

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
REGULAR MEETING
MINUTES
November 10, 2016**

The regular meeting was held in the Scott County Courthouse on November 10, 2016. The meeting was called to order by Chair Rob Jones at 6:00 p.m. Present were Commissioners Jeff Caldwell, Johnny Cannon, Regina Mizell, Byron Moran, John Shirley, Steve Smith, and Mark Sulski, Director Joe Kane, Planner Matt Summers, Engineer Brent Combs, and Attorney Charlie Perkins. Absent was Commissioner Wiseman.

Chairman Jones asked for a round of applause for all Veterans in attendance.

Motion by Mizell, second by Smith, to approve the October invoices. Motion carried.

Motion by Caldwell, second by Smith to approve the September 29, 2016 minutes. Motion carried.

Motion by Mizell, second by Caldwell to approve the October 13, 2016 minutes. Motion carried.

Motion by Sulski, second by Moran, to approve the November agenda. Motion carried.

Postponements/Withdrawals

Chairman Jones stated that the Bevins Rural Residential Subdivision Plat application (ZMA-2016-48) is postponed to the December meeting.

Consent Agenda

A representative of the Rains Property application (FSP-2016-55) agreed with their conditions of approval and there were no comments from the public or Commission. Motion by Mizell, second by Cannon, to approve the Final Subdivision Plat for the Rains Property application. Motion carried.

PSP-2016-51 Abbey at Old Oxford (Price Farm) – Amended Preliminary Subdivision Plat for 129 townhomes and 373 single-family lots on 125.69 acres, located on the northwest side of Old Oxford Road.

Chairman Jones recused himself from discussion and voting.

Mr. Kane reviewed the staff report, including the history of the development of the property. This application is completion of Phase 1 by a new developer, who may purchase the remainder of the farm and is seeking to amend the original plan.

He reviewed the original plan, and pointed out the main changes in the amendment, which are to remove the multi-family area in the center of the site and add attached townhomes at the front of the site along Old Oxford (to the east and north of the drainage area). That will buffer the townhomes from the rest of the development in the rear and adjacent to the existing Phase 1. Other changes include removal of the zoning condition that prohibits lot frontage on Herndon Boulevard, the main entrance boulevard that will eventually connect to Pleasant Valley subdivision. They are asking that five lots have frontage on Herndon, for which Mr. Kane is recommending denial due to safety concerns.

He stated that the clubhouse is being removed. The trail system that allowed access to the open space was removed also; however, the applicant has agreed to retain the trail system.

Another condition is that first connection to Pleasant Valley be made prior to the 151st lot being platted. Mr. Kane stated that he added as a condition that that includes townhome units as well as single-family homes.

He briefly reviewed the wetland issue, connectivity to other areas, and improvements to Old Oxford Road. He stated that the amended plan reduces the number of lots approved from 553 units (including 249 multi-family) to 477 units (including 129 multi-family). This reduces overall density from 4.4 units per acre to 3.85 units per acre.

He addressed the landscape buffer, stating that if the location of multi-family units is approved, that the landscape buffer be provided in the new location.

The City ordinance regarding consistent design within developments was addressed. Mr. Kane stated that the townhome component is not an increase in the density or a change in the overall scheme of the development that was anticipated in the original plan. He added that Phase 1 and the remainder of the property need to be part of a uniform HOA document that is in place for the entire development. The townhome area can have its own set of covenants as long as they meet the minimum standards of Phase 1.

He then reviewed the conditions of approval, and the requested variances, of which he recommended denial.

All those intending to speak before the Commission were sworn in by Mr. Perkins.

Nick Nicholson, representing the applicant, agreed with the conditions of approval, and stated that they agree to withdraw the variance requests. He addressed condition #1 regarding the 55-foot minimum lot width. Because of the circumference of the cul-de-sacs, they prefer to have an average lot width of 55 feet, or a minimum width of 50 feet and a lot cap of 477 lots.

He then briefly reviewed the amended development plan.

Commissioner Shirley asked Mr. Nicholson if he would agree to a specific number of lots that would be allowed to have a width of less than 55 feet. It was agreed that the cap on the total number of units would suffice.

Larry Roach, Rhodes Lane resident, stated that he purchased his property with the understanding that the multi-family units would be in the rear of the development. He asked if the units will be rented. He expressed concern about crime, the lack of street lights, sanitary sewer in conjunction with the wetlands, the poor condition and width of Old Oxford Road, and property values.

Daniel Wells, Old Oxford Road resident, opposed the application stating that it is a massive overkill of rural land. He felt that 55-foot wide lots are too narrow and that Old Oxford Road is in extremely poor condition and cannot handle additional traffic.

Melissa Kramer, Rhodes Lane resident, stated that after hearing the townhomes will be rental property, she opposes the application and feels misled. She also expressed concern about the condition of Old Oxford Road.

Kristine Murphy, Stephen Drive resident, felt that the streets in Pleasant Valley are not wide enough to accommodate additional traffic coming through the subdivision.

Chris Mosley, Molly Way resident, wished that larger lots would be required. He asked what criteria the applicant used to feel that the amended plan is better for the new and existing neighborhoods.

Mr. Roach felt that widening the road has no bearing on the problems that the neighbors are concerned about. He stated that the widening of the frontage in front of the existing homes has had no effect, and neither will widening the section in front of the multi-family area.

Joanie Mollette, Molly Way resident, expressed concern about whether the Georgetown school system can support this many more units. Vice Chair Sulski stated that that is a question that would be addressed by the School Board.

Deearnest Thomas, Rhodes Lane resident, asked if neighborhood representatives could work with staff or the applicant to try to make the development more agreeable with the neighbors.

Greg McMakin, Rhodes Lane resident, expressed concern about the decrease in property values if rental property is across the street, the condition of Old Oxford Road, the dead trees along the road that are a hazard, and school over-crowding.

Mechelle Howard, Molly Way resident, opposed the application because of the poor condition of Old Oxford Road and the additional traffic that will be generated by this development.

One of the neighbors asked why the parks and clubhouse are being removed from the amended plan.

Jennifer Neal, Molly Way resident, opposed the application because of the condition of Old Oxford Road and the relocation/addition of the rental units.

Amy Wright, Rhodes Lane resident, opposed the rental (townhome) units and complained about the dumping of construction debris behind her home.

John Joiner, Rhodes Lane resident, expressed concern about the townhomes being rental units, the HOA issue, and the condition of Old Oxford Road.

Mr. Nicholson stated that an affiliate of Ball Homes, applicant, will own and manage the townhomes. He stated that the clubhouse that was shown on the original plan was for the townhome occupants, not for the entire neighborhood. He stated that the same amount of open space is shown on the amended plan, and they agree to include the multi-use trail that was on the original plan. The only difference in amenities on the plans is the removal of the clubhouse. Regarding improvements to Old Oxford Road, they will be upgrading the road along their frontage. Regarding street lights, they have submitting bonding for the lights, but it is the responsibility of the City to install them.

Mr. Nicholson stated that the former layout of the townhomes was outdated, and that this plan is an improvement in that it removes over 100 multi-family units and decreases overall density. He stated that the construction debris will be removed when construction is complete.

Vice Chair Sulski asked staff when street lights will be installed. Mr. Combs stated that the City ordinance states that 80% of the lots need to be built upon before they will install the lights. It was unsure whether it was 80% buildout of each street or each phase. Vice Chair Sulski also asked about the timeframe for widening Old Oxford Road beyond the frontage of this development. Mr. Kane replied that it will take the concerted effort of everyone and location of a funding source to continue the widening. Old Oxford is

identified in the Northeast Georgetown Traffic Study as needing upgrading, with a cost estimate of \$5 million.

Mr. Roach disagreed with Mr. Nicholson that the applicant can move forward with the construction process based on the prior approval. Mr. Perkins explained to Mr. Roach that the applicant could in fact do that.

Commissioner Smith expressed concern about the 55' lot widths. Mr. Nicholson stated that since the cap on the maximum number of lots is lower than what the density allows, he felt that the 55' lot width should be approved.

Vice Chair Sulski asked Mr. Nicholson if the townhomes can be moved back to where the apartments were located on the previous plan. Mr. Nicholson stated that that would cause issues with the wetlands and that the apartment configuration was outdated and causes issues within the complex.

Jessica Brown, Molly Way resident, asked if the townhomes can be removed altogether, making it a single-family only development.

Rory Kahly, EA Partners and representing the applicant, defended residents of townhomes against some of the accusations made of them by the residents.

Joel Phlum, Molly Way resident, also asked that the townhomes be moved back to the rear of the development because of the expectations these homeowners had when they purchased their homes.

Greg Ferguson, Rhodes Lane resident, cited apartments that were built 20 years ago and were nice at that time, but have since become run down.

Ms. Phlum also asked if the multi-family units can be moved, and asked the applicant when they decided to change the plan and if the plan can expire. Mr. Kane stated that in 2008 when the preliminary plan was approved, there was no sunset clause, so the preliminary development plan has no expiration date. There has since been a sunset clause adopted, so when the construction plans are submitted, they will be subject to that clause and the applicant will need to start the project within two years (or apply for an extension).

Mr. Nicholson stated that the applicant began reconfiguring the previous plan last June. The applicant does not currently own the property; the sale is contingent on this approval.

Ms. Wright asked why construction debris can be dumped on property they do not own. Mr. Nicholson replied that he was not aware of the problem and he will discuss it with the applicant.

It was asked if all parties can work together to solve the Oxford Road problem before the bulk of the development is continued. The neighbor also asked if the applicant has done a study on the decrease in property values if the rental units are constructed where proposed. Mr. Nicholson stated that all of their developments have rental units and the properties maintain their value.

It was asked if there is a comparable community in another city where similar townhome projects have been built. Mr. Nicholson named a project in Lexington.

It was asked why the clubhouse was removed from the plan.

It was asked if the rental units can eventually be sold as individual units. A neighbor also expressed concern about the section of road that has not been upgraded by the Cherry Blossom development.

Mr. Nicholson stated that the townhome units would need to be constructed differently, with a firewall separation, in order to be sold individually. He stated that they never include clubhouses in townhome developments of this size, that they are for apartment complexes with several hundred units which can support such a facility.

Mr. Roach felt that there is enough doubt cast to warrant a delay in approving this application. He asked that all parties come together to work toward a compromise.

John Schell, Molly Way resident, agreed with all the comments from the neighbors.

It was asked that if the application is not approved, does the sale of the property to Ball Homes fail to go through. Mr. Perkins stated that that is a matter of a private contract. Mr. Nicholson stated that they would still be interested in purchasing the property because there is an approved plan.

Commissioner Smith stated that the two issues are the condition of Old Oxford Road and the relocation of the townhomes. Commissioner Shirley agreed, stating that relocating the townhomes is a major change, and the condition of Old Oxford Road has been an issue for many years. He hoped that a compromise could be found between the parties, but also stated that if the plan complies with the ordinances, the Commission is obligated to approve it. He suggested forming a committee to look at the infrastructure and encourage the State and others to expedite the upgrade of Old Oxford Road.

Discussion continued about possibly reconfiguring the plan.

Motion by Smith, second by Moran, to deny the Amended Preliminary Subdivision Plat. By roll call vote, motion denied 4-3, with Shirley, Cannon, Caldwell, and Mizell dissenting.

Motion by Shirley, second by Cannon, to postpone the application (PSP-2016-51) to the December meeting, so that he (Commissioner Shirley) can speak with local officials about the upgrade of Old Oxford Road, and to give the applicant time to reconsider moving the townhomes to a different location. Motion carried unanimously.

ZMA-2016-56 Randy Wilson Zone Change - Rezoning request from R-1B to B-2 to maintain existing commercial use of .361 acres located at 801 Pike Street in Sadieville.
PUBLIC HEARING

Chairman Jones opened the public hearing.

Mr. Kane reviewed the staff report, explaining that the property was used commercially in the past, but that use was discontinued and the property lost its non-conforming status. The applicant purchased the property assuming it was still zoned for commercial use. Mr. Kane stated that B-3 (Downtown Commercial) would be a more appropriate zone, but used car lots are not allowed in a B-3 zone.

He reviewed the KRS requirements for a zone change and concluded that the request is appropriate for the site. He suggested four conditions of approval regarding landscaping, signage, and the vehicle entrance, and then suggested adding a fifth condition that they fence the rear of the property with the same type of fence because it drops off dangerously down to the creek.

Mike Mizell, adjacent property owner, expressed his support for the application, feeling that it would be a benefit to the community.

Chairman Jones closed the public hearing.

Motion by Sulski, second by Moran, to approve the rezoning request (ZMA-2016-56) on the basis that it is consistent with the Comprehensive Plan, and subject to the five (5) conditions of approval. By roll call vote, motion carried 8-0.

PDP-2016-57 Online Transport - Preliminary Development Plan for trucking facility located on 10.1-acre tract located at 656 Delaplain Road (west of Sims Road).

Mr. Summers reviewed the staff report. He noted that the building will be used for light vehicle maintenance. Intensive repairs will be done off site. He addressed the gravel issue, stating that the use of gravel is appropriate in this case.

Regarding landscaping, he stated that there are existing tree lines on three sides of the site that the applicant plans to retain and which will count toward the canopy requirement. The applicant is requesting a waiver to allow the excess tree canopy to

meet the requirement for a tree to be placed in the landscaped island. Because overhead utility lines above the island make it not feasible for a tree, he recommended approval of the waiver.

Billy Cunningham, applicant, stated that they have operated adjacent to this site since 1988. He stated that the trailer will not be on site during the week, but parked across the back on weekends. They have purchased the property instead of renting it. He stated that they will pave or concrete more areas as needed. He agreed with the conditions of approval.

Inez Williams, Sims Pike resident, stated that some of the trees in the tree line were cut off and used as fence posts and the area is grown up in shrubs. She also expressed concern about her property value declining and the increase in truck traffic. She asked that a landscape buffer be installed.

Mr. Summers responded that a landscaping plan must be submitted indicating where the trees will be preserved. If there are gaps in the landscaping, the applicant can be required to fill them in with new plantings. It was agreed that that requirement would be added to the condition.

Vice Chair Sulski asked the applicant if he would install a buffer along Sims Pike. Mr. Cunningham stated that they wish to keep the site natural, but will mow and clean up the site.

Steve Watson, resident on the corner of Delaplain Road and Sims Pike, stated that the buffer along Sims Pike is non-existent. It is an old fence row that contains no trees or plantings that would screen the site. He also expressed concern over the gravel area. He stated that the applicant must keep their current gravel drive watered regularly to keep the dust down.

Commissioner Smith expressed concern about the lack of landscaping along Sims Pike. Ms. Williams stated that she preferred to see evergreens instead of wild overgrowth. Vice Chair Sulski wished to have a tenth (10) condition added requiring evergreen trees to be added. Mr. Cunningham stated that a certain portion of the frontage is 6'-8' higher than the road, which serves as a screen.

It was agreed that an evergreen buffer area should be planted from the western property line to the driveway.

Chairman Jones stated for the record that he is not in favor of allowing the gravel area. Commissioner Smith felt that dust is the main problem with gravel, and the drive areas being paved limits that problem. Commissioner Shirley added that the gravel areas allow stormwater to be absorbed into the ground.

Motion by Shirley, second by Sulski, to approve the Preliminary Development Plan (PDP-2016-57) subject to the ten (10) conditions of approval, and including the two requested variances regarding gravel and the excess tree canopy. Motion carried.

ZMA-2016-58 Mary Breeden Estate – Rezoning request from A-1 to R-2 and C-1 for 30.2 acres and Conceptual Development Plan for 252 multi-family units located at 1100 East Main Extended (north side of East Main Extended, east of McClelland Circle). PUBLIC HEARING

Chairman Jones opened the public hearing.

Mr. Summers reviewed the staff report. He stated that the application is in conformance with the Comprehensive Plan and recommended approval of the rezoning. He reviewed issues of the concept plan regarding density, access, connectivity, traffic, and landscaping. He noted that the applicant will return to the Commission for Preliminary Development Plan review.

Evan McDaniel, Element Design and representing the applicant, briefly reviewed the plan.

It was noted that the notification requirement was met.

Chairman Jones expressed concern about the increased traffic on Main Street Extended.

Mr. Combs stated that an on-going discussion should occur about traffic studies looking at single piece of property and showing the road can handle the increase. When the last piece of property on the road develops, a traffic study may show that the road finally needs improved. He feels traffic studies should consider full development of all properties, and if improvements are required, pro-rate how much the first and subsequent developments should contribute for future improvements. Mr. Perkins explained how difficult that procedure (impact fees) is to implement.

Chairman Jones closed the public hearing.

Motion by Moran, second by Smith, to approve the requested zone change (ZMA-2016-58) on the grounds that it is consistent with the Comprehensive Plan, and subject to the six (6) conditions of approval. By roll call vote, motion carried 7-1 with Jones dissenting.

ZMA-2016-59 Whitaker Business Park – Rezoning request from A-1 to B-5 (125.91 acres), R-2 to B-5 (50.31 acres) and R-2 to P-1 (10.52 acres), and Conceptual Development Plan for entire 186.74 acres, located on the northwest corner of Champion Way and the new interchange connector road. PUBLIC HEARING

Chairman Jones opened the public hearing.

Mr. Kane reviewed the staff report, stating that the current residential zoning was part of the Thoroughbred Acres development that was rezoned the 90's. When the Comprehensive Plan was done in 2006, there was no anticipation of the new interchange. The new interchange is a significant change in the area that justifies a rezoning, and the request does comply with the proposed 2016 Comprehensive Plan.

He stated that the only question is the scale of the project. The Comprehensive Plan encourages a balanced growth pattern so that commercial areas are located throughout the city so they are easily accessible and provide opportunity to existing neighborhoods. Is this project too much commercial area in Georgetown, in addition to all the existing available commercial land?

Mr. Kane stated that the second issue is the floodplain on the property, which he recommended be zoned C-1 Conservation. He noted that the C-1 district should follow the updated FEMA floodplain boundaries.

He stated that the traffic study found that there should be some major reconstruction of the new connector road to accommodate this development at buildout. The two intersections will need rebuilt and signalized, and a double turn lane added to Champion Way and other turn lane improvements.

He recommended approval of the request for the shopping center/retail area as shown on the concept plan from A-1 and R-2 to B-5 and for the area south of KY 3552 as shown on the concept plan from R-2 to P-1. He recommended the area designated commercial/business park be removed from the application at this time because of floodplain and traffic concerns.

He noted condition of approval #7 that street trees shall be provided on Preliminary Plats and Plans as proposed on the Concept plan, and #8 requiring the multi-use trails be a minimum width of 8'.

Al Gross, EA Partners and representing the applicant, agreed with the conditions of approval. He also agreed with reducing the proposal until they see how effectively the new infrastructure handles the traffic. They are debating with FEMA the extent of the floodplain area.

He stated that the 8-acre pond will be a stormwater detention feature, but will have 8-acres of surface water and be an attractive amenity.

Chairman Jones closed the public hearing.

Motion by Sulski, second by Shirley, to recommend approval of the rezoning request for the proposed P-1 and B-5 areas, with the removal of the limited light industrial/professional office/commercial business area (lots 1-27) for further review, and subject to the findings and conditions of approval, on the basis that it is consistent with the Comprehensive Plan. By roll call vote, motion carried 8-0.

Landscape Ordinance discussion

Mr. Kane stated that the A-5 zoning district requires a landscape buffer between A-5 and any A-1 properties, but there is no provision in the landscape ordinance for that transition area. The buffer requirements in the cluster ordinance call for a 50' landscape buffer and double row of trees 40' on center between cluster lots and A-1 property. He felt that using that requirement for A-5 properties is too much. He cited a recent example where applying the cluster requirements to A-5 property caused a huge expense that was not necessary. He recommended requiring a fence, but not the trees.

He also stated that there is a question about the definition of major and minor. They have applied these buffer requirements to major subdivisions that must be rezoned, which is four lots and above. In the example he cited above, two lots were previously subdivided and were not subject to the buffer requirement. The applicant then divided five lots, which were subject to the buffer requirement.

After discussion, he recommended that the requirement be a single row of native trees, 40' on center, or eliminate the landscaping completely, retaining the fencing requirement.

Commissioner Smith felt that a tree should be required every 80'-100'. Commissioner Shirley suggested every 60'.

It was agreed that fencing should be required for major and minor subdivisions.

Mr. Kane stated that he will work on a draft of the text amendment and bring it back for a public hearing

Surplus property

Mr. Kane stated that the office's oldest vehicle is a 2002 Ford Explorer and he asked for authorization to surplus it and purchase a newer SUV.

Motion by Cannon, second by Mizell, to authorize Mr. Kane to surplus the 2002 Ford Explorer and purchase a newer SUV. Motion carried.

Mr. Kane then reported that this is Brent Combs's last month with the Planning Commission. He is returning to work in the private sector prior to retirement. Mr. Kane stated that he appreciates everything Mr. Combs has done for the Commission, and has valued his service and knowledge of the development of Scott County over the past 30 years. The Commissioners expressed their sorrow and commended Mr. Combs for his service.

Mr. Kane then introduced Andrew Tackett, the new administrative assistant in the Planning office. He stated that his experience will be valuable to the office, and the Commissioners welcomed him.

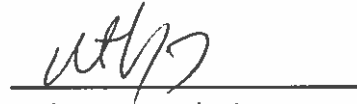
The meeting was then adjourned.

Attest:



Charlie Perkins, Secretary

Respectfully,



Rob Jones, Chair