

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
REGULAR MEETING
MINUTES
May 11, 2017**

The regular meeting was held in the Scott County Courthouse on May 11, 2017. 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, Mark Sulski, and Frank Wiseman, Planners Megan Chan and Matt Summers, and Attorney Charlie Perkins. Absent were Director Joe Kane and Engineer Ben Krebs.

Motion by Mizell, second by Sulski, to approve the April invoices. Motion carried.

Motion by Shirley, second by Caldwell, to approve the April 13, 2017 minutes. Motion carried.

Motion by Sulski, second by Mizell, to approve the May agenda. Motion carried.

Postponements/Withdrawals

Chairman Jones stated that the Canewood Subdivision Unit 6, Lot 1 (PDP-2017-13) and Sunbelt Rentals (PDP-2017-15) applications have been postponed to the June meeting.

Consent Agenda

There were no items on the Consent Agenda.

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

ZMA-2017-18 Highgrove at Georgetown – Rezoning request for 35.9 acres from A-1 and R-1A to R-2 PUD; 46.99 acres is outside the USB and will remain C-1, located on the south side of McClelland Circle and Bevins Lane in Georgetown.

Mr. Summers reviewed the staff report, stating that the proposed uses are assisting living facilities and retirement cottages. He stated that if the zone change is recommended for approval and approved by City Council, the 46.99-acre portion will need to be annexed into the City.

He described the Conceptual Plan and reviewed access, sidewalks, the multi-use trail easement, traffic study, landscaping, Greenbelt, and the application's compliance with the intent of the Comprehensive Plan. He recommended approval and reviewed the twelve conditions of approval.

Commissioner Wiseman asked about the connection to Etterwood. Mr. Summers stated that he and Mr. Kane supported the connectivity for any future desire for Etterwood streets to become public streets.

Bruce Lankford, representing the applicant, stated that the applicant does not wish to have the connection to Etterwood as it would encourage traffic from Etterwood to cut through the development to McClelland Circle. He also stated that the applicant has concerns about the widening of Etter Lane along the Greenbelt and about fencing and landscaping along the Greenbelt, which will be addressed if the application is approved.

Kevin Rich of Rich Design Studios and representing the applicant, was sworn in by Mr. Perkins.

Chairman Jones asked why there are four lots on the plan. Mr. Rich stated that the C-1 district and the northern property (Giles) were already separate lots. The middle property was broken into two lots because of the different setbacks for the different uses.

The possibility of a connection to Etterwood was discussed.

Kenneth Wilson, Dogwood Drive resident, did not wish the connection to Dogwood Drive/Beechwood to be made because of safety of children, stormwater drainage, increased traffic, and making it more difficult to exit Etterwood onto U.S. 25 from Etter Lane.

Karan Border, Dogwood Drive resident, stated that any time the Giles property has been disturbed, she gets mud in her backyard.

Mirl Ruth, Beechwood Drive resident, expressed her opposition to the connection. Dallas Border, Dogwood Drive resident, expressed concern about the trees in the fence row.

Mr. Summers reminded the residents that approval of the zone change does not give approval to a development plan. The residents will be re-notified and a more detailed

development plan will need to be reviewed and approved before any construction can begin.

Sage Sharp, Beechwood Drive resident, expressed her opposition to the connection road. She asked if the roads in the development will be gated, and the applicant replied that they will not be.

Keith Ryan, Etter Lane resident, expressed concern about stormwater drainage and described flooding events and grading that was done in the area that has affected the flooding. He presented photographs of the flooding. He also expressed concern about traffic in the area.

Sue Fryman, Etter Lane resident, agreed with Mr. Ryan about the traffic and difficulty in turning onto U.S. 25 during rush hour.

Ron Hargrove, Glenwood Drive resident, submitted a handout regarding the previous zone change hearing on the Sikura property, which indicated that the maximum density agreed for the property, for perpetuity, was twelve single-family units. All opposition to the project ended when that agreement was made. Mr. Hargrove then read the deed conveying sale of the property to Jellystone Farm and contended that the deed transfer did not remove the development restrictions placed on the property during the August 9, 2012 hearing. Sale of the property again (Giles and Snyder properties, proposed lots 2 and 3) in June of 2016 indicate that previous restrictions still apply. In conclusion, he felt that the Commission had no choice but to deny the application because it does not propose a plan consistent with the restrictions made in 2012.

Mr. Perkins felt that the conditions to which Mr. Hargrove is referring applied to that particular zone change and any development made according to that zone change. This hearing is to change the zone, making that zone change no longer applicable. He stated that zoning classifications are always subject to reconsideration and are not permanent.

Mr. Hargrove also expressed concern about stormwater drainage and the flooding of Etterwood. Mr. Perkins stated that the project will need to be designed to prevent that from happening.

Mr. Hargrove also expressed concern about the creek flooding and being a safety hazard to the residents.

John Lewis, Beechwood Dr. resident, was sworn in by Mr. Perkins. Mr. Lewis asked the applicant if they own the property on which the connector road is located, and if so, are they willing to sell it? Bruce Lankford, representing the applicant, stated that that property is not owned by the applicant. Mr. Lewis asked if a connector road could go through the Ball Homes development to the northwest instead of through Etterwood. Ms. Chan stated that when the Ball Homes apartment complex was approved, that applicant wanted a connection to Bevins Lane, but the church on Bevins Lane was not agreeable.

Mr. Lankford stated that all the issues of concern will be addressed when the preliminary development plan is submitted.

It was noted that the sale of the property to Continental Real Estate, applicant, is contingent upon approval of the zone change.

It was agreed that the elimination of the Beechwood connection can be made a condition of approval for the zone change recommendation.

With no other comments from the public, Chairman Jones closed the public hearing.

Commissioner Smith felt that the proposed use is most desirable for the property in that it will not generate as much traffic as other uses would and green space will be maintained. The biggest concern is the design of the stormwater drainage plan.

Commissioner Shirley agreed, stating that this is the best plan that the Commission has seen for the property and the best plan for the Etterwood residents. It will be a quiet, low traffic community.

Commissioner Smith asked if there will be a minimum age limit for residents in the retirement cottages. Mr. Rich stated that they will be for retired residents only.

Chairman Jones asked about the width of the private streets. Mr. Summers stated that the standards are narrower than those for public streets. Chairman Jones also felt that the right-of-way should be preserved for the Beechwood connection. Mr. Perkins stated that the Commission can make a condition that the connection be not be built, but keep the right-of-way for future needs, but the City Council can abandon the right-of-way if they choose to.

Mr. Lankford stated that when the Preliminary Development Plan is under consideration, the applicant wishes to revisit the issues of the Beechwood Drive connection and the widening of the section of Etter Lane that this development fronts. Otherwise, the applicant agrees with the twelve (12) conditions of approval.

Sage Sharpe asked if the private roads must be built in a way that if they are ever accepted by the City, they can be widened. Commissioner Shirley stated that they do not, but they construct quality streets that are inspected by the Commission Inspectors because they are responsible for maintaining them.

Motion by Shirley, second by Mizell, to recommend approval of the requested zone change on the grounds that it complies with the Comprehensive Plan, and subject to the twelve (12) conditions of approval, plus the thirteenth (13) condition that this development will not connect to Beechwood Dr. but will provide the connecting easement. By roll call vote, motion carried 9-0.

PDP-2017-14 Morgan Property Tract 2 – Preliminary Development Plan for a 3,750 sq. ft. commercial building and 26 parking spaces on 1.66 acres, located on the south side of Paris Pike (U.S. 460 E), between Arby's and the Elkhorn Creek.

Commissioner Shirley recused himself from discussion and voting.

Mr. Summers reviewed the staff report. He reviewed the history of proposed development for the property. He stated that the ITE manual projects 25 peak hour trips generated if the site develops as a retail use, and 70 peak hour trips if it develops as a restaurant. The threshold for requiring a traffic impact study is 100 peak hour trips.

He reviewed parking, pedestrian connections, sidewalks, and landscaping. Regarding stormwater management, he stated that the property is still shown in the floodplain since updated maps have not been adopted reflecting the elevation changes created by the recent fill. New structures in the floodplain require approval of a variance by the Board of Adjustment, or the applicant can wait until the new floodplain maps are approved showing that they are no longer in the floodplain.

Chris Clendenine, representing Bryan Morgan, applicant, agreed with the conditions of approval. He stated that he understands the new floodplain maps will be approved December 21, 2017, and will indicate that the site is not in the floodplain.

It was noted that more fill may be added to the site, even though the fill already added places the site out of the floodplain.

Commissioner Sulski asked if adding fill along the creek is allowed. Mr. Perkins stated that a State Division of Water permit is required. Mr. Clendenine stated that the applicant has a permit from the DOW. Fred Eastridge, Engineer for the applicant, stated that the DOW inspects the property to determine what activity is proposed and to ensure that there will be no damage to adjacent properties.

Commissioner Sulski asked if staff has a copy of the letter/permit allowing the fill. Mr. Summers stated that our Engineer, Ben Krebs, has a copy of the permit. Mr. Clendenine provided Commissioner Sulski with a copy.

Kenneth Tracy, adjacent property/business owner, reviewed the history of proposed development of the property. He was concerned about issues he felt were not addressed properly and submitted and reviewed a list of items/ questions for each of Tract 1, Tract 2, and the DOW permit. His submittal is part of the Planning Office record.

Mr. Tracy's discussed his concerns regarding Tract #1 about conflict of interest and ethical violations in receiving approval to fill the property, the lack of a traffic study, and the stormwater drainage plan not being followed, among other things. Regarding Tract #2, he had concerns regarding stormwater drainage, the maintenance agreement for the two parking lots, the access road, mounds of dirt and concrete on the site, and the width of the required sidewalks, among other things.

Mr. Tracy continued explaining deficiencies in the plans and process.

Regarding allegations that there were ethical violations in the approval of the DOW permit, Mr. Eastridge testified that Brent Combs, the Commission Engineer when the DOW permit was received, always acted in an ethical manner, did not work on the development plan, and was not part of Thoroughbred Engineering at that time. He reviewed the process that was followed to receive the permit.

Mr. Eastridge addressed the sidewalk issue, and stated that all issues were addressed under the jurisdiction of the State Division of Water and the City of Georgetown engineering regulations.

Commissioner Sulski asked about the permit stating that the fill will be placed in an area approximately 100' x 550' (the entire property), with the construction of one 5,000 sq. ft.

building. He had concern about there being two buildings on the site. Mr. Eastridge stated that when they anticipate constructing the second building, they will need to apply for another permit. He added that when the new floodplain maps go into effect, Tract 2 will not be in the floodplain and not require the permit. Commission Sulski felt that if the permit was to fill both tracts, then the permit should have approved the two buildings. In effect, the Commission will be approving a building in the current floodplain that does not yet have DOW approval. Mr. Eastridge stated that if the development plan is approved, they will apply for DOW approval for the second building.

Mr. Clendenine reiterated that when approval is received for the Tract 2 development plan, they will apply for an amended DOW permit.

Mr. Tracy expressed further concern about the applicant receiving a permit under the new FEMA floodplain maps when they have not yet been adopted.

Ms. Chan suggested staff look into the DOW permit. She also stated that at the time the permit was applied for and received, Mr. Combs was not working at Thoroughbred Engineering. Mr. Perkins added that during that time, Mr. Combs was not working at Thoroughbred Engineering, but was listed in some capacity and that caused a problem. He was working for the Planning Commission. He felt that that issue is irrelevant to this application.

Mr. Eastridge distributed the new floodplain map that will adopted later this year.

Larry Oser, owner of Elkhorn Plaza across U.S. 460, showed the Commission the original floodplain map for Georgetown and the U.S. 460 bridge across the Elkhorn Creek. The map showed both the Morgan property and his property at the same elevation (808'). In 1983, he received a permit from the DOW to fill his property, and subsequently built his first building. He continued that process until all three of his buildings were built. He agreed with Commissioner Sulski that the applicant should receive approval from the DOW for 8700' feet of buildings before receiving Commission approval.

Mr. Oser also stated that the applicant's application for a DOW permit indicates that he received a waiver of public notice because the fill does affect adjoining properties. He showed photographs of the entrance to Arby's with fill and without fill that indicate that the fill does impact the adjoining property.

He stated that the DOW stated that he could not build closer than 100' from the creek, yet the applicant can build within 40' of the creek when he is on the upstream side of the bridge.

Mr. Oser also had concerns about fill that has been placed on the property after their permit expired and about not being notified as an adjacent property owner about the filling.

There was concern that the building on Tract 1 does not fit on the lot.

Mr. Clendenine stated that staff recommends approval and the application complies with all local regulations and State law. Regarding the flooding of Arby's, he felt that there is no way to know if his applicant's fill caused that flooding.

Chairman Jones asked Mr. Oser about flooding in the area. Chairman Jones expressed concern about the mobile home park behind Tracy's Landscaping. Mr. Oser felt certain that the mobile home park will be destroyed.

Commissioner Wiseman felt that none of the development in the area should have been allowed.

Mr. Eastridge felt that the square footage of this fill will have a miniscule effect on the flooding of the creek. The State has assured them that they will have no adverse effect on the neighboring property.

Discussion continued on the flooding issue.

Chairman Jones continued the application to the June meeting to further study the information presented.

SP-2017-17 Oliver-Harding Property – Preliminary Subdivision Plat for the creation of a 5.59-acre tract from a 10.75 parent tract, located on the north side of Muir Lane.

Mr. Summers reviewed the staff report. He stated that all issues have been correctly addressed and recommended approval.

Jared Stevens, representing the applicant, agreed with the conditions of approval.

Karen Murphy, Muir Lane resident, stated that Muir Lane is not wide enough for two cars to pass. If additional tracts are going to be allowed, she felt that the road needs to be widened.

She also stated that the house numbers on Muir Lane are not logical and have caused confusion with emergency services. Mr. Summers asked Mr. Perkins who would initiate changes of addresses. Ms. Chan stated that the issue was discussed with our GIS department. There were residents on Muir Lane who opposed any changes. It was agreed that further discussion will take place on the matter.

Regarding the issue of the narrow road, Mr. Summers stated that a new residence will generate five trips on the road per day.

Susan Richards, concerned citizen, clarified that only one residence will be allowed on each new tract, and that Muir Lane will be the access for three tracts. If one more tract is created, the road will need improved to County standards.

Motion by Shirley, second by Cannon, to approve the Preliminary Subdivision Plat subject to the four (4) conditions of approval. Motion carried.

Coal Ridge Preserved Area Amendment

Because the applicant was not present, the matter was continued to the June meeting.

Update of previously approved projects and agenda items

Chairman Jones announced that this is the last Planning Commission meeting for Ms. Chan. He stated that it has been a pleasure working with her and commended her for her good work. Ms. Chan thanked the Commission, stating that it has been a great learning and working environment. The Commission wished her luck and applauded her.

Bluegrass RV

Bruce Lankford, attorney, stated that the owners of Bluegrass RV on the corner of Connector Road and U.S. 460 E. (Paris Pike) have received approval for a Preliminary

Subdivision Plat and Preliminary Development Plan. He reviewed the recent history of the application.

The property is zoned B-2 and the front of the property is paved. They would like permission to use an RV as an office and temporarily use it to sell RVs off the site. There would be two salesmen on site. They have a business license.

Chairman Jones did not support the request. Commissioner Shirley felt it would be the same as renting apartments before a Certificate of Occupancy is issued.

Mr. Lankford stated that a Certificate Occupancy is for a permanent structure. This request is not to build a structure.

Commissioner Smith suggested setting a 6-month time limit on an approval.

Ms. Chan stated that there is temporary use language in our ordinance. For projects that have significant runoff or other issues, Board of Adjustment approval is needed.

Mr. Lankford stated that their outdoor storage request was denied by the BOA because they were not doing business on the site. They now wish to do business on the site.

Mr. Perkins stated that the temporary use provision was meant to apply to special events, not for business who do not yet have their building built.

Motion by Shirley, second by Cannon, to deny Bluegrass RV's request to sell RVs at this time at their site on U.S. 460 E. and Connector Road. By roll call vote, motion carried unanimously.

The meeting was then adjourned.

Respectfully,



Rob Jones, Chair

Attest:



Charlie Perkins, Secretary