

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
REGULAR MEETING
MINUTES
May 10, 2018**

The regular meeting was held in the Scott County Courthouse on May 10, 2018. The meeting was called to order by Chair Rob Jones at 6:00 p.m. Present were Commissioners Regina Mizell, Steve Smith, Mark Sulski, Byron Moran, Charlie Mifflin, and Frank Wiseman, Director Joe Kane, Planners Matt Summers and Mikaela Gerry, Engineer Ben Krebs, and Attorney Charlie Perkins. Absent were Johnny Cannon and Jeff Caldwell.

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

Motion by Sulski, second by Wiseman, to approve the April 12, 2018 minutes. Motion carried.

Motion by Moran, second by Smith, to approve the May agenda with the additional item of Miami Valley Barns waiver request. Motion carried.

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

Mr. Perkins stated that new commissioner, Charlie Mifflin, was sworn in before start of the meeting.

Comp Plan Award

Chairman Jones stated Matt Summers and Mikaela Gerry accepted the award at the American Planning Association Kentucky Spring Conference for outstanding comprehensive plan.

John Carter resolution

Motion by Smith, second by Mizell, approving resolution 18-01 for recognizing John Carter, Planning Commission staff member, and thanking him for his service to the community on the occasion of his retirement.

Postponements/Withdrawals

Chairman Jones stated that the Self-Storage application (PDP-2017-33) has been postponed to the regular June meeting.

Consent Agenda

A representative of the Landmark Office Centre Amended application (FDP-2018-15) 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 Preliminary Development Plan. Motion carried.

PDP-2018-14 Jimmy Johns - Preliminary Development Plan to construct a 4,870-square foot commercial building on a 1.03-acre site located at 355 Connector Road north of Burger King.

Mr. Summers stated that the property and surrounding property is zoned B-2 (Highway Commercial). The project site has one access road with a front and rear access to the Burger King property. Applicant has asked for one waiver to reduce the number of interior trees from 11 to 7. He stated half of the commercial space is for Jimmy Johns and the other half will be leased to other tenants.

Commissioner Smith asked if a pedestrian connection could be added from the project site to the Kohl's property. Mr. Summers stated because of the slope he did not think it would be ADA compliant.

Commissioner Mifflin asked if the Planning Commission had any control over what business locates in the other half of the space. He was concerned if multiple drive-thrus would create a traffic issue.

Chairman Jones asked how the parking requirement was determined. Mr. Summers stated parking is based on the square foot of the building.

Jonathan Otis, representing Jimmy Johns, stated the applicant accepts the conditions of approval.

Chairman Jones stated he is concerned with the traffic issues on Connector Road.

Motion by Sulski, second by Smith, to approve the Preliminary Development Plan (PDP-2018-14) subject to eight (8) conditions of approval and one (1) waiver. Motion carried 5-2.

PSP-2018-16 Village at Lanes Run Ph 2 Sec 3 Amended - Preliminary Subdivision Plat Amended for 61 single family residential lots on 13.412 acres located at Waterside Drive.

Mr. Kane reviewed the staff report. He stated this is the last section to be developed of Village of Lanes Run south of Lanes Run Creek, and it connects Rocky Creek to Village at Lanes Run via Johnstone Trail.

The Preliminary Development Plan was approved in 2014 with a tree preservation area along Lanes Run Creek. He stated the staff received a phone call two months ago regarding trees being cleared in the tree preservation area. Since it was a violation of one of the conditions of approval, a notice of violation was issued and the Preliminary Plat approval was revoked.

He stated the applicants were told to resubmit the plat for approval of either restoring the tree preservation area or a new layout that preserved the area.

He stated the layout is similar to the previously approved plan, but some of the lots were shortened to increase the tree preservation area along the creek. The road layout and number of lots remained the same as the previously approved plan.

He stated that 17 trees were removed in the tree preservation area during the unauthorized clearing. The applicant proposes replacing those 17 trees and donating \$1,000.00 to City of Georgetown for Beautification. Mr. Kane stated that according to the Landscape Manual and the size of the trees removed, 44 trees would need to be planted to replace the 17 trees removed.

Chairman Jones questioned if deadline set for the installation of the trees?

Commissioner Sulski stated that during workshop it was discussed how to prevent this from happening again. Recording a certificate of land use restrictions was an idea that was presented.

Doug Charles, applicant, stated he had received permission from the owner since he had not closed on the property and did not realize the site was in a tree preservation area.

Commissioner Sulski questioned Mr. Charles if he was in agreeance on replacing the trees.

Mark Hammel, Rocky Creek resident, stated he felt that the applicant did not follow protocol with the development and had started moving dirt without a silt fence in place. He also stated the preliminary plan was not followed and work was done in the flood plain without permits. He suggested moving the tree preservation area to an undisturbed area.

He stated he is in the development industry and feels all should be treated the same. He stated that there is also a large tree on the property that should be preserved.

Mr. Kane stated he thought the tree is located in the section that Paul Haddix bought.

Commissioner Wiseman questioned the applicant, how this could have been prevented. It was suggested that recording a certificate of land use restrictions could have helped.

Mr. Charles stated he had referred to the wrong plat.

Chairman Jones stated he had concern that the applicant had referred to the wrong plat and had started moving dirt without silt fence in place or having had a pre-construction meeting.

Mr. Krebs stated the plan that Mr. Charles had referred to was a set of construction plans that had been presented to the Planning Commission staff but not approved.

Mr. Hammel stated that he feels applicant did not follow due diligence in obtaining the preliminary development plan.

Commissioner Mifflin asked for clarification regarding the suggestion of moving the tree preservation area. Mr. Kane stated he does not have enough information to evaluate that proposal, and suggested a postponement would be needed if the Planning Commission wanted staff to evaluate that proposed idea.

Mr. Charles stated that they have expanded the tree preservation area for this application.

Paul Haddix, purchaser of other half of development, wanted to clarify he is independent of the half that Mr. Charles purchased. He stated he will not clear any trees unless it is necessary for the placement of a house on a lot.

Mr. Charles stated if the large tree is on his property, but close to the lot line, he should be able to preserve it.

Motion by Sulski, second by Mizell, to approve the Preliminary Subdivision Plat (PSP-2018-16) subject to the ten (10) condition of approval and the addition of preserving the largest oak tree in development if it is located on Doug Charles portion. An addition to condition number 3 setting a timeline for tree planting. New trees must be planted by Fall of 2018. Motion approved.

PDP-2018-17 Minorsville – Wireless Communications Facility – Preliminary Development Plan for a 199' monopole telecommunication tower located on a 10,000-square foot lease area located at 2475 Minors Branch Road.

Chairman Jones opened the public hearing.

Ms. Gerry reviewed the staff report. She stated the applicant did provide documentation showing that there is not a better location for the tower and that there is no other opportunity to locate its antennas on an existing structure. She stated they are meeting the setback and landscaping requirements.

David Pike, representing applicant, stated that the nearest residence will be 724-foot away from the tower and that is the residence on the property. He stated that since the tower is under 200-foot it does not have to be illuminated and will be one of the shortest in the county. He stated that the area is underserved for all providers.

He stated they meet all local, state, and federal requirements for the tower. He stated over 70% of all emergency calls are made from wireless phones and over half of adults live in a home without a land line phone showing the need for the cell service in that area.

He stated this cell tower will be one of the first in the state to receive two new technologies. One being First Snap, a secure service available to all first responders in the event of a disaster. Second would be Fixed Wireless Loop, a small antenna that can be attached to a house or business to provide high-speed internet service.

Pamela Lay, adjoining property owner, stated that she is against the wireless tower. She moved to that area to be away from everything and stated other neighbors were asked about the wireless tower and turned down the tower locating on their property.

David Coyle, Minors Branch resident, stated he is in favor of the wireless tower because of the lack of cell service in that area. He stated neither him or his father who lives close by, were approached regarding locating the wireless tower on their property.

Sally Thornsberry, Minors Branch resident, stated she was not approached regarding locating the wireless tower on her property. She stated due to her job she must keep a landline for accessibility.

Ronald Dodd, Minors Branch resident, stated his landline is not always reliable and he cannot get cell service.

Judy Wash, Minors Branch resident, stated she does not have cell service and her landline does not work reliably.

Mr. Pike stated the Wireless Loop service would be limited to approximately 2.5 miles distance from the tower. He stated voice service would reach farther in distance.

Ms. Thornsberry questioned if there is other technology available to help increase the distance that the internet service could reach. Mr. Pike stated he was not aware of any technology that lengthened the internet service availability.

Motion by Sulski, second by Wiseman, to approve the Preliminary Development Plan (PDP-2018-17) subject to six (6) conditions of approval. Motion carried.

PDP-2018-18 Pleasant Valley Townhomes/Condominiums – Preliminary Development Plan for residential development of 166 units – multifamily condominiums and 4-single family lots located on Schneider Boulevard.

Mr. Summers reviewed the staff report. He stated the total acreage of the site is 16.3 acres and that the site had been rezoned late 2017 to R-2(PUD).

He stated the proposed 4-single family lots are bordered by the stream protection area and the 100-foot Kentucky Utilities easement. Schneider Boulevard is the only access until Lexus Way is extended.

He stated applicant has requested a waiver to allow 8 units in each building instead of the 6 units allowed in R-2 zoning. He stated they also requested a waiver for landscaping along the northern boundary.

Commissioner Moran questioned the preliminary development plan and subdivision plat being reviewed concurrently together. Mr. Summers stated it is unusual to see single-family and multi-family lots on a plan together, but preliminary plans with a mix of residential densities have been approved before.

Commissioner Wiseman questioned the number of people the development would add living in that area.

Chairman Jones questioned if there is a sidewalk only on the northern side of the development from Schneider Boulevard. Brent Combs, Thoroughbred Engineering, representing applicant, stated there is only one sidewalk.

Commissioner Jones questioned how the canopy area on the eastern side of the development would be controlled. Mr. Summers stated fencing is usually put around trees that are not to be cleared. A suggestion was made to add condition number twelve (12) that the applicant designate the trees along the east side of the property that is located on the applicant's property to protect the canopy.

Chris Farris, representing applicant, stated the plan has interior parking so that the building facades are showing instead. He stated the landscaping on the eastern side coincides with condition number two regarding required screening.

Commissioner Smith questioned if the landscaping would be finished along with the first 82 units being built. Mr. Farris was not sure of the stages of landscaping and completion. Mr. Combs stated the plan could be changed to break up the parking area to help with the traffic flow.

Mike Obradovich, Pleasant Valley resident, questioned the mound of dirt he can see from his home currently and what he will be seeing in the future once the development is completed.

Mr. Combs stated the developer had created a topsoil storage pile when they were removing the soil from the development site. After the pile is removed, it should not be higher than 3 to 4-foot. Mr. Obradovich questioned the square footage of the condominiums and the second proposed entrance size and location.

Jamey Fiechter, Pleasant Valley resident, questioned the difference in condominiums and apartments. Mr. Farris stated the condominiums will be owned, not rentals, but could be rented out if the owner chooses. He stated the buyer owns the inside, but the outside is commonly owned.

Mr. Fiechter stated he has concerns regarding the additional traffic.

Greg Jones, Pleasant Valley resident, stated he has concerns regarding traffic and his home value. He asked that the plan be denied until after a second entrance is built.

Mr. Combs wanted to clarify that at the zone change the development had been approved for 170 units but only 82 are approved to be built until a second entrance is constructed.

Commissioner Smith stated that if single-family homes had been built instead then the proposed extension of Lexus Way would have never been proposed.

Chairman Jones questioned if the condominiums could ever become apartments. Mr. Perkins stated that if the Condominium Regime stated in their rules, must be owner occupied, that would be the only definite way to stop apartments.

Mr. Farris stated that the developers are committed to working with the neighbors.

Motion by Mizell, second by Sulski, to approve the Preliminary Subdivision Plat (PDP-2018-18) subject to two (2) waivers and eleven (11) conditions of approval with an additional condition of approval regarding the tree canopy on the eastern side. Motion carried 5-1. Chairman abstained.

Open Space Standards

Mr. Summers stated staff met with Parks & Rec and the City regarding setting standards for how much park land would be required. Public hearing would be continued until next month.

Miami Valley Barns waiver request

Bruce Lankford, representing applicant, stated that applicant is requesting an extension for the improvements to the site for the paving, gravel, and landscaping up to two years until applicant decides if the site is viable to him.

Nate Yoder, applicant, stated he just wants to make sure that the location works for him before spending the money on the improvements.

After further discussion on the matter, **Motion by Smith, second by Mizell to approve applicant to have 15 buildings with half the gravel and a third of the trees and all improvements must be done within a year. Motion carried 5-2.**

The meeting was then adjourned.

Respectfully,

Attest:



Charlie Perkins, Secretary



Rob Jones, Chair