parking on the opposite side of the street in front of the homes so that you could still park in front of the homes so that intersections are clear. Mr. Hallani stated that he agrees to work with planning staff on on-street parking restrictions.

Mr. Sweger asked if the developer would be willing to put a walking trail that goes through and connects the two green open spaces. Mr. Hallani stated that he would have to check the topography to see if they could do walking trails. He stated that he did not want to commit to something that is physically impossible to build. Mr. Sweger stated that he was talking about something like gravel for a walking trail.

As there were no further questions for the applicant, Mr. Looney made the motion to approve the development plan as proposed by Haddix Construction LLC for the development of 93 townhomes at 300 Copperleaf Boulevard with the following conditions one through five as listed in the staff report, additionally additional conditions to restrict on-street parking to one side on streets Road A and B in the development plan as a matter of accessibility and public safety given that 28’ is the minimum typically for parking on both sides these streets are 26’ so it allows generally for parking on one side, so Roads A and B only not C and D to limit parking to one side only as determined by staff. Additionally, to provide five-foot sidewalks instead of four-foot sidewalks as five feet is the typical standard for pedestrians to walk side by side but more specifically to accommodate persons with disabilities so it’s the minimum ADA standard for development. Additionally, that the developer given the issues with drainage in the watershed in the Slickway Branch that the developer prepare a comprehensive watershed drainage analysis that looks not just at the site but at its impact for the overall watershed that to be used by staff to determine will set 25% as the target but ultimately that watershed analysis will be used to help staff and inform staff on that ultimate percentage but 25 is a target.

Mr. Sweger seconded the motion and was approved by a vote of 6 to 3. Those voting in favor were Mr. Boggs, Mr. Looney, Mr. May, Mr. Sweger, Mr. Jackson and Mr. Wright. Those voting against the motion were Mr. Lee, Mr. Luscher and Mr. Sanderson.

Mr. Sweger made another motion to require the minimum driveway length between the sidewalk and the house to be at least 20 feet in order to accommodate large personal vehicles so it won’t block the sidewalk when people park in their driveways. The motion died due to lack of a second.

After further discussion on the developer preparing a comprehensive watershed drainage analysis, Mr. Luscher made the motion to modify the previous motion to limit the watershed analysis to staff’s 2018 report. Mr. Lee seconded the motion. The roll was called and all voted in favor of the motion (9-0).

Chairman Wright asked the secretary to introduce the next item:
PUBLIC HEARING: Tierney Storage LLC is requesting approval of a zone map amendment from Agriculture District “AG” to Industrial General District “IG” for a 85.388 acre portion of property located in Franklin County, identified as a portion of Tract 1 (84.058 acres+) and a portion of Tract 2 (1.331 acres+) located at 690 Duncan Road. The property is more specifically identified as a portion of PVA Map Number 087-00-00-031.00 (Tract 1) and a portion of PVA Map Number 087-00-00-031.01 (Tract 2) (County Item)

Chairman Wright stated that there were 13 people present and signed in that wanted to speak on this matter and also 3 via zoom that wanted to speak. (List attached) He also stated that each individual that wanted to speak would be given 5 minutes. Chairman Wright also stated that he would place a time restriction of 20 minutes for each side to provide testimony.

Mr. Logan qualified Robert Hewitt as to his education, training and experience in regard to his position as Director of the County Planning & Building Codes Department.

Ben Judah, swore in the group that wanted to speak.

Mr. Hewitt introduced the item to the Commission. Mr. Hewitt stated that he had three exhibits to present to the commission. Mr. Hewitt stated that the first exhibit was an excerpt from the KYTC construction plans for the improvements at the interchange intersection at I-64 and US Hwy 60. He stated this is a FISIP project initiated by the Transportation Cabinet. Mr. Hewitt stated that the second exhibit identifies the subject property and existing water and sewer infrastructure on and adjacent to the site including pipe diameters and manhole locations. Mr. Hewitt stated that Exhibit 3 is an image of the subject property as well as properties to the south utilizing hillshade based on the ortho imagery provided in 2019 a project completed in conjunction with the city, county and the Frankfort Plant Board. It also identifies the subject property, property identified as Castle & Key in Woodford County and a generalized watershed area based on ravines within that imagery.

Mr. Logan asked the Chairman that the three map exhibits be introduced into the minutes (Attached Maps)

Mr. Luscher asked Mr. Hewitt if there had been any changes to the request from last time until now. Mr. Hewitt stated that it was the exact same thing they saw in 2019.

Mr. Looney asked Mr. Hewitt if employment center and light industrial fit into the IC uses zone. He stated that IG seems to allow heavy industrial uses. Mr. Hewitt stated that it also includes those light industrial uses as well. Mr. Looney asked if IG fully fit with employment center. Mr. Hewitt stated that it also includes those light industrial uses. Mr. Looney asked if heavy industrial use fit in an employment center land use. Mr. Hewitt stated that he believed it does, because if you look at the future land use map all of Industrial Park 3 is employment center. He also stated 99% of the Industrial future land use properties in this community both city and county are limited to distilleries. Mr. Hewitt stated that all other industrial parks are employment centers.

Mr. Looney stated that under Goal 2 Preserve and reinforce the distinction between the urban and rural areas of Franklin County. He stated that the intent here is to distinguish urban from rural. He stated that if we push this all the way to the edge of Franklin County how are we able to distinguish between rural and urban. Mr. Hewitt stated that industrial zoned property and industrial developed property goes to the county line all the way over to Versailles Road across Duncan Road to the other plants that are already there all the way to the county line. Mr. Looney asked if that meets the goal. Mr. Hewitt stated that it did at the time, and it does today. Mr. Hewitt stated that he did not know of any rural land that has an eight-inch gravity sewer, with manholes, 24-inch water line with fire hydrants and a 12-inch water line with fire hydrants on a state road within one mile of the Interstate. Mr. Hewitt stated that if this was not
intended to develop, he did not believe the City of Frankfort would have invested in the amount of infrastructure on and around this property if there was no intent to have it developed. He also stated that the planning commission designated as an employment center over 10 years ago.

Mr. Looney stated that he would disagree that this would be that undeveloped site would be classified as infill. Mr. Hewitt stated that you can’t fill it if it’s already filled that it must be vacant to be deemed an infill development. Mr. Looney stated that he would agree to disagree with that.

Mr. Luscher stated that in getting to one of the reasons the hearing was delayed, at least one request by Woodford County, what modifications to this project or parcel were made prior to them being approved and then not approved, and of those modifications to the property which were approved, which were allowed and were done without any approval. Mr. Hewitt stated that there has been land disturbance activity in Franklin County as well as in Woodford County. He also stated that in his conversation with the property owner they have indicated that they filed their notice of intent with the division of water and that the division of water field inspector has been on site to inspect their silt fences best management practices, and erosion control measures and the applicant also indicated they received approvals from Woodford County which he was not privy to. Mr. Hewitt also stated that his office did not issue any permits or approvals for any activity on the property. He stated that it is his opinion that it’s an agricultural zoned property, the gate was locked and until it was brought to his attention that something was going on he didn’t go to the property.

Mr. Luscher asked Mr. Hewitt what other disturbances he noticed on the property. Mr. Hewitt stated that other than the land disturbance activity and soil stockpiles, he was advised that some of the material from the US 60 widening project was allowed to be placed on this property and also an access road to Fortune Drive within the industrial park has been established as a gravel road which had been testified to at the last hearing in 2000 that the property owner had acquired land to accommodate right of way for access that’s required by the regulations. Mr. Hewitt testified that none of these modifications have been approved by his office.

Mr. Lee asked if tearing the house down and putting a gravel road is that all eligible or safe to do in an AG zone. Mr. Hewitt replied yes.

Mr. Jackson asked Mr. Hewitt if on the day that he reviewed the property, if he noticed any water or drainage coming out of the Tierney property into a basin and then draining across the road. Mr. Hewitt stated yes. Mr. Jackson asked Mr. Hewitt if he also observed the drainage of water coming out of the Kentucky Department of Agriculture and draining into the Tierney property and then draining out the same exit drain to the property across the street. He also asked Mr. Hewitt if he saw the second set of drainage pipes coming out of there associated with the parking area of the Kentucky Department of Agriculture. Mr. Hewitt stated that he did not see it the day he was on site. He stated that his office did review and approve the modifications of that basin many years ago and he was aware of its existence. Mr. Jackson also asked Mr. Hewitt if they could say that the draining and flooding that occurs in that area is caused by the Tierney property. Mr. Hewitt replied no that there is too much watershed that comes from Woodford County as well as the Industrial Park that end up in that roadside ditch or creek and not from a single source. Mr. Jackson asked Mr. Hewitt how a zone change would impact this. Mr. Hewitt stated that if a property is zoned for an industrial zone that allows for development, on-site detention is required. He also stated that now a precedent had been set from the earlier case, and they can now impose a higher standard than what is necessary for this watershed. Mr. Jackson asked Mr. Hewitt how staff concluded that the property regardless of the tribute contributing to drainage areas does not create a special flood hazard. Mr. Hewitt stated that special flood hazard is a designation by the federal emergency management agency. He stated that there is not a mapped regulatory flood plain on this property, so therefore no flood hazard exists. Mr. Hewitt also testified that he is the Franklin County Flood Plain Administrator.
Mr. Jackson also asked Mr. Hewitt about the policies applicable to this request. He asked him to explain why policy #4 regarding viewsheds was not applicable. Mr. Hewitt stated the viewshed along Duncan Road with its existing uses of a power substation, a nearly built out industrial park, auto repair shop, salvage yard – which not one property is going to protect that entire viewshed. He stated that the viewshed was gone a long time ago. Mr. Hewitt stated that this property is adjacent to an industrial park that sits at generally the same elevation as the industrial park that just so happens to be the last one before you change to another county. Mr. Hewitt stated that if Woodford County wants to preserve their viewshed, it would be easy to because the only thing there are homes and farms. He also stated that Franklin County chose to develop in this quadrant in proximity to the interchange.

Mr. Jackson also asked Mr. Hewitt to clarify staff findings in Goal 6 to Preserve Existing Neighborhoods, as it relates to this project being located in the immediate vicinity or residential dwellings, and how that does not impact the request for zone change. Mr. Hewitt replied that he was stating that an industrial use across the street from the residential neighborhoods would not promote the stability, preservation or viability of the adjacent Hilltop Meadows neighborhood located to the east and additionally did not find any policies of that goal that supported the applicant’s request and the employment center designation future land use within the comprehensive plan, also discourages any residential uses within that land use category.

Mr. Jackson asked Mr. Hewitt why #5 of the policies did not apply to the property. Mr. Jackson also stated that discussion was that there were items of a historic nature on the property as being on the historic register. Mr. Hewitt replied that he provided dates and identification of structures that had been removed throughout the proceedings. He also stated that additionally in the last hearing there was testimony about the discovery of a headstone and whether it was a grave present. He stated that he had a direct conversation with the Franklin County Coroner in which he advised him that there was a grave present and that a certified funeral home director had the body interred and relocated it on the same farm as well as the headstone marker.

Mr. Sweger asked Mr. Hewitt how flexible is it to change the development plan if this zone change advanced versus what could get built. He also stated that to expand the question, asked if a one-acre warehouse could be five more 10-acre warehouses, could the road be relocated, could more roads be added and how much it can change. Mr. Hewitt stated that the concept plan is a non-binding document required for this application and if approved the future development plan presented to his office should generally be consistent with the concept plan. He stated that minor adjustments to a roadway based on geologic features that aren’t suitable for road construction are not a big deal, if a building is shown in the concept plan at 400,000 square feet is submitted at 300,000 square feet he would find that acceptable. He also stated that if it turns into multiple 400,000 square feet or fifteen, 20,000 square feet then that would not be consistent with the concept plan and would need to come back to the planning commission.

Mr. Lee asked if approved if there could be the addition that the final plan come before the commission, stating could they require earth and berms in front of houses and setbacks, 10 rows of trees or whatever they chose. Mr. Hewitt stated yes that this committee had done that many times.

Mr. Wright asked Mr. Hewitt if there were any things that would disqualify the property from being reconsidered IG in the future. Mr. Hewitt stated that he didn’t believe so because if you look at the land use table within the zoning ordinance, agriculture zoned land allows for many non-agriculture uses as permitted uses or conditional within it. He stated that campgrounds are a very common one. He stated that AG zoned properties don’t require traffic studies and get special exemptions from the legislature. He stated that building permit requirements, the only exemption they don’t receive is an electrical permit. He further stated that they have to follow the national electric code, otherwise the legislature has opened the doors for agriculture properties on your taxes and the list goes on and on. L
Mr. Jackson asked Mr. Hewitt how many acres in Franklin County that has not been built on that’s available for purchase and use. Mr. Hewitt stated that there are many industrial zoned properties in the county that are vacant but are worthless as industrial property because they are too small. He also stated that the amount of zoned land does not equate to the amount of available, buildable, usable industrial land.

Mr. John Rompf, Attorney for the applicant asked Mr. Hewitt if he would make a copy of his resume a part of the record. Mr. Hewitt stated yes.

Mr. Rompf stated that Mr. Hewitt entered 3 map exhibits into the record but did not include the Franklin County present zoning map which is shown as page 16 of 16 of his report and asked Mr. Hewitt if the subject property shown as the white area surrounded by pink. Mr. Hewitt stated yes. Mr. Rompf also asked Mr. Hewitt if it was a piece of the puzzle that hasn’t been put on the puzzle yet. Mr. Hewitt stated yes.

Mr. Rompf asked Mr. Hewitt if the piece property as Mr. Hewitt mentioned on page 3 of 16 of his report is the 690 Duncan Road property. Mr. Hewitt stated yes. Mr. Rompf asked Mr. Hewitt if that was the future land use map of the Franklin County Comprehensive Plan Exhibit 6 to the comprehensive plan. Mr. Hewitt stated yes.

Mr. Rompf asked Mr. Hewitt if this piece of property has been designated for employment center use since 1981. Mr. Hewitt stated that he did not recall specifically but knew it had been many decades.

Mr. Rompf stated that at the previous hearing, Mr. Hewitt indicated that the comprehensive plan had been reviewed and revised two to three times and that this property was left on the future land use map as Industrial. Mr. Hewitt stated correct as employment center.

Mr. Rompf asked Mr. Hewitt if the state of Kentucky have some statures that allow local governments to set up planning and zoning. Mr. Hewitt stated yes.

Mr. Rompf asked if Franklin County and the City of Frankfort adopt a joint ordinance adopting planning and zoning for Franklin County. Mr. Hewitt stated yes.

Mr. Rompf asked if it was correct if by the process mandated by the state statute you have to have a comprehensive plan and if that was part of the ordinance as well. Mr. Hewitt stated yes.

Mr. Rompf asked Mr. Hewitt that if presently the comprehensive plan in Franklin County is being reviewed for revision. Mr. Hewitt stated yes.

Mr. Rompf asked Mr. Hewitt if the comprehensive plan is reviewed every 5 years. Mr. Hewitt stated yes.

Mr. Rompf stated that at a previous hearing Mrs. Goddard testified that she was a participant in at least two of the recent planning and zoning comprehensive plan reports. Mr. Rompf asked Mr. Hewitt if he recalled that. Mr. Hewitt stated yes.

Mr. Rompf asked Mr. Hewitt if it was correct that citizens get together for how the city and county are going to allow their property to be developed, how they are going to restrict property for the next five years and then going to review it again. Mr. Hewitt stated yes.

Mr. Rompf asked Mr. Hewitt if he would agree planning and zoning is a manner in which you take a man’s property and tell him how he has to use it or how he can use it. Mr. Hewitt stated yes.
Mr. Rompf asked if it was done in accordance for the common good of society and for the good of the county. Mr. Hewitt stated yes.

Mr. Rompf stated that it is a restriction on a person’s use of land and that’s why when the motion was made in the previous hearing that it may not be reasonable for the guy doing the townhouse development to do a whole watershed study to justify doing that and that there was some concern about doing that. Mr. Rompf if it was correct that there is always a balance between what is good for the whole and what’s good for the man that owns the property. Mr. Hewitt stated yes.

Mr. Rompf asked Mr. Hewitt if the comprehensive plan is the guiding light to implement the policies of the planning and zoning. Mr. Hewitt stated yes.

Mr. Rompf stated that there was discussion about did this meet goal number 4 and that Mr. Hewitt stated it does not meet. Mr. Rompf asked Mr. Hewitt if an application for a zone change has to meet every goal in the comprehensive plan and every policy under every goal before the planning commission can approve it. Mr. Hewitt stated no.

Mr. Rompf asked Mr. Hewitt if it was correct in that it was probably an impossibility given the give and take of planning and zoning. Mr. Hewitt stated that he had never seen an application comply with every goal and every policy.

Mr. Rompf asked Mr. Hewitt why the planning commission designates uses for property and what the purposes for doing that are. Mr. Hewitt stated to ensure compatibility throughout the community and available uses and things of that nature.

Mr. Rompf stated that when Mr. Tierney went to the zoning office and asked for the future land use map and thought about buying this property on Duncan Road and he saw that it was designated as employment center, was that one of the reasons they do this map so you know what the community thinks about the property you’re considering buying. Mr. Hewitt stated yes.

Mr. Rompf stated that if the Frankfort Plant Board is figuring out how to spend six million dollars to put sewer and water lines in do they take into consideration what this comprehensive plan has said since 1981 in order to make their plans on how they’re going to spend their six million dollars. Mr. Hewitt stated yes that he has had conversations with the plant board.

Mr. Rompf stated that Mr. Hewitt had already testified that this property is suitable for industrial zoning is the fact that the Frankfort Plant Board chose to put an 8” sanitary sewer and 24” water main. Mr. Hewitt stated yes as well as a 12” water main with fire protection.

Mr. Rompf asked Mr. Hewitt if this property meets all the development guidelines that are set forth on page four of sixteen of the staff report. Mr. Rompf asked if it was new development where water and sewers are available from public agencies and meet the demand. Mr. Hewitt stated yes.

Mr. Rompf asked if there was adequate water supply and water pressure for fire protection services. Mr. Hewitt stated yes.

Mr. Rompf asked if employment center located near major thoroughfares to accommodate excess truck and automobile traffic. Mr. Hewitt stated yes.

Mr. Rompf asked Mr. Hewitt if where infill development occurs, the density and character of the development should reflect the existing uses that surround the property. Mr. Hewitt replied yes. Mr. Rompf stated that if there is IG all around it is that not the very definition of completing the puzzle. Mr. Goddard objected stating that IG is not all around that. Mr. Rompf stated that he would concede that
down on the far right corner of that map that there is hillside residential area, but that the property on three sides of it is clearly IG.

Mr. Rompf asked Mr. Hewitt if he required a traffic impact study and if it was in the record. Mr. Hewitt replied yes.

Mr. Rompf asked Mr. Hewitt what the conclusion to the traffic impact study was. Mr. Hewitt stated that the planning commission’s traffic engineer agreed with the conclusions of the applicant’s traffic engineers.

Mr. Rompf read from #7 of the General Development Guidelines that the city, county, and any new prospective business owner should utilize the information, research, and assistance available through the jointly funded Economic Development Authority. Mr. Rompf asked Mr. Hewitt if that was done in this case. Mr. Hewitt stated yes.

Mr. Rompf stated that under goal 5 on page 11 of 16 of Mr. Hewitt’s staff report, protecting the environmental health, that before anything could be done on this property to create an additional runoff of storm water will there have to be an engineer design a stormwater facility or facilities to handle not only the water from this but water that’s coming onto this site from other places and will the stormwater analysis that has to be done will that be done in conjunction with this development plan and again before any construction is created would it comply with goal 5 of the comprehensive plan by having an engineer certified stormwater plan that has been reviewed by his engineers. Mr. Hewitt stated yes.

Mr. Rompf stated that was all he had for questions to Mr. Hewitt.

Mr. Wright asked if there was anyone in the audience who wished to ask questions of the staff.

Ms. Susan Goddard stated that she was objecting to all the materials that she, her neighbors, Envision Franklin County, Castle & Key were not included in the planning commission packets. She stated that they were told they would if they were submitted by noon on a certain day. She stated that she also submitted video, audio and other things as examples. She stated that they she wanted them to be put up on the screen, and that Mr. Hewitt assured her they would be in the record. Ms. Goddard asked if they were not able to review them, was the commission able to make a decision tonight on a planning and zoning decision.

Mr. Logan stated that a decision would be made at a different time after they had read the transcript.

Mr. Wright stated that he would like to request they get a hard copy of that. Mr. Hewitt stated that as long as those came through his email he would share it.

Ms. Goddard asked Mr. Hewitt if he had ever known of any other piece of property in Franklin County that was designated as an employment center that was in a National Historic designation such as the house and land as of the Crutchett Blanton Farm. Mr. Hewitt stated that he had no knowledge of that.

There were no further questions for staff.

Mr. John Rompf, Attorney, questioned Mr. Ron Tierney regarding his application for zone change.

Mr. Tierney stated that he was with Tierney Storage and his address is 20 Redbud Lane, Winchester, KY
Mr. Rompf asked Mr. Tierney what is Tierney Storage. Mr. Tierney stated that they develop property and build commercial buildings and lease and set up.

Mr. Rompf asked Mr. Tierney if that was warehousing, industrial manufacturing properties. Mr. Tierney replied yes and that they have also done medical facilities.

Mr. Rompf asked Mr. Tierney if they had built any buildings in Franklin County. Mr. Tierney replied yes that most of the buildings in Industrial Park #3. He stated that they bought and renovated the former Bendix building in 2007.

Mr. Rompf asked Mr. Tierney if these properties have been both manufacturing and warehousing. Mr. Tierney replied yes. He stated that often times they would start out as a storage facility and then transition into manufacturing much the same as the HTNA property in Industrial Park 3. He also stated that they had a 60,000 square foot building that was developed for Phillip Morris for a tobacco receiving and then it transitioned into a manufacturing facility along with another 240,000 feet for a HTNA which is a major employer and industrial park.

Mr. Rompf asked Mr. Tierney how he became interested in this property. Mr. Tierney stated that they were developing the property adjacent to it where they put 101 Corporate Drive and realized that the property was down lower 10 feet and that it would be on the same plane as this was and could be developed very much similar to the piece of property they developed as on the corner of Corporate Drive.

Mr. Rompf asked Mr. Tierney if he made any inquiry from the zoning and comprehensive plan designation for the property. Mr. Tierney stated yes that they contacted Mr. Hewitt and he told them how it was in a comprehensive plan to be industrial property or commerce property.

Mr. Rompf asked Mr. Tierney if he had made any inquiries concerning public utilities and other infrastructure that would be necessary to support the project if he were to develop it as an employment center zoning. Mr. Tierney stated that they were aware of the entire infrastructure around it and they have accessed, crossed it, tapped into it and utilized it for other properties. He also stated that they built on two sides of the property.

Mr. Rompf asked Mr. Tierney what makes this property particularly suitable for the IG use. Mr. Tierney stated that the fact it has a 24-inch water main. He stated that they had one customer that was wanting to use 600,000 gallons a day of water and that was very important to him and he was able to utilize that. He stated that there is fire protection, adequate electrical and gas service to that same area.

Mr. Rompf asked Mr. Tierney if the proximity to the Interstate factor into its usefulness for employment center use. Mr. Tierney stated yes in a positive way.

Mr. Rompf asked Mr. Tierney what kind of interest he had in the property. Mr. Tierney stated that they have had interest from two greenhouse companies, and they had interest for warehousing.

Mr. Rompf asked Mr. Tierney if the Cabinet for Economic Development had taken any role in marketing this property and providing prospects. Mr. Tierney replied yes they had brought 3 or 4 prospects to it, one of them being a food grade manufacturer that had 200 jobs. He stated that he recently talked to another firm that was looking for 100 acres that was food supply and water supply was very important to them.

Mr. Rompf asked Mr. Tierney about the development and size of a parcel that is necessary in the present economic environment. He asked Mr. Tierney if when he had prospects coming in were they looking for the two acre or four acre sites. Mr. Tierney replied no that they wanted something that is
much larger and they want something that is shuttle ready when they come in they are interested in a property they can develop and possible be in within one year and sometimes 6 months.

Mr. Rompf asked Mr. Tierney if he held any office in Clark County. Mr. Tierney stated yes he was in a volunteer position of the board of Winchester/Clark County Industrial Authority. He stated that he has been on there 28 years. He also stated that he has worked with the Cabinet for Economic Development in Frankfort for over 25 years.

Mr. Rompf asked Mr. Tierney about his conceptual plan. Mr. Rompf stated that when that conceptual plan was done back in February or March if it was done with a prospect in mind to have that size building and ready to go. Mr. Tierney stated yes.

Mr. Rompf asked Mr. Tierney about the green space of his conceptual plan and if it was his intent to keep the pond as part of the water detention facility. Mr. Tierney responded yes that was part of the water detention and that there was another pond that has been developed at the back end of it as a water detention facility. He stated that the acreage that is in Woodford County will be left as agriculture and there will be other retention ponds built as necessary.

Mr. Rompf asked Mr. Tierney if he was fully prepared to comply with the stormwater requirements of the Franklin County ordinance and planning office in terms of water control on the property. Mr. Tierney stated yes he was.

Mr. Rompf asked if Mr. Brad Gregory was his engineer and would his firm be in charge of developing the water control plan. Mr. Tierney stated yes.

Mr. Rompf asked Mr. Tierney if it was mentioned to him by the planning office that a desirable feature for this property would be to connect it to Industrial Park 3. Mr. Tierney stated yes. Mr. Rompf asked Mr. Tierney if he actually did go out and acquire the land in order to make that connection. Mr. Tierney replied yes and that connection was part of this development. He also stated that they purchased property so they could make an access off of Fortune Drive that completes a circle down to Duncan Road which gives the Industrial Park 3 a second exit in case of an emergency.

Mr. Rompf asked Mr. Tierney if Mr. Hewitt asked him to do a traffic study report. Mr. Tierney stated yes. Mr. Rompf also asked Mr. Tierney if he had employed Dianne Zimmerman to do that. Mr. Tierney replied yes.

Mr. Rompf asked Mr. Tierney what type of lighting he intended to use on this property. Mr. Tierney stated that lighting would be on the sides where the truck traffic would be. He stated that the only lighting that would be on the sides towards where two residences are would be just the lighting that would be necessary above emergency doors that the fire department requires.

Mr. Rompf stated that there had been some discussion of noise asked Mr. Tierney if this property development generate a lot of outside noise. Mr. Tierney stated it does not.

Mr. Rompf stated that he did not have any further questions for Mr. Tierney.

Chairman Wright asked if the commission had any questions for Mr. Tierney.

Mr. Sweger asked Mr. Tierney how much his intention at this point of the land he would see being built with warehouses. Mr. Tierney stated at the maximum 25%, the rest would be green space.

Mr. Luscher asked Mr. Tierney of the interested parties from an economic standpoint, how many jobs those companies would bring to the county. Mr. Tierney stated that one company had 200 jobs and
they said they could have it by this September, but that wasn’t going to happen. He stated another company had 2,000 jobs. He also stated that other companies would have anywhere from 20 to 40 jobs. He stated that it all varies depending upon the particular one.

Mr. Luscher asked Mr. Tierney if restrictions involved green space buffers – trees, setbacks etc. would he be open to that. Mr. Tierney stated absolutely.

As there were no further questions for Mr. Tierney by the Commission, Chairman Wright asked for those from the floor and also on Zoom to ask their questions.

Chris Schimmeler asked Mr. Tierney if he had been prepping the site for industrial use. Mr. Tierney stated that he had been prepping the site for greenhouse use. He also stated that he is prepping the site for whatever type of industry comes whether it’s industry or agricultural. He stated that he was preparing it for a build-ready site.

Tom Goddard from the neighboring farm that is next door, asked Mr. Tierney why there was a pig lot on the land when he doesn’t do pig lots. Mr. Tierney stated that he does a lot of things. He stated that he drives trucks, he drives excavators and he also has a pig farm. Mr. Goddard stated the pig lot stinks and all the water washes through the pig lot onto his property.

Mr. Rompf stated that he had another witness. He called Dianne Zimmerman. Ms. Zimmerman stated that she is a licensed professional engineer in the state of Kentucky, and specializes in traffic impact studies.

Mr. Rompf asked Ms. Zimmerman what her employment background is. Ms. Zimmerman stated that she has 34 years in traffic and transportation work, including 4 years with the Kentucky Transportation Cabinet, 2 years with the North Carolina Department of Transportation and 8 years at Zimmerman Grider.

Mr. Rompf asked Ms. Zimmerman how many traffic studies she had done with this type of proceedings. Ms. Zimmerman stated that she has done over 525 traffic impact studies for over 40 jurisdictions, and probably 40 of them are industrial.

Mr. Rompf asked Ms. Zimmerman if she had prepared a traffic study. Ms. Zimmerman stated yes. Mr. Rompf also asked Ms. Zimmerman if it is part of the record. Ms. Zimmerman stated yes.

Mr. Rompf asked Mr. Zimmerman what her conclusion to the traffic study was. Ms. Zimmerman stated that based on the volume of traffic generated by the development and the amount of traffic forecasted for the year 2023 there will be a minimal impact to the existing highway network and levels of service will remain within acceptable limits, the delays experience will increase within acceptable limits and that no improvements are recommended to achieve these levels of service. Mr. Rompf asked Mr. Zimmerman if she had done traffic studies on Duncan Road. Ms. Zimmerman stated yes. Mr. Rompf asked Ms. Zimmerman how many she had done out there. Ms. Zimmerman stated she thought this was the fifth one. (Traffic study attached)

Mr. Looney asked Ms. Zimmerman if something of the intensity of 2,000 jobs came in would it in her opinion have a level of bearing on the level of service and infrastructure. Ms. Zimmerman stated that due to the improvements being made by the cabinet at the interchange she believed a facility that would employee 2,000 people that they generally don’t all work on one shift. She stated that they tended to be 3 shifts she felt a 2,000 employee facility could be handled here. She also stated that if it comes in at that type of facility that the commission may want to request a follow-up study.
Mr. Rompf questioned the applicant’s engineer, Mr. Brad Gregory of HMB Professional Engineers, Frankfort, Kentucky. Mr. Rompf also qualified Mr. Gregory as to his education, training and experience.

Mr. Rompf asked Mr. Gregory if he had been employed by Mr. Tierney to do design and engineering work related to the property at 690 Duncan Road. He stated yes that they have done some preliminary engineering work.

Mr. Rompf asked Mr. Gregory if he was the author of the conceptual drawing that has been presented and if he had visited and reviewed the survey of the property. Mr. Gregory stated yes.

Mr. Rompf asked Mr. Gregory if he had considered all uses of the surrounding property and consulted on outside mapping and geotechnical information and other features of the property and met Mr. Tierney concerning his desired use of the property. Mr. Gregory responded yes.

Mr. Rompf asked Mr. Gregory if he had been in correspondence with the Kentucky Department of Transportation Cabinet regarding the entrances to the property. Mr. Gregory stated yes.

Mr. Rompf asked Mr. Gregory if he had any expertise in stormwater. Mr. Gregory stated yes. He also stated that every project that he works on has a stormwater runoff component. He also stated that he has a focus in the area of civil and site design and transportation.

Mr. Rompf asked Mr. Gregory in viewing this property and coming up with his conceptual design, if he had designated them either for detention or for the handling of stormwater. Mr. Gregory replied yes.

Mr. Rompf asked Mr. Gregory how many areas he had designated. Mr. Gregory stated 3 or 4. He also stated that one of those may be the existing pond.

Mr. Rompf asked Mr. Gregory if the plans were sufficient, in his preliminary judgement to handle the runoff that will be created from the development of 25 of the 83 acres. Mr. Gregory stated they would be more than adequate.

Mr. Rompf asked Mr. Gregory if at the Commission’s recommendation of an additional 25% be added, if he thought these areas sufficient to handle that type of regulation. Mr. Gregory stated that he couldn’t say certainly, but they would be able to find enough area on the site to certainly increase the amount of area that could be detained.

Mr. Rompf asked Mr. Gregory wasn’t there a lot of other ways besides the retention areas to retain waters. Mr. Gregory stated yes not just that but there were treatment of the surfaces that they can put more pervious type surfaces in, they can use swells. He stated that there were a lot of things that could be done to reduce the amount of actual runoff that is generated from the site, not to mention the amount that can be retained on the site before it is let go.

Mr. Rompf asked Mr. Gregory if he was committed to Mr. Tierney’s to use his engineering expertise when it comes to the development plan and stormwater runoff plan to comply with the regulations. Mr. Gregory replied absolutely.

Mr. Rompf had no further questions for Mr. Gregory.

Mr. Rompf questioned Ms. Terry Bradshaw, President and CEO of the Kentucky Capitol Development Corporation which is the local economic development agency in Frankfort and Franklin County.
Mr. Rompf asked Ms. Bradshaw if she had written a letter in support of this project. Ms. Bradshaw stated yes.

Mr. Rompf asked Ms. Bradshaw if she had worked with Mr. Tierney before. Ms. Bradshaw stated yes.

Mr. Rompf asked Ms. Bradshaw what type of working relationship she has had with Mr. Tierney. Ms. Bradshaw stated that as Mr. Tierney had stated he has developed most of the property and buildings in Industrial Park 3, so they partner with him as he helps them recruit businesses.

Mr. Rompf asked Ms. Bradshaw if she could comment on industrial property available in Franklin County that is build ready. Ms. Bradshaw stated that there is one buildable site in Industrial Park 3 that is 1.37 acres and another that is 2.5 acres; otherwise there is zero build ready.

Mr. Rompf asked Ms. Bradshaw if she could comment on what types of prospects they have and what those prospects are looking for. Ms. Bradshaw stated that currently they are working 5 projects on this property, and one is 40 acres that would be 50 jobs, another is 200 jobs as a distiller that needs 100 acres; and as Mr. Tierney mentioned one for food distribution that needs 100 acres. She also stated that she has a separate food distribution facility for 200 jobs that needs 100 acres. Ms. Bradshaw stated that Great Dragon needs 45 acres and that was for 250 jobs.

Mr. Rompf asked Ms. Bradshaw if she would consider this piece of property appropriate for industrial use and why. Ms. Bradshaw stated yes she did because of the proximity to the Interstate and the location of infrastructure that already existed so that expenditure would not be there or the time spent getting this property ready and available.

Ms. Bradshaw also stated that in the Commission packets, they have comments from 25 economic development professionals and site consultants from around the country that will tell you how important it is to have property ready when projects come to town.

Mr. Rompf asked Ms. Bradshaw about the tax benefits from industrial development. Ms. Bradshaw stated that also in the packet there is information about occupational taxes and what industrial property brings to the community. She stated that 0.52% of the land is used for industry and those industry provide 4,500 jobs which is 766 and a half million dollars of tax revenue annually.

Mr. Rompf did not have any further questions for Ms. Bradshaw.

Chairman Wright asked if there was anyone else that would like to ask Ms. Bradshaw any questions.

Susan Goddard asked Ms. Bradshaw if at any time she ever had a conversation with Mr. Tierney or anyone on the Fiscal Court that she recommended tearing down the historic house that was there and built in 1776. Ms. Bradshaw stated no.

There were no further questions for Ms. Bradshaw.

Chairman Wright stated that now was the time for those signed in to give their testimony.

Ms. Nash Cox, 404 Wapping Street, Frankfort, KY stated that she was asked by Ashley Wilmes, Director of the Kentucky Resources Council to read her letter in opposition as she could not be in attendance. Ms. Cox submitted the letter for the record and is attached to the minutes.
Ms. Jane Julian, 1915 Louisville Road, Frankfort, KY read her letter in opposition to the zone change. Ms. Julian submitted her letter for the record and is attached to the minutes.

Ms. Susan Goddard, read her testimony in opposition to the zone change. Ms. Goddard submitted her testimony for the record and is attached to the minutes.

Ms. Chris Schimmeler, 660 Mount Vernon Road, Frankfort, KY stated that her comments were on behalf of Envision Franklin County in opposition to the zone change. Ms. Schimmeler’s testimony and letter is attached for the record to the minutes.

Mr. John Watts stated that he had lived in the area for all of his 63 years. He stated that he was not against the sites being developed but some should not be developed. He stated that he wanted to implore with Mr. Tierney to take into consideration his neighbors. Mr. Watts stated that he had concerns regarding more traffic in the area.

Mr. Rodney Williams, of Whitaker Bank stated that they are an adjacent property owner of the development. He stated that Whitaker Bank is the seller of record on Mr. Haddix’s deed. He stated that Mr. Haddix has chosen to make a significant investment into the community and wanted to speak publicly that they hoped he continues to do so. Mr. Williams stated that the county needed more investor’s like Mr. Tierney and his organization to bring investment and employment.

Mr. Chad Peach, stated that he has lived in Frankfort all of his life. Mr. Peach stated that he is a farmer and is for the zone change. He also stated that he believes Mr. Tierney will be an asset to the community.

As the time was now 10 p.m., a motion was made and seconded to expand the time for 30 minutes and passed unanimously (9-0)

Mr. Lee left the meeting.

Mr. Chris Groves, of Bowling Green spoke via Zoom. Mr. Groves stated that he was a Professor of Hydrogeology at Western Kentucky University. Mr. Groves stated that he was representing Castle & Key Distillery, which is located about a mile south of the Duncan Road property. Mr. Groves also stated that he was not present to advocate any particular position, but more so on how to conduct an effective geologic analysis of the area, and particularly those aspects that may influence flow to the limestone spring that supplies the distillery’s water. Mr. Groves stated that his research group at the Crawford Hydrology Institute at WKU was contracted by Castle & Key for groundwater flow analysis. He stated that they have only just begun the work, but that he had a few preliminary observations. He stated that he wanted to introduce a term that some will know, and others would not but the word is Karst, and that the word Karst refers to the type of landscape where the bedrock has been intensively dissolved and you end up with a swiss cheese like type landscape. He further stated that bourbon distilleries use these limestone springs for their water supply.

Mr. Groves also stated that in order to qualify his statements, he has a PHD in environmental sciences from the University of Virginia, with an emphasis on geochemistry and hydrogeology. He stated that he currently serves as the university distinguished professor of hydrogeology and has 41 years' experience in a number of environments including caves in Kentucky and around the world.

Mr. Groves stated that there is both surface and groundwater issues and that this does require a detailed watershed analysis for drainage downstream from a facility and stated that he wanted to really encourage the Commission to take that very seriously. Mr. Groves also stated that in the staff report it states that based on GIS data that staff was unable to identify any cave features on the property. He also stated that he went to the Kentucky Geological Survey website to show that half of the property is listed
on a cave’s potential map is what is called intense because this is underlain by the Lexington Tanglewood Limestones which are known as good caves forming limestones, so there is some tangible probability of potential negative effects in downstream areas from this development with regard to both surface and groundwater. Mr. Groves also stated that he has not done a written report.

Mr. Charles Crume, Engineer for Castle & Key spoke via Zoom. Mr. Crume stated that he was a Biosystems Agriculture Engineer trained through the University of Kentucky, and also has a Master’s in Business. He stated that Castle & Key has a few concerns regarding this development. He stated that in 2018 they experienced some extensive storm water damage that came from the hill and caused upwards of 1.5 to 2 million dollars worth of damage to the facility and were caused to be shut down for over 3 weeks. He also stated that they had total loss of major equipment components including boilers, pumps, and motor control centers. Mr. Crume also stated that if a 400,000 square foot warehouse is put in and a 2 and half inch rain in 40 minutes, storm water basins become over flooded and unfortunately for them they are on the downside of those effects. He also stated that in December 2021 they lost the use of their spring. He stated that the spring was put in, in 1887 with the distillery. Mr. Crume stated that they are using city water which they feel has had a great impact on their product and output of the quality. He also stated that the more development’s come in at the top of the hill the more they feel they are going to see the impact and losing the historic spring water. He stated that these types of industrial uses take away from their historic site and doesn’t fit into the core of their site.

Mr. Will Arvin, 1691 Keene Road, Nicholasville, Kentucky spoke via zoom. Mr. Arvin stated that he bought the property that is known as Castle & Key in 2014. He stated that he has been driving Duncan Road since 2013. He also stated that this zone change would change the character of the neighborhood, the character of the entrance of historic Millville. He stated that this zone change would result in a dramatic way to the whole environment of the area. He stated that he would like for this Commission to come up with alternatives for this property other than industrial zoning.

There was no further testimony.

Mr. Jackson made the motion that the public hearing be closed, the item be tabled, a summary of the hearing be prepared and action be taken on this item at the June or future meeting. The motion was seconded by Mr. Sanderson and passed unanimously.

There being no further business, a motion was made and seconded to adjourn the meeting.

Russell Wright, Chairman

Anna Whitaker, Recording Secretary