

GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
REGULAR MEETING
MINUTES
June 9, 2016

The regular meeting was held in the Scott County Courthouse on June 9, 2016. 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, Director Joe Kane, Planners Megan Chan and Matt Summers, Engineer Brent Combs, and Attorney Charlie Perkins.

It was noted for the record that the new Commissioner, Johnny Cannon, was sworn in at the workshop on June 6, 2016.

Motion by Sulski, second by Shirley, to approve the May invoices. Motion carried.

Motion by Mizell, second by Caldwell, to approve the May 12, 2016 minutes. Motion carried.

Motion by Sulski, second by Moran, to approve the May 16, 2016 minutes. Motion carried.

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

Postponements/Withdrawals

Chairman Jones stated that the Clark's Pump 'n Shop Store and the Smith-Wainscot Duplexes applications have been postponed to the July meeting, The Canewood Center Drive Restaurant & Bar and Overlook at Elkhorn Creek Phases III & IV applications have been withdrawn.

Consent Agenda

A representative of the Bishop Property application (FSP-2016-27) agreed to their conditions of approval and there were no comments from the public or Commission. Motion by Smith, second by Mizell, to approve the Bishop Property application. Motion carried.

A representative of the Eagle Bend Tracts 8, 9, and 10 application (FSP-2016-28) agreed to their conditions of approval and there were no comments from the public or Commission. Motion by Smith, second by Wiseman, to approve the Eagle Bend Tracts 8, 9, and 10 application. Motion carried.

A representative of the TMMK Paint Reborn application (PDP-2016-33) agreed to their conditions of approval and there were no comments from the public or Commission. Motion by Sulski, second by Mizell, to approve the TMMK Paint Reborn application. Motion carried.

PDP-2016-30 C-Logic, Inc. – Preliminary Development Plan for a 7,200 sq. ft. warehouse and 800 sq. ft. office on 3.884 acres located on the south side of Weisenberger Mill Road.

Ms. Chan reviewed the staff report. She stated that the applicant received approval from the Scott County Board of Adjustment for their proposed use, which includes welding/fabrication, warehousing and storage of materials produced on site. She noted the primary access via Leestown Road, and a secondary access via Wiesenberger Mill Road which remains closed most of the time.

She reviewed the layout of the site and the access points. She noted the proposed gravel area on the western side of the site along Weisenberger Mill Rd. That gravel area is proposed for future pavement and access to the rear of the building, but will presently require a waiver.

Ms. Chan reviewed the site statistics, including setbacks, building ground coverage, parking, and landscaping. She stated that, because of the intensity of the use and the outdoor storage, the Board of Adjustment required that they screen three sides of the property. They also required that the fence in poor condition on the Weisenberger Mill property boundary be replaced by a 6' hedge and one tree per 40'.

She noted that noise was discussed at the BOA meeting. Mr. Perkins stated that a limit was set on weekend work, and if weekend work becomes more frequent than what the applicant anticipates, they will need to return to the BOA.

She then discussed lighting and signage, and displayed several photos of the site.

She recommended approval, including the requested waiver to allow gravel in the area for future development, and reviewed the conditions approval specific to the application.

Commissioner Shirley asked if the use is permitted in a B-2 zone. Ms. Chan stated that that is why the application went before the Board of Adjustment. Welding and fabrication are not listed as a permitted use in the B-2 zone, but it does allow warehousing, and it was an existing use on the site.

Commissioner Wiseman asked why the outdoor storage is an issue. Ms. Chan replied that it is an issue because of the agricultural character of the area.

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

Brian Halen, applicant, agreed with the conditions of approval. He stated that they have cleaned up much of what the previous owners left on the site.

Richard Clemerson, Weisenberger Mill Road resident adjacent to the site, expressed concern about the outdoor storage, how close the building is to Weisenberger Mill Road and his property, and how the conditions will be enforced. Mr. Perkins stated that enforcement is a cooperative effort because there are not enough enforcement people to cover the entire county. He stated that the property has had non-conforming uses for decades, so this applicant is not stretching the zoning classification. He also stated that the operation is permitted as a conditional use, so that if the conditions are violated, the permit will be revoked.

Mr. Clemerson was still dissatisfied that the building is so close to his home. Mr. Halen stated that the building is located as shown because that is the highest point on the site, and locating there accommodates the proposed septic system.

Peggy Columbia and Tony Delafano, property owners directly across Weisenberger Mill Road, opposed the application because of a warehouse being directly across from their home. They stated that they own a horse farm, and noise has been a problem in the past. She felt that a 6' hedge will not offer enough privacy. Ms. Chan explained that the requirements were increased by the Board of Adjustment. Ms. Columbia asked if even more requirements can be imposed. Chairman Jones stated that they can, but it is unfair to the applicant for them to comply with the requirements, have stricter standards required by the BOA, and then again by the Planning Commission.

Lowell Atchley, Adams Lane resident who shares the eastern border with the site, stated that he lives in an agricultural subdivision that is considered a residential area. He felt that the quality of life of the residents should be considered.

Ms. Chan stated that the Landscape Ordinance would allow the required 6' hedge to be trimmed after installation to 3', so it may be appropriate to require the hedge to remain at least 6' high to comply with the intent of the SCBOA conditions. Mr.

Perkins stated that the Board of Adjustment required a 6' hedge, so the hedge should be maintained at 6'.

The height and age of the existing building were discussed.

Ms. Columbia asked if there would be a fence around the site for security. Mr. Halen stated that a 6' chainlink fence was approved by the BOA with the landscape screening. Ms. Columbia asked if the chainlink fence could have the green blocking material in it. Ms. Chan noted the fence requirements in the County, and stated that the trees could be clustered instead of one tree every 40'. Mr. Halen stated that the BOA was concerned about screening the entire length of Weisenberger Mill Road, so if he clustered the trees in one area, another area will be exposed.

Commissioner Wiseman felt that a few more trees in front of the Columbia's property could be added at little expense and help the screening situation there. Commissioner Shirley did not feel that the Commission can require that, and stated that he hoped the applicant can plant a few more trees, which are expensive, after the Columbia's house is built to be a good neighbor.

Motion by Shirley, second by Caldwell, to approve the Preliminary Development Plan subject to the thirteen (13) conditions of approval and including the requested waiver to allow a gravel driveway. Motion carried.

ZMA-2016-34 and FSP 2016-31 Bealmear Property Tracts 2C-G – Zone change request and Final Subdivision Plat for five 5+ acre tracts located on the southwest corner of Yarnalton Pike and Ironworks Road.

Chairman Jones opened the public hearing.

Mr. Summers reviewed the zone change from A-1 (Agriculture) to A-5 (Rural Residential). He stated that water is available and no variances are requested. Five tracts are being created; a zone change is required for four or more tracts between 5-10 acres. He reviewed the standards to be met in order for a zone change to be granted, and stated that the application meets those standards.

Tony Justice, surveyor and representing the applicant, agreed with the conditions of approval.

Chairman Jones closed the public hearing.

It was asked why the applicant is developing 5-acre tracts instead of cluster lots. Mr. Summers stated that the applicant already had a buyer who was interested in 5 acres.

Motion by Mizell, second by Moran, to recommend approval of the rezoning request from A-1 to A-5, on the basis that it complies with the Comprehensive Plan, and subject to the six (6) conditions of approval. By roll call vote, motion carried unanimously.

Mr. Summers then reviewed the subdivision plat. He asked for a note to be placed on the plat stating that secondary structures are allowed to be located 25' from property lines, instead of the 50' required in an A-1 zone. He stated that #9 diamond mesh fencing with a board plank across the top shall be installed along the entire border with A-1 property. Also along the A-1 boundary is a 50' tree preservation area which needs to be noted on the plat.

He reviewed the landscaping requirements which are also required along the A-1 border, and stated that they are required to install or bond the landscaping before the final plat is recorded.

The access points were discussed briefly.

He recommended approval with the nine (9) conditions of approval.

Mr. Justice agreed to the nine (9) conditions. He asked if the existing fence complies with the requirement. Commissioner Shirley stated that the new, existing fence is not in compliance.

With no further comments, motion by Sulski, second by Mizell, to approve the Final Subdivision Plat subject to the nine (9) conditions of approval. Motion carried.

PDP-2016-32 Coppage Road– Wireless Communications Facility – Preliminary Development Plan for a 195' self-supported cell tower with a 5' lightning arrester, located on a 98' x 98' fenced area within a 100' x 100' lease area, located on the west side of Coppage Road.

Mr. Kane reviewed the staff report. He noted that the 51-acre parent tract is not located in the floodplain or any environmentally sensitive area. He stated that access is through a series of driveways across two properties and adjacent to a third property. The gravel driveway will be improved and extended from the turnaround by the residence to the lease area.

He stated that the property is adjacent to the future reservoir land that the County owns. The application complies with setback and landscaping requirements. All twenty-one requirements of the uniform application have been provided, and all the design requirements in the Zoning Ordinance have been satisfied.

Mr. Kane noted that lights will not be required on the tower. It will be enclosed by a 6' high chainlink fence with a double row of evergreens for screening. He stated that the Comprehensive Plan does not set forth specific tower standards or tower location requirements. He noted that the applicant did not contact the County for siting the tower on the County-owned reservoir property.

He stated that the major staff concern is the erosion of steeply sloped areas. He added a condition of approval requiring erosion control to be adequately addressed, keeping grading to a minimum and avoiding tree clearing outside the proposed access and utility easement and lease area.

David Pike, Pike Legal Group and representing the applicant, submitted a complete application for the record, and stated that expert witnesses, the property owner, and a neighboring property owner in favor of the project were all in attendance.

He reviewed the application, stating that they exceed the setbacks dramatically. He stated that poor cellular service is well documented in the area. He continued reviewing all aspects of the application, including search area, real estate values, structural design, foundation design, geotechnical report, lighting, and radio frequency emissions.

Chip Richardson, concerned citizen, felt that the map and signage advertising the hearing on the site were inadequate. He stated that Cellco's infrastructure is missing from the application's grid map, as there is an AT&T site on a water tower in Stamping Ground, as well as the tower approved in February on Stamping Ground Road. He expressed concern that all acceptable co-location opportunities were not explored, and that the service areas in different applications differ greatly in size. He was concerned that *local* pilot safety is the responsibility of the Planning Commission, adjacent property values drop as much as 20% or more, and that there is not enough time for Planning Commission staff to review the voluminous application.

Mr. Richardson summarized by stating that the Commission needs to make an informed decision and to be sure that the application is correct.

Ronald Yuravich, Copping Road resident, expressed concern about health impacts from the radio frequency emissions. Mr. Perkins stated that according to the FCC and the Kentucky State legislature, the Planning Commission cannot consider that issue.

Mr. Pike stated that they have received approval from the Kentucky Airport Zoning Commission and an exemption from the FAA because the tower is under 200'.

Commissioner Sulski expressed concern about a sign not being visible on the site. Mr. Pike stated that the sign maker, the property owner, and photographic evidence are available to show that the sign was there.

Russell Moody, property owner of the site in question, stated that the sign has been present on the property for at least a month.

Chairman Jones asked Mr. Moody about the cell coverage in the area. Mr. Moody stated that there is hardly any coverage.

Mr. Pike agreed with the conditions of approval in the staff report.

Commissioner Smith asked if any of the cell tower applications that have been approved but not yet built, are in the search area. Mr. Pike stated that they are not.

Mr. Richardson stated that the unbuilt tower on Switzer Road was not addressed, which could have an impact on the service area being discussed. Mr. Perkins stated that there is no tower on Switzer Road, so it doesn't affect anything. Mr. Richardson felt that the application is not complete without that tower being shown, even though it has not yet been constructed. Mr. Perkins stated that that tower is on the opposite end of the County, so the deficiency would be irrelevant.

Motion by Sulski, second by Mizell, to approve the Preliminary Development Plan subject to the four (4) conditions of approval. Motion carried.

Colony Unit 11 Plat determination

Mr. Kane stated that this matter is continued to the July meeting.

HB 55 Open House Training

Mr. Kane reported that Tuesday, August 2, 2016 is set for an open house for training hours. It was agreed to set the session for 12:30-4:30 and will cover zoning districts and the subdivision regulations.

The meeting was then adjourned.

Attest:


Charlie Perkins, Secretary

Respectfully,


Rob Jones, Chair