

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
SPECIAL MEETING
MINUTES
February 11, 2021**

The special meeting was held online via Zoom on February 11, 2021. The meeting was called to order by Chairman Mark Sulski at 6:00 p.m. Present were Commissioners James Stone, Charlie Mifflin, Steve Smith, David Vest, Mary Singer, and Regina Mizell, Director Joe Kane, Planner Matt Summers, Engineer Ben Krebs, and Attorney Charlie Perkins. Absent was Commissioner Duwan Garrett.

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

Motion by Stone, second by Mifflin, to approve the January 14, 2021 minutes. Motion carried.

Motion by Smith, second by Stone, to approve the February agenda. Motion carried.

All those intending to speak before the Commission were sworn in by Mr. Perkins individually prior to their comments and questions.

Postponements/Withdrawals

Chairman Sulski stated that the applications for Bolton Property (FSP-2020-49) has been postponed until the next regularly scheduled meeting.

Consent Agenda

A representative of the Teamceo LLC (FSP-2021-02) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by Mizell, second by Stone, to approve the application. Motion carried.

FSP-2020-46 Wireman & Filowiat Property – Final Subdivision Plat to subdivide a parent tract of approximately 20.6 acres into two 10+ acre tracts located west side of Long Lick Pike, north of Skinnersburg Road.

Mr. Kane stated the property was previously subdivided and now requires Board approval. He stated the two tracts would share access and plat as drawn meets all our requirements.

Katarina Midelfort, neighbor, stated her questions were answered.

After further discussion, **Motion by Smith, second by Mizell, to approve the Final Subdivision Plat (FSP-2020-46) subject to five (5) conditions of approval. Motion carried.**

FSP-2021-01 Simply Southern Properties – Final subdivision plat to subdivide a 0.778-acre parcel into four (4) lots with access from Hickman Street and Martin Luther King Jr Drive.

Mr. Summers stated the site is zoned R-2. He stated access to the lots is from either Hickman Street or Martin Luther King Jr Drive.

He stated the applicant has requested two variances. He stated first variance is to reduce the minimum lot size for Lots 1 and 2. He stated the second variance is to reduce the minimum lot width for Lots 1, 2, and 3.

He stated the applicant originally applied for four lots, but after discussion with the Applicant about the Fire Department and GMWSS not supporting lot 4, has agreed to only 3 lots.

Joel Day, Meridian Associates, stated the applicant agreed to the reduction to 3 lots.

After further discussion, **Motion by Mifflin, second by Smith, to approve the Final Subdivision Plat (FSP-2021-01) subject to five (5) conditions of approval and two (2) variances. Motion carried.**

FSP-2021-03 Stone Lane Development – Final Subdivision Plat to subdivide 176 acres into 10 lots located on Stone Lane (KY 356).

Mr. Summers stated the property is zoned A-1. He stated all lots would be accessed from Stone Lane and that they meet requirements. He stated applicant has approval from KYTC for entrances.

He stated his only concern was the access easement on Tract 2. He stated he had worked with the applicant and that has been removed from Tract 2.

Alicia Prokos, Big Pine Land, stated all lots have individual driveways except tracts 3, 4, and 5 who share an access easement and a utility easement. She stated she has spoken to some of the neighbors and the main concern she has heard was building restrictions. She stated all tracts will only be single family homes. She stated some of the restrictions will be permanent concrete foundations, minimum 1500 square feet, and no manufactured homes. She stated a limited number of domestic animals will be allowed.

Chairman Sulski stated he had questions regarding the cemetery. Ms. Prokos stated the cemetery has not been used since the mid 1800's. She stated the previous owner left the area alone and that is what they also propose.

Chairman Sulski questioned if the Commission should require a fence around the area and stated he had concern that the driveway stops at the cemetery. Mr. Perkins stated the Commission cannot regulate cemeteries. He suggested adding a condition 6 requiring the applicant to follow regulations regarding cemeteries. Ms. Prokos stated the cemetery is 150' from the end of the driveway and would be willing to follow cemetery regulations.

Tom Cheek, neighbor, stated he had put up a fence with the previous owner and wondered who to contact regarding maintenance. Mr. Perkins stated the Commission does not get involved with fences on 5-acre developments in A-1 zoned land. He stated there is state laws and it may be up to each individual owner of the tracts. Ms. Prokos stated they could work with him regarding maintenance and maintaining the fence with the new owners.

Mr. Cheek stated he also had concern with runoff on tracts 1, 2, and 5 since he has a lake on his property. Ms. Prokos stated the lots are approved for a leach field for each lot.

Carl Meyer, neighbor, stated he has concern with the road and questioned if any improvements to the road would be completed. Mr. Summers stated it is a state road and said he was not aware of any future improvements. Chairman Sulski suggested contacting KYTC District 7 with his concerns.

David Inyart, neighbor, stated his question had been about fencing. He stated some of his questions had been answered but did wonder if there are any plans to remove fences. Ms. Prokos stated there is no plan to remove external fencing. Mr. Inyart questioned if new owner could remove fence. Ms. Prokos stated they would work with him and suggested putting in the deed that fencing must remain.

Mr. Inyart questioned if there will be a HOA for the tracts. Ms. Prokos stated there is a proposed 2 page set of restrictions. She stated they are proposing the restrictions stay in place for 30 years then it would be up to lot owners if restrictions remain.

Mr. Inyart stated the runoff from the property flows into a creek and questioned who would regulate septic systems and lagoons. Mr. Summers stated that the Health Department regulates septic waste. Ms. Prokos stated they plan to install culverts along the road.

Doug Corrigan, neighbor, questioned if deed restrictions are reviewed by the Planning Commission before the meeting. Mr. Perkins stated some things are required by the Planning Commission, but some things proposed are private deed restrictions not enforceable by the Planning Commission. Ms. Prokos stated her company is a land developer and the deed restrictions will be finished by their legal team. Mr. Corrigan questioned if a copy of the deed restrictions would be available for the neighbors to see. Ms. Prokos stated she would make the restrictions available to review.

Robert Dunaway, neighbor, stated he would like a copy of the deed restrictions when available. Ms. Prokos stated she will get a copy to Mr. Dunaway.

Mr. Cheek questioned if any entrances will be installed before tracts are sold. Ms. Prokos stated once approval is obtained, they will start on the entrances. Mr. Cheek stated that it is a large property and afraid once entrances are in people might wander onto the property especially during hunting season. Ms. Prokos stated there will be gates on the property and no trespassing signs.

Marianne Jolly, neighbor, questioned if tracts 3, 4, and 5 would share a maintenance agreement. Mr. Summers stated the tracts would have a maintenance agreement and it would be noted on the plat.

Ms. Jolly questioned Ms. Prokos if the shared driveway could be turned some to alleviate headlights shining into her house. Ms. Prokos stated they had been waiting on approval but stated she did have a note to address that concern before construction begins.

Mr. Corrigan questioned what was the digging he had seen at the tracts. Ms. Prokos stated that was WEDCO and they approved a lagoon for each tract.

After further discussion, **Motion by Smith, second by Mizell, to approve the Final Subdivision Plat (FSP-2021-03) subject to six (6) conditions of approval. Motion carried.**

PSP-2021-04 Falls Creek, Phase 2 – Request for Preliminary Subdivision Plat approval for 23 single-family lots, 6 duplex lots, and an open space lot in Phase 2 of Falls Creek Village located east side of Falls Creek Development.

Mr. Kane stated the Planning Commission reviewed master plan change in December. He stated this application is for single family lots. He stated access is from Waterson Park Drive.

He reviewed the history of this development.

He stated this development was originally zoned as a R-1C PUD and B-4 (PUD). He stated duplexes would not be unusual in the area. He stated after discussions with the applicant, applicant's attorney, and Mr. Perkins it had been determined that this application is not a change to the scheme of development as defined by the 2015 City Ordinance. He stated since all areas would be under the same HOA, including the new area, the City Ordinance regarding Common Scheme of Development does not appear to apply.

He stated the duplex and single-family residential lots do meet lot size and width requirements. He stated as a condition of approval staff is asking that the single-family lots should be at least 60' minimum width at the building line and duplex lots should be at least 80' minimum width at the building line.

He stated the reason the area had not yet been developed was due to the change in the flood plan map since concept plan to approval. He stated the Floodplain changes made much of the area unbuildable as previously approved.

He stated he did have concern regarding the open space being accessible to all residents of the subdivision. He stated as a condition of approval he asked in the staff report for a pedestrian easement to be provided along the rear of the lots backing up to the creek.

He stated Whitaker Land Company owns the land from the rear property lines to the creek. Mr. Kane stated he had talked to Ralph Ruschell, Whitaker Land Company agent, and Ralph is opposed to any pedestrian easement adjacent to or on their property, but he is open and had talked to the City in the past about creating a trail system along their property. He stated he would like to see the removal of the trail system conditions of approval. Hopefully there will be further discussions with Whitaker Land Company about a trail system at a later date.

He stated there is a pedestrian easement thru the park area. He stated he would like to see sidewalks connected on both sides of the streets around the cul-de-sac.

Commissioner Smith questioned if the end duplex lot would meet the minimum width. Mr. Kane stated he could not be certain but if it is not, the lot lines could be rearranged to meet the minimum width.

Nathan Billings, representing applicant, presented paperwork showing this phase would be part of the HOA. He stated this plan is simpler than the plan proposed in December. He stated there is 23 single family detached lots, 12 single family attached lots, and open space/green space/trails proposed. He stated there is no townhomes on this plan.

He stated they agree with staff recommendations except single-family lots should be average size at the building line and that the density of the lots meets requirements.

He stated the property has complex utility easements. He stated the sanitary sewer had previously been installed. He stated moving lot or road locations would be costly to the applicant.

He stated the applicant did meet with the neighbors on January 26. He stated neighbors did have concern about property values, crime, and the flood plain.

Chairman Sulski questioned Mr. Kane if he supported removing condition of approval 7 regarding density. Mr. Kane stated he would support deleting condition 7.

Brent Combs, Thoroughbred Engineering, stated he has drawn in the building lines on the lots and they would meet the minimum width requirement of condition 3. He explained how to figure the average size of the lots. He stated to answer Commissioner Smith's earlier question about the last duplex lot, it would average 65' to 67' minimum width.

Commissioner Mifflin questioned why lot 18 is so wide and if that figures into the average lot width calculations. Mr. Combs stated the client wanted the lot to extend to the open space area. He stated the buildable area is on the left side of the lot.

Kathleen Zazycki, neighbor, stated that she wanted Mr. Billings to know Mr. Brukwicki does not represent Falls Creek HOA. She stated he is just trying to help.

She stated she believes the flood plain information is correct but thinks most mortgage lenders would require flood insurance if property is in the flood zone.

She stated she has concern about the amount of traffic that would be added if the application is approved. She stated she has concern about emergency vehicles navigating the development and only being one entrance.

Mr. Billings stated local regulations allow up to 100 residences and one entrance to a subdivision. He stated there are 3 entrances/exits to the development.

Ms. Zazycki questioned if this application is for Falls Creek Phase 2 expansion. Mr. Billings stated homes are being added, but this development was approved in 2004.

Ms. Zazycki reiterated her concern about traffic. She stated Falls Creek has only one entrance/exit to that development. Mr. Billings explained that the whole area is part of Falls Creek including the commercial area. He stated traffic was addressed at the time of the zone change for the property.

She stated the HOA would like a postponement until a petition can be submitted about traffic concerns.

Leslie Cain, neighbor, stated her main concern is about multi-family housing in the neighborhood and the increase in crime. Mr. Billings stated he understood her concern.

Tommy Sageser, neighbor, stated he has pictures of flooding in the proposed application area.

Ms. Zazycki questioned if her request of postponement would be approved. She stated her concern about traffic and questioned if a traffic study would be done. Mr. Kane stated a traffic study was done for Falls Creek in 2004 and in 2018 for nearby Woodland Park subdivision.

Chairman Sulski questioned if residents would pay for the cost of another traffic study to be done. Mr. Kane stated they could, but the developer had a traffic study done at the time of the zone change that factors in the number of new residences proposed in the subdivision. Mr. Billings stated the subdivision regulations do not require a traffic study.

Mr. Combs stated the current subdivision regulations require a second entrance when there are more than 200 single-family residences.

Commissioner Mifflin stated he understood the residents concerns but the Planning Commission is following the subdivision regulations.

Commissioner Smith stated that hopefully the state would look at the traffic in that area in the future.

Mr. Billings questioned if condition 4 would be changed to average width. Mr. Kane stated he preferred that it stayed minimum width. Mr. Combs stated he did not realize staff would ask for minimum width, so he did not have a chance to calculate the last duplex lot. He stated that lot was originally part of the multi-family area. He stated if the Planning Commission sets minimum width, he would have to reconfigure the lot.

Ms. Cain stated her understanding was that the subdivision was originally approved as a single-family home development. Mr. Kane clarified his statement that the traffic study was done originally for 338 single-family lots.

Mr. Billings stated after discussion with Mr. Combs they agree to the conditions of approval and will make changes to lot 29.

Commissioner Mifflin asked for clarification about minimum width at the building line.

Commissioner Smith stated he feels Falls Creek is an attractive neighborhood.

After further discussion, **Motion by Mifflin, second by Stone, to approve the Preliminary Subdivision Plat (PDP-2020-47) subject to nine (9) conditions of approval. Motion carried.**

Presentation of 21-22 Draft Budget

Mr. Kane presented the draft budget for FY 21-22.

Motion by Smith, second by Mizell, to approve the Fiscal Year 2021-2022 draft budget. Motion carried.

The meeting was then adjourned.

Attest:


Charlie Perkins, Secretary


Mark Sulski, Chairman