

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
REGULAR MEETING
MINUTES
November 10, 2021**

The regular meeting was held in the Scott County Courthouse on November 10, 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, David Vest, Mary Singer, and Dann Smith, Director Joe Kane, Planners Matt Summers and Elise Ketz, Engineer Ben Krebs, and Attorney Charlie Perkins. Absent was Commissioner Rhett Shirley.

Motion by Stone, second by Singer, to approve the October invoices. Motion carried.

Motion by Vest, second by D. Smith, to approve the October 14, 2021 minutes. Motion carried.

Motion by S. Smith, second by Garrett, to approve the November agenda. Motion carried.

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

Postponements/Withdrawals

Chairman Sulski stated that the application for Fairfield Farm Subdivision (FSP-2021-25) is continued until the December meeting and 1058 Paris Pike Rezone (ZMA-2021-37) and Humphries Property Tract 8 (FSP-2021-39) are postponed until the next regularly scheduled meeting.

Consent Agenda

A representative of the Kentucky Farm Bureau (PDP-2021-40) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by Mifflin, second by Singer, to approve the application. Motion carried.

PDP-2021-42 R & L Carriers - Preliminary Development Plan for an 80-door cross dock facility, office, vehicle parking, and maintenance garage located south of Cherry Blossom Way Spur, west of the railroad and east of I-75.

Commissioner Singer recused herself for this application.

Mr. Summers stated the zone change was heard last month by the Planning Commission and recommended approval to City Council. He stated City Council has not yet had a reading of the Zoning Map Amendment.

He stated the project site is approximately 44 acres.

He stated the main difference since the zone change is the entrance to the site. He stated the entrance will now be located between the hotel and natural gas fueling station.

He stated the application meets the landscape requirement but is requesting a variance for the required buffer along I-75.

Stan Richards, R & L Carriers, stated he is available for questions.

Commissioner S. Smith questioned who is responsible for the maintenance of the Cherry Blossom Spur Road. Mr. Summers stated his understanding is that Spur Road is state maintained.

Carlene Sharpe, 525 Cherry Blossom Spur, questioned if there would be a buffer between her house and the proposed application. She also stated concern about a spring close to her house and if the applicant would use the railroad to ship products.

Joe Iovinelli, Manhard Consulting, stated any trucking activity will be at least 250 feet from the property line. He stated there is proposed landscaping. He stated they are working with staff and the county to improve the drainage and there will be no access to the railroad.

After further discussion, **Motion by Mifflin, second by S. Smith to recommend approval of the Preliminary Development Plan (PDP-2021-42) subject to twelve (12) conditions of approval and one (1) variance. Motion carried unanimously.**

ZMA-2021-34 Leaf & Barrel – Zoning Map Amendment to change the zoning district from A-1 to B-1 located at 1442 Delaplain Road.

Chairman Sulski opened the public hearing.

Mr. Summers stated the application is to rezone a 3.44-acre tract. He stated the concept plan shows no change to the existing building but an addition of a parking lot. He stated the property is part of the old Oxford School and the building was used as a FFA shop.

He stated the applicant is requesting to not connect to public sewer at this time. He stated at this time the applicant is not proposing to change the old school building.

He stated the Future Land Use map shows the site as part of the Urban Service Boundary and planned for commercial use.

He stated the land has not been used as agricultural land for many years. He stated one of the goals of the Comprehensive Plan is to repurpose existing structures and this application would do that.

He stated the property is located within a historic district and if the zone change is approved the applicant must maintain the historic character of the community.

He stated if the zone change is approved one of his conditions of approval is that the applicant must request annexation either when public sewer is available or if an adjoining property or other property on the same side of Delaplain Road is annexed into the City. He stated in the future if any redevelopment or construction on the site is done that the site must connect to public sewer.

Commissioner Singer questioned if lighting and signage is usually part of a development plan. Mr. Summers stated that there is pavement in the area of the proposed parking and a development plan may not be required.

Chairman Sulski questioned why there is no pictures of the proposed application. Mr. Summers stated since they are reusing the existing building no drawing had to be submitted.

Commissioner D. Smith questioned if there are restrooms and septic presently on the property. Mr. Summers stated the building had been previously used as a house.

Commissioner Singer questioned if there was a sign ordinance for that area. Mr. Summers stated the county has a sign ordinance. He stated even though the property is historical there is no local ordinance designating the property historical.

Zach Cato, Billings Law Firm, stated the applicants agree with the staff report. He stated the old school will continue being a lumber yard and the existing building has no proposed additions.

He stated the zone change will help eliminate non-conforming use of the property. He stated the area has traditionally been a blended use of stores and churches.

He stated a zone change would not decrease farmland.

He stated the applicant will meet with staff to make sure lighting and signage is correct.

Commissioner Mifflin questioned if the site is annexed into the City would the business have to cease due to the no smoking policy in Georgetown. Mr. Cato stated that would be addressed in the future if the site is annexed into the city, and the business is not grandfathered in.

Attorney Perkins stated since the business is a place that you go to smoke, he thinks that it would be treated differently if the site is ever annexed into the city.

Commissioner Singer questioned if the building would have to be ADA compliant. Mr. Cato stated that the building would have to be brought to code.

Commissioner S. Smith questioned how overflow parking would be handled. Mr. Cato stated that after the school was closed the building was still used as a bus garage for a while. He stated there is pavement in good shape at the site. He stated if new parking is needed then a development plan would be submitted to the Planning Commission.

Larry Simpson, 2675 Oxford Village Lane, questioned why the original application was for a smaller area.

He stated he would like to know the building capacity due to safety concerns.

He questioned if any outdoor seating is proposed.

He questioned what would happen to the site if the business closed.

He stated he has concerns about traffic.

Bruce Williams, 2740 Oxford Village Lane, stated he has concerns regarding expansion to the building, lighting, and sewage for the site.

Lee Craig, 2473 Cynthiana Road, stated she has many concerns. She stated lighting, noise, sewage, dumpster odor, fire risk and property value all concern her.

Carlene Perkins, 2625 Oxford Village Lane, stated she supports the business. She stated she went to school at Oxford then Eastern and remembered the businesses that used to be in the area.

Mr. Simpson stated that cigars have already been available to purchase at that location. He stated his concern is that alcohol will also be available.

Brad Green, 2609 Oxford Village Lane, stated his family has lived in that area for many years. He stated he requests that the application is denied until all utilities are available in that area. He stated he has concern with a bar being in the area.

Kim Lynn, 2663 Oxford Village Lane, stated she has concern for the neighborhood if a bar is approved. She stated the applicants have already been selling cigars from the location. She stated the area is very family oriented and still agricultural.

Carrie Williams, 2740 Oxford Village Lane, stated she would like to invite everyone to Oxford to see the area.

Mr. Cato stated he wanted to clarify that whether the proposed application satisfies the Comprehensive Plan is the decision to be made by the Planning Commission. He stated the zone change discussion had veered off course. He stated concerns by residents would be addressed by the appropriate agency if needed.

Commissioner Singer questioned what are the proposed business hours. Larry Ledbetter, applicant, stated tentatively noon to 9:00 pm Monday thru Thursday and until 11:00 pm on Friday and Saturday.

Mr. Ledbetter stated they do have the required licenses.

Commissioner Singer questioned if there are plans for outdoor accommodation. Mr. Ledbetter stated they have discussed a small deck.

Commissioner Singer questioned the septic issues that were discussed. Mr. Cato stated the septic will have to meet Health Department code.

Commissioner Singer questioned if there had been any community meetings to discuss the application. Charles Graves, applicant, stated he is at the lumberyard daily and has only spoken to one neighbor about the proposed application.

Mr. Cato stated notifications were mailed and one neighbor hired an attorney, but the issue has since been resolved. He stated he has not had another neighbor contact him.

Lonnie Craig, 2473 Cynthiana Road, stated he has concern about the potential noise, lighting, and traffic issues.

Regina McCoy, 2692 Oxford Village Lane, stated the proposed business is not a good fit for the neighborhood.

Ms. Lynn recommended a traffic study be done for the area.

Ms. Craig stated the business should be required to connect to sewer. She stated you cannot control how people act when they are drinking.

Dana Davis, 2720 Oxford Village Lane, stated she just recently moved to the location and hopes the area stays quiet and peaceful.

Chairman Sulski closed the public hearing.

Commissioner Vest asked Mr. Graves what his response is to the neighbor's concerns. Mr. Graves stated his primary business goal is to sell cigars. He stated the business is not based on being a bar. He stated he plans to continue cleaning up the school.

Mr. Craig questioned why the sign went up on the building before being approved. Mr. Graves stated he thinks the sign went up about the same time as they applied for the zone change.

Commissioner Singer questioned if a deck was added if a development plan would be done. Mr. Kane stated a deck would probably be a minor development plan and reviewed by staff.

Commissioner Singer questioned the historic status of the site and the governing by the National Park Service. Mr. Kane explained the status only applies to federal funding for site work. Commissioner Singer stated she would like more details regarding the regulations.

Chairman Sulski stated he had concern if a patio was added regarding noise. Attorney Perkins stated the Board of Adjustments could regulate and make conditions regarding a patio, but the Commission cannot as part of a zone change.

Commissioner Mifflin questioned if the lumberyard had been operating not in compliance. Mr. Kane answered that it predates zoning.

Commissioner Mifflin questioned if the zone change would make the lumberyard compliant. Mr. Kane stated that a lumberyard is not allowed in B-1 zoning and it would still be a nonconforming use.

Commissioner Smith questioned if alcohol had to be part of the business. Attorney Perkins stated we cannot regulate that. Mr. Ledbetter stated the alcohol is an enhancement but that most cigar lounges either serve alcohol or it is allowed to be brought in.

After further discussion, **Motion by Singer, second by Mifflin to recommend continuing the rezoning request (ZMA-2021-34) until the next regularly scheduled meeting. Motion carried 5-3.**

PDP-2021-38 4 Seasons All Outdoors – Preliminary Development Plan to construct 5,000 square feet of building floor area and parking area located at 743 Lisle Road.

Ms. Ketz stated the property is 27.384 acres and access is from Lisle Road.

She stated the applicant is requesting one variance to reduce the canopy coverage requirement.

She stated east side of the property is the interstate and west side of the property is the railroad.

She stated the proposed use is a Conditional Use and it was approved last week by the Scott County Board of Adjustments.

She stated the site was also reviewed by the Royal Springs Wellhead Protection Committee and approved earlier in the week. She stated the Wellhead Committee placed five conditions on the site.

Commissioner Mifflin questioned if the neighboring properties are agricultural. Ms. Ketz stated she believes that they are.

Greg Smorstad, Banks Engineering, stated the applicant agrees to the conditions of approval and the conditions set by the Wellhead Committee.

After further discussion, **Motion by Garrett, second by Stone to approve the Preliminary Development Plan (PDP-2021-38) subject to nine (9) conditions of approval and one (1) variance. Motion carried.**

PDP-2021-41 Crosswinds Center – Preliminary Development Plan to construct two buildings (2,458 sq. ft. and 3,669 sq. ft.) for restaurant use located at Crosswinds Center Path.

Ms. Ketz stated the property is zoned B-2 and is 1.65 acres.

She stated a traffic study was not required but the applicant did submit a traffic study.

She stated the buildings meet setbacks, parking, and landscape requirements.

Commissioner Smith questioned the sidewalk placement. Ms. Ketz stated there is some sidewalk currently and this would be continuing the sidewalk for connectivity.

Chris Howard, Carmen Engineering, stated they are proposing underground detention between the two buildings under the parking area.

He stated the hedge along the residences would be six foot tall in addition to the elevation difference in that area.

Commissioner Mifflin questioned where Crosswinds Center Path ended. Ms. Ketz stated the road ended at Advanced Eyecare.

Mr. Howard stated that the applicant has submitted a right-in and right-out permit to KYTC for access from Cherry Blossom Way.

Jennifer Leito, 208 Old Mill Road, presented pictures of the fill that was added to the lot and stated that caused flooding to her property.

Chairman Sulski stated the development should help the drainage problem due to the stormwater requirements the applicant must meet.

Ms. Leito stated she has concern about the added traffic.

Commissioner Singer questioned if the criteria are the same now as when the previous applicant applied for the right-in and right-out on Cherry Blossom Way.

James Leito, 208 Old Mill Road, stated that he was told before that the area should not be built on after the infill was added.

Ms. Leito questioned if permits were obtained for the infill.

Mr. Howard stated the underground detention will take care of the site drainage. He stated there will be curbs along the pavement.

He stated the traffic study showed that the businesses would not negatively affect the traffic.

He stated the Geotech report would address concerns regarding the fill dirt added to the site.

Mr. Krebs stated that the traffic study was a requirement.

After further discussion, **Motion by S. Smith, second by Stone to approve the Preliminary Development Plan (PDP-2021-41) subject to nine (9) conditions of approval and an additional condition that if the right-in and right-out is not approved that the development plan must be brought back before the Planning Commission. Motion carried.**

PDP-2021-43 Mallard Point Wireless Facility – Preliminary Development Plan for a 195’ wireless communications tower with a 4’ lightning arrestor located on a 10,000-sq. ft. lease area zoned A-1 located at 1863 Burton Pike.

Chairman Sulski opened the public hearing.

Mr. Kane stated the application met all the requirements.

He stated the only concern staff had been the proposed entrance is in a floodplain.

He stated during the TRC meeting GMWSS raised concern about the driveway construction due to a water main in that area.

David Pike, Pike Legal Group, questioned if the Planning Commission would let him answer questions without giving the full presentation.

Elizabeth Goble, 265 Wright Lane, stated she opposes the tower due to her horse-riding business. She stated the tower would be at the back of her property and would interfere with pictures and her being able to use the back of her property.

Christy Depp, 1736 Burton Pike, stated she questioned Mr. Pike during the break if other carriers would be allowed to share the tower. She stated that Mr. Pike told her legally they must allow up to four wireless carriers to be on the tower.

She questioned how soon the tower would be built and asked for better clarification of the cell tower's location.

She asked if the cell tower would cause light pollution.

Ms. Goble questioned if property values would decrease around the cell tower.

Ms. Depp stated there is no service in that area.

Mr. Pike stated aesthetics cannot be considered regarding the application.

He stated the setbacks from other properties is significant with this application.

He stated this cell tower would be one of the shortest in the county and would not require lighting.

He stated the timeframe depends upon approval but would hope for construction to be within the year.

He stated property values should increase with the proposed service.

Chairman Sulski closed the public hearing.

Commissioner Mifflin questioned the size of coverage this application would provide. Mr. Pike stated approximately a couple of miles.

After further discussion, **Motion by Singer, second by D. Smith to approve the Preliminary Development Plan (PDP-2021-43) subject to nine (9) conditions of approval. Motion carried.**

Short Term Rental Ordinance & Zoning Ordinance Text Amendment

Chairman Sulski opened the public hearing.

Mr. Summers stated some of the definitions in Section 2.1 in the Short-Term Rental ordinance have proposed changes.

He stated in Section 2.58 it will establish that short-term rentals must register with Revenue Commission and Tourism Commission and the zoning use table will be in the section.

Chairman Sulski questioned who the ordinance would affect. Mr. Summers stated adding this to the zoning ordinance will answer questions for people about rentals.

Chairman Sulski questioned if the ordinance would affect group homes. Mr. Summers stated the ordinance would if the rooms were rented for 30 days or less. He stated it would depend on how the home was run.

Mr. Summers stated the City's main reasoning behind the ordinance is to make sure the rental is registered with the Revenue Commission and the Tourism Commission to make sure the appropriate taxes are collected. He stated the ordinance clarifies how the community registers, tracks and establishes safety for the rentals.

Roy Cornett stated he is on the Tourism Board and the Tourism Board is funded by people who are correctly running short-term rentals. He also questioned about existing Airbnb's in B-3 district. He asked for the ordinance to be continued until the Tourism Board could review the proposed ordinance.

Motion by Mifflin, second by Singer, to continue the public hearing until the next regularly scheduled meeting to give Tourism time to review the proposed ordinance.

Chairman Sulski adjourned the meeting.

Attest

Charlie Perkins, Secretary


Mark Sulski, Chairman