

GALLATIN COUNTY PLANNING COMMISSION

IN RE: THE MATTER OF THE APPLICATION OF NUGENT SAND COMPANY FOR A ZONING MAP AMENDMENT REZONING THE 151 AC. VIRGINIA BLANKENSHIP TRACT ALONG KY. HWY. 1992 IN THE STEELE'S BOTTOM FROM R-1A TO I-2 (Heavy Industrial District)

FINDINGS OF FACT AND RECOMMENDATION TO THE GALLATIN FISCAL COURT

The Commission convened a duly advertised public hearing of the above-referenced matter at 7:00 p.m., March 7, 2017, at the M. E. Bogardus Building Annex 395 US 42 W, Warsaw, Kentucky. All commission members were present.

The applicant Nugent Sand Co., appeared in the person of Mr. Holt, represented by legal counsel, Hon. Ruth H. Baxter.

Several citizens, being mostly, if not all, owners of property near the affected area in question, were in attendance.

Mr. Holt, under direct examination by Ms. Baxter and by way of response to Commission and audience questions explained that Nugent engages in sand and rock mining in the area on the Dravo and Jeffrey Sproul tracts, the latter tract being adjacent to the Blankenship tract in question; that the requested zone change would facilitate the natural expansion of their current operations in the future; and that mining itself cannot happen on the Blankenship tract, even if the requested change is made, unless approved and permitted by state agencies regulating the mining industry.

Letters from property owners Jeffrey Sproul and Virginia Blankenship supporting the requested zone change were read into the record, as well as a letter from property owner David Sproul opposing same.

Several property owners addressed the Commission, all of whom opposed the application. They stated various complaints regarding Nugent's current operations and objections to its application based on its perceived future effect, ranging from noise, dust, heavy traffic, infrastructure deterioration, general environmental degradation, loss of prime farmland and adverse alteration of the nature of the neighborhood.

Mr. Holt explained that all actions taken by Nugent to date have been lawful and approved by applicable regulatory agencies, and explained actions taken by Nugent to mitigate some of the subjects of complaint.

Upon close of the testimony, the Commission members so inclined discussed their respective thoughts and impressions derived from the testimony and exhibits, with particular reference to KRS 100.213.

It was the sense of the Commission that (1) the map amendment sought is not in agreement with the county Comprehensive Plan; (2) the existing zoning classification given to the subject property is not inappropriate in that the Blankenship tract and vicinity, known commonly at Steele's Bottom, has been historically and is now, but for Nugent's current operations on the Dravo and Jeffrey Sproul tracts, used almost exclusively for agricultural and residential purposes; and that (3) there have been no changes within the area of any nature since adoption of the Comprehensive Plan nor unanticipated therein that have substantially altered its basic character.

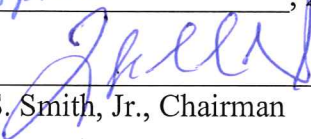
On the basis of the above findings, it was moved by R. Ackermann, seconded by R. Courtney, that the Commission recommend to the Gallatin Fiscal Court that the subject application of Nugent Sand Co., for a map amendment changing the zone classification of the subject Blankenship tract from R-1A to I-2 be denied.

The motion carried by a vote of 7 ayes, 0 nays, 2 abstentions (J. Webster, A. Hawkins).

RECOMMENDATION

Based upon the foregoing it is the recommendation of the Gallatin County Planning Commission to the Gallatin Fiscal Court that it deny the aforesaid map amendment application of Nugent Sand Co.

Approved and adopted this 4th day of April, 2017.



L. S. Smith, Jr., Chairman

CERTIFICATION

This is to attest that the foregoing is a true and correct copy of the Findings of Fact and Recommendation approved and adopted by the Gallatin Planning Commission on April 4th, 2017, upon motion of R. Ackermann, seconded by A. Hawkins, which was passed upon of vote of 5 ayes, 0 nays, 0 abstentions (_____).




Stephen P. Huddleston, Secretary

COMMONWEALTH OF KENTUCKY)
COUNTY OF GALLATIN)

Signed and acknowledged before me by Stephen P. Huddleston on this the 4th day of April, 2017.

My commission expires: 6-4-2019



Cynthia J. Sullivan
Notary Public, State at Large, Ky.