

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION  
REGULAR MEETING  
MINUTES  
September 9, 2021**

The regular meeting was held in the Scott County Courthouse on September 9, 2021. The meeting was called to order by Chairman Mark Sulski at 6:00 p.m. Present were Commissioners Steve Smith, James Stone, Charlie Mifflin, Duwan Garrett, Mary Singer and Dann Smith, Director Joe Kane, Planners Matt Summers and Elise Ketz, Engineer Ben Krebs, and Attorney Charlie Perkins. Absent was Commissioner David Vest.

Motion by S. Smith, second by Stone, to approve the August invoices. Motion carried.

Motion by D. Smith, second by Garrett, to approve the August 12, 2021 minutes. Motion carried.

Motion by Mifflin, second by S. Smith, to approve the September agenda. Motion carried.

All those intending to speak before the Commission were sworn in by Mr. Perkins individually prior to their comments and questions.

Postponements/Withdrawals

Chairman Sulski stated that the application for Fairfield Farm Subdivision (FSP-2021-25) and Finley Property Zone Change (ZMA-2021-29) were postponed until the next regularly scheduled meeting.

FSP-2021-27 Jacobs Property – Final Subdivision Plat to subdivide one (1) 18.199-acre tract leaving a remainder of 320 acres located at 157 Green Lane.

Mr. Summers stated the site is on Green Lane, but the farm also touches Old County Lane. He stated the access would be from Old County Lane. He stated Old County Lane is a private road and is already serving more than three lots. He stated the applicant has agreed to abandon the right to use Old County Lane for the remainder of the farm.

He stated a maintenance agreement is in place for Old County Lane. He stated staff would prefer this lot to be included in the maintenance agreement but cannot force the issue.

John Watz, attorney for applicant, stated the main issue is the maintenance agreement from 1989 for the road.

Whitney Pate, 129, 149, and 169 Old County Lane, stated his family owns the left side of the road. He stated his main concern is the maintenance and the extra traffic.

Mr. Perkins stated that a maintenance agreement is a private matter.

Commissioner Mifflin questioned if requiring the new owner to join the maintenance agreement could be part of the sale. It was stated Mr. Watz could add that to the sale of the property.

Danny Judd, 401 Duvall Station Road, stated if the owner of the property would not support joining the maintenance agreement that maybe they should look at other properties.

After further discussion, **Motion by Garrett, second by Singer to approve the Final Subdivision Plat (FSP-2021-27) subject to six (6) conditions of approval. Motion carried.**

PDP-2021-28 Community Trust Bank – Preliminary Development Plan for a bank on an out lot in the Amerson Farms Commercial area located on Amerson Way.

Mr. Kane stated the commercial area was approved in 2017. He stated he is asking for approval of the subdivision plat as well as the preliminary development plan due to the subdivision plat expiring under the sunset clause.

He stated the location is zoned B-4. He stated the applicant is requesting a variance to the interior frontage setbacks.

He stated staff is requesting a cross access easement with the adjoining lot and a pedestrian walkway from the right-of-way to the building entrance. He stated staff added another condition that Amerson Way be constructed to provide site access prior to platting the lot.

He stated the site is in the Royal Spring aquifer area and will need approval from the Royal Spring Wellhead committee.

Commissioner Mifflin asked for clarification for the sidewalk and pedestrian walkway location.

Steve Maggard, Summit Engineering, stated the applicant feels the cross-access easement could cause a concern over safety since it is a bank.

After further discussion, **Motion by Singer, second by Stone to approve the Preliminary Development Plan (PDP-2021-28) subject to ten (10) conditions of approval and an additional condition that they be subject to review of the Royal Springs Aquifer Recharge Committee and one variance. Motion carried.**

ZMA-2021-12 Singer Property – Zoning Map Amendment to change the zoning district from A-1 to R-2 PUD located at 822 Cincinnati Road.

Chairman Sulski opened the public hearing.

Commissioner Singer recused herself from this application.

Nathan Billings, attorney for Clint Bevins, requested a motion that the Chairman limit all testimony concerning the money the applicant spent on the zone change and the prior projects that the applicant has done.

Dick Murphy, attorney for Anderson Communities, stated that in court when a motion is made notice is given to the other party in advance. Mr. Murphy stated that showing previous projects is relevant to the application.

Mr. Billings stated that previous projects and cost is appropriate for the development plan stage not at a zone change.

Mr. Murphy stated the concept plan is a type of development plan and the ordinance does not say that previous projects cannot be discussed.

Mr. Perkins stated the reason a zone change may be warranted is based upon the testimony relevant to KRS 100.213.

Mr. Murphy requested a motion that testimony related to access connections be limited.

Mr. Billings stated that he does not intend to discuss location of an access connection to Mr. Bevins property but that a requirement of connectivity with right-of-way is considered.

Mr. Summers stated the application is for an approximately 57-acre zone change. The concept plan shows 7 acres as right-of-way and the remainder as lots, multi-family, and open spaces. He stated the application is for 581 residential units which include 74 single family lots, 151 townhomes, 266 apartments and 90 senior apartments.

He stated the north and south properties remain zoned A-1. He stated to the east of the property is Cardome and to the west is The Colony neighborhood.

He stated the comprehensive plan shows the area urban residential.

He stated access would be from Cincinnati Pike (US 25) with a stub shown to the north and towards the Cardome property.

He stated staff's main concern is the additional traffic the development would create. He presented slides of the traffic study submitted by the applicant. He stated the Comprehensive Plan calls for the transportation network to be at a level C or better. He stated the biggest impact would be to Cincinnati Road and Colony Boulevard. He stated limiting the development to 150 units until a second intersection

with a public road is created would help as well as the applicant constructing right and left turn lanes on US 25 for the entrance. He stated a left turn lane being constructed for vehicles turning northbound onto US 25 from Colony Boulevard and the applicant pursuing other traffic connections would help traffic flow.

He stated the Comprehensive Plan has shown the area being removed from agricultural use and becoming urban residential for several updates of the Comprehensive Plan. He stated many of the goals and objectives of the Comprehensive Plan are supported by this application.

He stated staff's main concerns are the lack of traffic connectivity and the traffic study level of service for vehicles exiting the development.

He stated the concept plan does not follow the Subdivision and Development Regulations by proposing more residential units than is allowed with only one entrance. He recommended limiting the applicant to 150 dwelling units until a second connection is made.

Mr. Murphy, representing Anderson Communities, stated the PUD zoning will allow for more open space.

Dennis Anderson, applicant, stated that there will be two lanes to exit the development. He stated that the single-family homes will face the original home on the property with rear access to the homes. He described how the units will look and the amenities the community will offer.

Mr. Murphy stated they are stub streets to the Brown property and Cardome. He stated a right-of-way will be built to the Bevins property. He stated when they went to KYTC they were denied having two entrances onto Cincinnati Pike (US 25).

He stated they discussed with KYTC about having an emergency entrance and will have access to the Singer property with a gate that can be used if needed.

He stated the proposed entrance location has a service letter C. He stated if Colony Boulevard had a turn lane, and the proposed development was built, it would function better than it does now.

He stated the traffic since 2017 has went down on US 25.

He stated the applicant has a concern that he cannot fully build out the development with the recommended conditions.

He stated they compared their application to the recent Harbor Village application and feel they have similar amount of traffic visits.

He stated they have worked with the Bevins property to assure access to the property. He stated they have reserved a 50-foot piece of land that could be a future road.

He stated they agreed to additional landscaping and buffering. He stated they also reduced the height of the apartment building closest to the Bevins to two stories.

He stated what they did not do, as requested by Bevins, was move the senior apartments to a different location.

He stated the applicant had concern for staff not supporting the smaller lot sizes and size of the apartment buildings.

He stated the application meets comprehensive plan requirements for housing.

Commissioner Smith questioned if the applicant would commit to constructing a sidewalk along the front of the property. Mr. Anderson agreed that he would construct a sidewalk.

Chairman Sulski questioned the location of the emergency access to the property. He questioned if that access would meet the requirement to allow the applicant to build more than the 150 units. Mr. Summers stated that the Singer property would be for emergency use only.

Commissioner Smith questioned if language will be on the plat to dedicate a right-of-way to the Bevins property. Mr. Murphy stated that would be included on the plat.

Commissioner Mifflin questioned if the Brown property develops would KYTC approve an entrance onto US 25. Mr. Krebs stated KYTC will review and probably would approve an entrance.

Commissioner Mifflin questioned if the applicant had any discussions with Cardome regarding access. Mr. Anderson stated he had talked to Cardome three times.

Commissioner Mifflin questioned how far of distance on Colony Boulevard would be needed to add a left turn lane. Eddie Mesta, Prime Engineering, stated you would need 5 to 6 car lengths to add a left turn lane out of the Colony and that part of the median would have to be removed.

Commissioner Mifflin questioned if there have been discussions with Bevins family regarding the right-of-way. Mr. Anderson stated that Mr. Murphy and Mr. Billings have had discussions.

Mr. Billings stated that the Bevins family is not opposed to the zone change. He stated that the surrounding properties would be affected by the decision to approve a zone change. He stated that he plans to show that the zone change should be denied until a development plan is submitted.

Zach Cato, Billings Law Firm, stated that the issue is whether the application meets the criteria of the comprehensive plan. He stated that it does not but that it could.

He stated there is no public roadway connected to the Bevins property. He stated without a roadway that land could become landlocked.

He stated that the application does not meet the comprehensive plan without more information being provided.

He stated the Bevins property is bound by the creek, and they must go through the Cardome property for access to their property. He stated the proposed access limits future access to their property if they were to develop the property.

He stated they are requesting a public right-of-way to the Bevins property as well as a landscape buffer to the south between the properties.

Mr. Billings stated that he is requesting a condition of approval that dedicates right-of-way in a reasonable area for the Bevins property.

He stated he submitted a motion for the Planning Commission to approve the zone change but with conditions that address connectivity.

Chairman Sulski questioned Mr. Murphy if the connectivity can be made.

Mr. Billings stated that the location is an issue but can be addressed at the development plan stage.

He stated that the landscape buffer is also an issue.

Mr. Murphy stated that the applicant is willing to provide landscape buffering.

Ann Bevins, local historian, stressed that connectivity has always been a part of history.

Clint Bevins, 804 Cincinnati Pike, stated Mr. Anderson never contacted him until he hired Mr. Billings. He stated that he did meet with him. He stated he will be able to see the apartment buildings from his home. He stated that apartments do not belong on farmland.

Commissioner Mifflin questioned Mr. Bevins if he had developed his farm how he would have had access. Mr. Bevins replied that he always felt that it would be developed with the Singer property. Mr. Bevins stated that Cardome has always been generous in letting his family go through the Cardome property. He stated he did not have any access problems until he retained council regarding the zone change.

Mr. Billings stated he met with Mayor Prather and asked if the City would ever make a permanent access to the property and was told there is no plan at this time.

Stuart Thayer, 133 Keelridge Drive, stated that Anderson Communities never discussed the plan with him. He stated he found out by seeing the geotechnical crew in the field.

He stated he had concern about the traffic in the area and disagreed with the Traffic Study.

He questioned if a study had been done on the sinkholes on the property.

He stated when he bought his property, he was assured by Mr. Singer that the property would never be developed since it was a family farm. He stated if the zone change is approved, he requests fencing and buffering be installed along the property line.

Yvonne Thayer, 133 Keelridge Drive, stated her home backs up to the proposed application. She stated she has concern about the lights from the neighboring apartments and the ongoing traffic problems in the area. She stated she does not want to see homes behind her home.

Margaret Bevins, 804 Cincinnati Pike, stated she has concern about the apartment building and the proximity of the utility line easement and where a buffer could be located.

Harry Dadds, representing Cardome, stated that he has spoken to Mr. Anderson several times. He stated the Catholic Diocese own the property and would have to approve access through the property. He stated the senior center, school, and a gas easement all are located on the north end of the property closest to the proposed zone change.

Chairman Sulski closed the public hearing.

Commissioner Smith questioned Mr. Billings the meaning of item E on his motion. Mr. Billings stated that is to address if US 25 is ever expanded. Mr. Murphy stated there is 150' of green space along US 25 to accommodate future expansion.

Mr. Murphy stated that item G on Mr. Billings motion is not needed. He stated Mr. Anderson will give the land on the plat for the right-of-way.

He stated that Mr. Anderson has said he will have a landscape buffer.

He stated that Mr. Anderson will address any problems but still wants to be able to build 581 units.

Commissioner Smith questioned if staff and Mr. Anderson agrees with Mr. Billings proposals. Mr. Murphy stated Mr. Anderson agrees with the motions except 1B.

Mr. Billings stated that a stub street to the property line should be in place instead of donating the right-of-way land for future connectivity.

Mr. Murphy requested that the condition limiting the number of units to 150 be removed. He requested that the number of trips a single-family home would generate be the amount of units instead of 150 units.

Mr. Perkins stated that the number of units should be addressed at the development plan stage.

After further discussion, **Motion by Mifflin, second by Garrett to recommend approval of the rezoning request (ZMA-2021-12) on the basis that it complies with the comprehensive plan. Motion carried unanimously.**

Chairman Sulski adjourned the meeting.

Attest/

  
Charlie Perkins, Secretary

  
Mark Sulski, Chairman