

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
REGULAR MEETING
MINUTES
October 11, 2018**

The regular meeting was held in the Scott County Courthouse on October 11, 2018. The meeting was called to order by Chair Rob Jones at 6:00 p.m. Present were Commissioners Charlie Mifflin, James Stone, Mark Sulski, Jeff Caldwell and Steve Smith, Director Joe Kane, Planners Matt Summers and Mikaela Gerry, and Attorney Charlie Perkins. Absent was Commissioners Frank Wiseman, Byron Moran and Regina Mizell and Engineer Ben Krebs.

Motion by Sulski, second by Mifflin, to approve the September invoices. Motion carried.

Motion by Mifflin, second by Caldwell, to approve the September 13, 2018 minutes. Motion carried.

Motion by Smith, second by Caldwell, to approve the October agenda. Motion carried.

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

Postponements/Withdrawals

Chairman Jones stated that the applications for Amerson North Townhomes (PSP-2018-42 and PDP-2018-43) and Amerson Property Amended Concept Plan (PDP-2018-51) have been postponed to the regular November meeting.

Consent Agenda

A representative of the Humphries Property application (FSP-2018-49) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by Smith, second by Sulski, to approve the Final Subdivision Plat. Motion carried.

A representative of the 121 Southgate Drive application (PDP-2018-52) agreed with their conditions of approval and two variances, and no comments were made by the Commission or Public. Motion by Sulski, second by Caldwell, to approve the Preliminary Development Plan. Motion carried.

PSP-2018-46 Harbor Village Phase 3 – Amended Preliminary Subdivision Plat for Unit 1, Phase 3 and Amended Master Plan located west side of US 25 (Cincinnati Pike) at Rogers Gap.

Mr. Kane reviewed the staff report and stated the subdivision started in the 1980's with the the first phase being built in the 1990's. The original application included three lakes with one being built in the first phase. In the early 2000's the master plan was amended and the second lake was removed. He stated in 2005 a Preliminary Plat was approved named Phase 2, Unit 3 and Phase 3, Unit 1. Harbor Village Drive was not extended and Phase 3 was not constructed. He stated in 2012, the bank took back the property and a potential buyer requested approval to amend the Preliminary Plat for Phase 3 to reduce the number of lots to one and to eliminate the lake. He stated the Planning Commission was sued by a couple residents of Harbor Village over the change. The case was decided in the Planning Commission's favor in 2017.

He stated this application is to withdraw the Amended Preliminary Plat from 2012 and to resubmit the Preliminary Plat from 2005 with some modifications. He stated this application removes the lake and replaces it with a large lot and two smaller HOA stormwater management lots and extends a trail system from earlier phases. He stated before anything can be developed beyond this area, that a new master plan must be submitted.

He stated the average lot size is half an acre. He stated a variance has been requested to allow the roadway to be 24-foot in width with 60-foot right-of-way to match the existing road.

He stated he is recommending approval with fifteen (15) conditions. He stated the number of lots should be reduced to 44 and that lot 80 should be common area.

Nathan Billings, representing applicant, stated lakes 2 and 3 were not significant features of the development. In 2002 a Preliminary Subdivision Plat for Phase 2 was approved. In 2004 an Amended Master Plan removed the second lake and added lots for Phase 2 to make a total of 85 lots. He stated the Amended Master Plan showed Harbor Village and Mallard Point connected. He stated the plan showed 319 total lots for Harbor Village. He stated in 2005 the lake was added back in and the number of lots was reduced to 80. He stated a pedestrian trail was added to the plan but the lake was reduced in size. In 2012 the prior plan was suspended but a zone change was discussed if the owner kept the property as a single A-1 lot or three agricultural lots.

He stated the current owner acquired the property earlier this year from the bank who owned the property in 2012.

He stated the applicant is proposing 45 single family lots, common area, and a trail area.

He stated that between the 2004 and 2012 master plan there is still 64 lots available for Phase 4.

He stated the plan that was submitted in September showed 45 lots but 46 actual lots were shown. He stated the applicant is requesting 45 lots.

He stated the applicant agrees with the conditions of approval except for two items. He stated the applicant thinks a new HOA should be established after meeting with the existing HOA board and that the number of lots should be 45.

He stated that the applicant suggests that the HOA should have an access easement for storm water management but would agree to storm water management being included in the common area controlled by the HOA.

Commissioner Sulski questioned if the pedestrian trail was even feasible if it is in a low lying area. Mr. Billings stated it had been in the plan since 2002.

Commissioner Smith stated he would rather see a cul-de-sac at the end of Harbor Village Drive.

Commissioner Mifflin questioned if the applicant plans to build the houses or sell the lots. Mr. Billings stated they will sell the lots.

Chairman Jones questioned Mr. Kane's preference regarding the storm water management. He stated he preferred the storm water management being located in the common area.

Chairman Jones questioned the number of lots presently in Harbor Village. Mr. Kane stated there are 197 current developed lots.

Chairman Jones questioned the number of lots allowed per entrance. Mr. Kane stated over 200 lots require a second entrance, but this subdivision was previously approved with only one entrance.

Commissioner Sulski stated he preferred one HOA for the entire subdivision.

Austin Compton, Harbor Village resident, stated he has concerns regarding no lake being built and the value of the homes to be built. Mr. Billings stated their standards will equal the present value of homes in the subdivision or might exceed the current value since the lots will be larger.

Amanda Bailey, Harbor Village resident, stated she had concerns with construction equipment damaging the roads. Mr. Perkins stated the county would address any concerns with damage to the roads.

Commissioner Smith questioned if the Harbor Village HOA was willing to accept Phase 3 as part of the existing HOA. It was stated that 51% of the existing HOA had to agree.

Wendy Frier, Harbor Village resident, stated that getting a 51% agreement among the HOA should be doable.

Commissioner Smith questioned if the number of lots was 44 or 45. Mr. Kane stated if all requirements are met he is in agreement with either number.

Mr. Compton stated he did not understand how Harbor Village and Mallard Point could connect in the future since property had been sold. Mr. Billings stated the property had been acquired on the Harbor Village side but there is one piece of property on the Mallard Point side needed in order for a connection to be made.

Chairman Jones stated it was nice to see an existing subdivision being completed instead of another new farm being developed.

Motion by Sulski, second by Smith, to approve the Preliminary Subdivision Plat (PSP-2018-46) subject to one (1) variance and fifteen (15) conditions of approval with additional conditions of stormwater management area to be included in common area controlled by the HOA, a cul-de-sac instead of a hammerhead and an addition to condition nine (9) to include subject to approval by existing HOA or otherwise by separate HOA with continuing character of existing Harbor Village. Motion carried.

PDP-2018-47 & FSP-2018-53 105 – 107 Marketplace Circle – Preliminary Development Plan to construct a 2,000-square foot bank and a Preliminary Subdivision Plat to create a buildable lot.

Ms. Gerry reviewed the staff report. She stated the property is located at 105 Marketplace Circle and would share parking with the current businesses located at the property. She stated the site was previously subdivided in 2013 and Lot 4A was created as a non-buildable lot due to the underground detention system. She stated GMWSS did not provide water and sewer to the site at the time because it was planned only for detention.

She stated the lot lines at 107 Marketplace Circle would be adjusted if the plat is approved because of the sign placed on the site.

She stated there would be 65 parking spaces if the Preliminary Development Plan is approved instead of the 92 approved parking spaces shown on the Final Development Plan for 107 Marketplace Circle. She stated the parking spaces would meet the parking requirement.

She stated the applicant has requested two variances, a waiver to the property perimeter screening along McClelland Circle and a waiver to the VUA screening along the eastern boundary due to the shared parking area.

She stated staff has concern that the proposed building would affect the underground detention system.

Commissioner Sulski has concern about the underground detention.

Jihad Hallany, Vision Engineering, representing applicant, stated applicant agrees with the conditions of approval except applicant prefers not to have to return to full Commission with the Final Development Plan. He stated the applicant would address the underground detention concern.

Motion by Sulski, second by Caldwell, to approve the Preliminary Development Plan and Final Subdivision Plat (PDP-2018-47 & FSP-2018-53) subject to seven (7) conditions of approval and two (2) variances. Motion carried.

FSP-2018-50 Partymiller Property – Final Subdivision Plat to divide one tract into four tracts, creating two (2) 5.00-acre tracts, one 6.23-acre tract, and a 34-acre remainder tract located at 3159 Newtown Pike.

Ms. Gerry reviewed the staff report. She stated it is zoned A-1 (Agricultural). She stated the applicant meets all the requirements. She stated any new proposed entrances would need KYTC approval.

Commissioner Mifflin questioned if Tract C had to show a proposed entrance before approval. Ms. Gerry stated she was not sure of the applicant's plan but any proposed entrance would need KYTC approval.

Keith Winstead, Thoroughbred Engineering, representing applicant, stated Tract B and C has no current plans, the applicant plans to build on Tract A, and the remainder Tract to be sold back to the family farm.

Dorothy Klein, Coal Ridge resident, stated the Coal Ridge residents had concern if the barn would be used for events. Mr. Winstead stated applicant has no plans to use the barn for events.

She stated the residents had concern for the plans of the remainder tract. It was stated that any further plans for the property would have to come before the Planning Commission.

Grant Bolt, Newtown Pike resident, stated he wanted clarification if homes built on Tract B and C would compare to current homes. It was stated that the Planning Commission could not control that.

Lynn Strathnan, Heritage resident, asked for clarification of Agricultural zoning and what the property could be used for.

Tim Strathnan, Heritage resident, stated his concern is what the property could be used for. It was stated the Planning Commission cannot control that.

Mrs. Strathnan asked for clarification of who governs Agricultural land in Scott County.

Mr. Winstead stated the applicant's intent for the three lots is for single-family homes.

Mrs. Strathnan questioned if only Tract A is going to have a house built why the other two lots were being divided. It was stated that for future financial gain the applicant might sell the lots.

Mrs. Strathnan questioned how she would receive notification if the remaining tract is developed.

Fran Lockwood, family of the applicant, stated the family has no future development plans.

Motion by Sulski, second by Mifflin, to approve the Final Subdivision Plat (FSP-2018-50) subject to six (6) conditions of approval. Motion carried.

Open Space Standards

Chairman Jones opened the public hearing.

Matt Summers stated that the goal is to change how net density is used to calculate the number of lots allowed on a piece of land to using gross density.

He stated gross density is calculated based on number of units divided by number of acres.

He stated net density is calculated on the number of total dwelling units divided by gross acreage minus the right-of-way.

He stated calculating number of lots by using gross density should eliminate confusion for the developer and the Planning Commission.

He stated they are assuming that 20% of the land will be used in infrastructure and based the conversion from net density to gross density upon that.

He stated the change would not affect the A-1, A-5, or C-1 zoning districts.

He stated that the proposed open space changes would be added to Article 5 of the Subdivision and Development Regulations.

He stated the change would only apply to urban residential developments of 20 lots or larger.

He stated the HOA would be responsible for maintaining the open space areas.

He stated up to 50% of unsuitable land can be used to meet the open space requirements.

Chairman Jones questioned what recent applications this change would have applied to. Mr. Summers stated the Harbor Village Phase 3 and Betty Yancey Griffith property would be examples.

Commissioner Sulski questioned if impact fees had ever been discussed. Mr. Perkins stated the Planning Commission has never implemented fees because the State has not made a clear ruling on fees.

Chairman Jones closed the public hearing.

Motion by Sulski, second by Mifflin, to recommend to City Council changes to Article 5 regarding Open Space requirements and density adjustments. Motion carried.

Edgewater Subdivision

Mr. Kane stated there is a spring at the entrance of the subdivision along a waterline that has caused a failure. GMWSS has agreed to use their contractor and process to repair the road. He stated an agreement between GMWSS (contractor Dearing Excavating) and the Planning Commission has been prepared for approval by both boards.

Motion by Jones, second by Sulski, to approve the Memorandum of Work for Edgewater Subdivision. Motion carried.

Bonding Ordinance

Mr. Kane stated to accept surety or bond letters we have an ordinance that the bank must be within 120 miles since most banks require that to call a bond/surety notice to be hand delivered.

He stated a developer has used US Bank and a local branch can not accept a letter calling the bond. He stated that US Bank has stated they will accept a faxed letter. After further discussion, it was stated that the use of US Bank was acceptable if they agree to confirm by fax or email receipt of the letter.

Motion by Sulski, second by Caldwell, to approve this application's bond letter outside of the 120 miles range of the ordinance. Motion carried.

The meeting was then adjourned.

Attest



Charlie Perkins, Secretary



Rob Jones, Chair