

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
REGULAR MEETING
MINUTES**

September 12, 2013

The regular meeting was held in the Scott County Courthouse on September 12, 2013. The meeting was called to order by Chairman Greg Hampton at 6:00 p.m. Present were Commissioners Jeff Caldwell, Cindy Foster, Janet Holland, Rob Jones, John Shirley, Steve Smith, Frank Wiseman, and Horace Wynn, Planning Director Earl Smith, Senior Planner Joe Kane, Planner Megan Enyeart, Engineer Brent Combs, and Attorney Charlie Perkins.

Motion by Shirley, second by Wiseman, to approve the August invoices. Motion carried.

Motion by Jones, second by Holland, to approve the August 8, 2013 minutes. Motion carried.

Motion by Jones, second by Shirley, to approve the August 29, 2013 minutes. Motion carried.

With the change of moving the Kentucky Transportation Cabinet question and answer session to the first item to be heard, motion by Wynn, second by Holland, to approve the September agenda. Motion carried 6-2 with Shirley and Wiseman dissenting.

Postponements/Withdrawals

There were no items for postponement or withdrawal.

Consent Agenda

Representatives of the Wilder Property and the Welch/Lusby ATM Facility applications agreed with their respective conditions of approval and there were no concerns expressed by the Commission or public. Motion by Jones, second by Caldwell, to approve the two items on the Consent Agenda. Motion carried.

Kentucky Transportation Cabinet - question and answer session – Randy Turner

Mr. Smith introduced Randy Turner from District 7 in Lexington.

Mr. Turner reviewed the process followed by KYTC to prioritize their work. He made suggestions on how to better communicate so that they know the wishes of the community.

Those in attendance who intended to speak before the Commission were sworn in by Attorney Perkins.

ZMA-2013-19 Bevins Zone Change – Rezoning request from A-1 (Agriculture) to B-2 (Highway Commercial) for 10 acres, located on the west side of Lexington Road (U.S. 25 S), 1-1/2 miles south of McClelland Circle (U.S. 460 Bypass).
PUBLIC HEARING

Mr. Kane reviewed the staff report. He addressed KRS 100, the Comprehensive Plan, history of the zoning in the area, the U.S. 25 widening design, and the bases for reviewing the proposal, which include the adopted Land Use Map, the Urban Service Boundary concept, and the adopted 2002 U.S. 25 Small Area Plan. He stated that the recommendation of that study was that the current zoning boundaries not be expanded for more intensive development. Additional development or re-development should occur within existing zoned and developed property. For those properties designated or zoned commercial, it recommended developments be limited to B-1, neighborhood commercial, or B-4, community commercial, which is similar to B-1.

Mr. Kane also discussed the Greenbelt Ordinance, which was adopted in 1992. Its purpose was to create a buffer, not only for screening and fencing, but for protecting agricultural land. It identified the area south of Georgetown as one of the areas most in need of protection. The Comprehensive Plan in 1991 also identified the community's desire to separate the City of Georgetown from Lexington with a permanent agricultural belt that could be maintained and stay viable as Georgetown grew. The policies recognized construction of the bypass, and the intent was to allow some development along the bypass, but not to allow development to extend down U.S. 25 into the southern agricultural areas.

Mr. Kane concluded by summarizing the policies that support denial of the application, including Urban Service Boundary and Greenbelt policies, prime farmland protection policies, and the lack of findings necessary to approve proposed zoning map amendments as set forth by KRS 100.213. A complete explanation of the issues is in the staff report.

Commissioner Wiseman felt that the applicant's proposal is appropriate in an A-1 zone and asked why the property cannot be left agriculture. Mr. Kane replied that the use as been determined to be a highway commercial use since it is similar to automotive sales and repair and will generate considerable traffic from a wide area.

Commissioner Smith noted the recommendation in the 2013 U.S. 25 Small Area Study that states there is a need to create a zone which allows agriculturally-related commercial uses in rural areas but does not set a precedent that will open the doors to commercialization of the rural corridors. Mr. Kane stated that that recommendation has not been created or adopted, and the application as submitted must fall under the adopted regulations.

Commissioner Smith expressed concern that losing the tractor dealership is not supportive of the agriculture industry. Mr. Kane stated that staff does not wish to lose the dealership either, but for it to move to the proposed location will create a commercial corridor which has been foreseen as undesirable by the community.

Bruce Lankford, representing the applicant, submitted documentation regarding notice requirements. He distributed a map to the Commissioners which shows the mix of land uses in the area, and asked the Commission to keep two words in mind from KRS 100.213: economic and social.

Mr. Lankford then introduced Jim Bevins, applicant.

Mr. Bevins, owner of Bevins Motor Company, addressed KRS 100, feeling that there have been social and economic changes that justify approval of the application. He briefly reviewed the history of local farming operations, stating that mergers, acquisitions, and consolidations have necessitated larger farming equipment, especially in the past five years. Thousands of acres have been converted from pasture land to crop land, due to an increase in crop prices. He stated that expansion of his business has been mandated by the sheer size of the tractors, tools, and implements required by modern farming practices. He felt that his re-located business will be an anchor for farming, not for other commercial development.

He added that there will be a civic meeting room that will be available for agricultural organizations, conservation groups, 4-H and the FFA. There might also be a farmers' market on the site.

Mr. Lankford distributed a copy of Mr. Bevins' comments to the Commissioners. He then stated that Bob Brady, owner and operator of Kentuckiana Farms, is supportive of the application.

Mr. Gillespie, Coleman Lane resident, expressed his support of the project. He felt that the road widening justifies the commercial zoning.

The Pastor of Bluegrass Baptist Church, adjacent property owner, stated that the leadership of the church is supportive of the project.

Mr. Pratt, owner of Pratt's Lawncare Service, adjacent property owner, expressed his support of the project.

Mr. Lankford attested that Jim Dwyer, U.S. 25 property owner, is also supportive of the application.

Jimmy Richardson, local farmer, spoke about the changes in farming and the need for large equipment, the support for the community that the applicant has shown, and the equipment share program they operate.

Charles Cutshaw, local farmer, described how farming operations in Scott County have changed. Fewer farmers are farming larger tracts, necessitating larger equipment. He listed 18 farm equipment dealers that have been in Scott County in the past and are no longer here.

James Lyons, representing young farmers, spoke in support of the proposal. He stated that one of the challenges for young people is to obtain access to prime land, but the economic advantages of keeping Bevins Motor Company in Scott County outweigh the use of prime land for their re-location. And in one sense, the land is being used for agriculture.

Mr. Bevins showed photographs of another tractor sales/service facility that he has built in another county.

Wayne Carroll, engineer for the applicant, stated that the tract is well-suited for the applicant's plan since the road has been widened.

Mr. Lankford stated that the Technical Review Committee had no problems with the plan. He felt that KRS 100 allows for deviation from the Comprehensive Plan if there is a need or desire to do so. He provided the Commission with passages from the current Comprehensive Plan that support the application.

Mr. Perkins read for the record a letter from Johnny Bramlett, property owner directly across from the proposed site, expressing his opposition to the application because of increased traffic, noise, and decreased property value. He stated that he attended the planning meetings regarding southern Scott County, and the recommendations have always been to keep the area agricultural.

Commissioner Jones asked Mr. Bevins why he must move. Mr. Bevins replied that the current facility was built in 1959 and they can no longer get the larger equipment through the doors. Even with remodeling, the lot is not big enough to handle the equipment. Commissioner Jones asked if he will leave Scott County if this application is not approved. Mr. Bevins replied that he is pressed for time, and is able to move to another County soon if this application is denied. Mr. Bevins explained that 1) John Deere headquarters has asked him for years to expand, and 2) he currently has no way to unload some of the equipment they use unless they rent another piece of equipment.

Addressing noise pollution, Mr. Bevins felt that noise is not an issue.

Commissioner Jones also expressed concern about environmental concerns and Cane Run Creek. Mr. Bevins stated that there will be containment systems for mechanical repair and also equipment washing.

Commissioner Wiseman asked if there are 10 acres within the Urban Service Boundary that would be suitable for this facility. Mr. Bevins felt that there is no other location in Scott County that is more suited for his business than this location on U.S. 25 South.

Commissioner Shirley expressed concern about the money and the hours that have been spent doing studies that have determined that the area should remain agriculture. The intent for many years has been to save farmland, and to approve this zone change will contradict that policy. He felt it would set a precedent for further commercial development on the U.S. 25 corridor.

Commissioner Smith felt that this application is different from most applications because Bevins Motor Company is the only agricultural supply business in Scott County, and only one person has opposed it, and the room is full of people in support of it. He also felt that it would not set a precedent for other commercial zoning in the area.

Commissioner Jones agreed with Commissioner Shirley in that we should follow the Comprehensive Plan, but he also saw the need to keep the tractor supply business in Scott County. He stated that if the zone change is approved, he hopes they will follow some of the guidelines in the U.S. 25 Small Area Plan, if that is approved.

Commissioner Wiseman recognized the need to be able to justify denying another commercial applicant if this zone change is approved, but he felt this application is a legitimate exception. Mr. Perkins advised that the Commission does not make exceptions to the Comprehensive Plan. It rules based on substantial evidence in the record, and there is evidence in this record.

Commissioner Shirley agreed, but expressed concern about having a legal basis to deny the next commercial applicant. He asked Mr. Kane if another commercial application could be denied. Mr. Kane stated that they cannot place use restrictions on the B-2 zone, and the next applicant will have an easier time justifying a change to B-2. He stated that he must represent everyone who has worked on the Comprehensive Plan, everyone in the community who has spoken up to support the Greenbelt and USB policies in order to protect farmland. He stated that when the current facility was built in 1959, it was in the County, and the City eventually moved to him. Do we want the City to move to him again if he relocates to U.S. 25 South? He stated that there are 500+ acres of commercially-designated land within the Urban Service Boundary available for uses like this.

Mr. Kane also stated that concern about Cane Run Creek was expressed in the 2002 Small Area Plan, and it recommended that these types of uses not be allowed in the area.

Commissioner Holland asked if one of the ordinances strictly prohibits approving this zone change. Mr. Perkins replied in terms of whether approval of the application can be upheld or not upheld in court. He stated that the Comprehensive Plan is a guide, but more of a guide than just a "good idea." He stated that there may be a way to approve the zone change appropriately, but the application being "an exception" would definitely not be legal justification. Findings of Fact must be made to make the application fit into the regulations. Otherwise, the next applicant (commercial in this case) will be difficult to deny. The application is not consistent with the Comprehensive Plan or the Land Use Map, but justifying it by economic or social changes or essential needs of the community might be defensible in court.

Self-imposed restrictions were briefly discussed. Mr. Perkins did not think they would work in the long run, nor would putting conditions on the use. He felt that finding that the use is essential to the farming community would be more defensible in the future and would protect the Commission and community from non-agricultural commercial uses wishing to locate on U.S. 25 South.

Commissioner Smith stated that it is clear that the agriculture industry would be at a great disadvantage if Bevins Motor Company is not in Scott County. Therefore, he felt that granting the zone change is necessary.

Chairman Hampton asked if a conditional use can be granted. Mr. Perkins replied that it cannot be granted to this application, and he prefers that a zone change be resolved.

Mr. Bevins noted that they service all makes of tractors and equipment.

Commissioner Wynn asked Mr. Bevins that if the application is denied, could he re-apply for a conditional use permit. Mr. Bevins replied that the time frame for that to happen could be too long.

Mr. Perkins expressed concern that if the application is approved at this meeting, appropriate conditions may not be realized. He suggested that the application be continued to the October meeting so that he can draft findings of fact based on the record that will make a potential approval as defensible as possible.

Chairman Hampton closed the public hearing.

Motion by Smith, second by Jones, to continue the application to the October meeting and to direct Mr. Perkins to draft Findings of Fact, based upon substantial evidence in the record, in support of approval of the application. By roll call vote, motion carried 7-1 with Holland dissenting.

Commissioner Holland felt that the application should be voted upon at this meeting.

U.S. 25 S. Small Area Plan – PUBLIC HEARING

Chairman Hampton opened the public hearing.

Mr. Kane reviewed the conclusions of the report, which include recommendations on Environment, Land Use, Transportation and Mobility, and Scenic Character.

The pastor of Bluegrass Baptist Church on U.S. 25 South expressed concern about the recommendation that only existing facilities would be allowed to tap into a new sewer line. Mr. Kane stated that the final decision on that will come from GMWSS. He felt that if the church has development plan approval, they should be able to tap on.

The pastor also expressed concern about the word viewshed and whether the building setback of 50' will be increased to 150'. Mr. Kane replied that currently there is a 100' setback for A-1 and C-1 property along U.S. 25, and the report does not recommend an increase.

The pastor then expressed concern about square footage limitations because the church has potential plans to sell their future church building for another use, such as a YMCA. It was noted that, since the church is a conditional use, any change in use will have to come back before the Board of Adjustment.

Commissioner Jones asked if the setback will remain at 100'. Mr. Kane replied yes, although he feels it should be increased to 500' to preserve the viewshed.

Chairman Hampton entered the partial transcript of the special August 29, 2013 meeting (comments from Roger Quarles and Roy Cornett) into the record.

With no other comments, Chairman Hampton closed the public hearing.

Motion by Jones, second by Wynn, to accept the U.S. 25 Small Area Study and to recommend it to Fiscal Court for adoption. Motion carried unanimously.

Update of previously approved projects and agenda items

Director Smith gave an update on the work on the roof of the Planning Office.

Chairman Hampton announced that Commissioner Wynn has submitted his resignation because of his move to Louisville. He stated that the Commission appreciates his service. Commissioner Wynn thanked the Commissioners and stated that his time on the Commission has been a great learning experience.

The meeting was then adjourned.

Respectfully,

Greg Hampton, Chairman

Attest:

Charlie Perkins, Secretary