

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
REGULAR MEETING
MINUTES
June 11, 2015**

The regular meeting was held in the Scott County Courthouse on June 11, 2015. The meeting was called to order by Chair Rob Jones at 6:00 p.m. Present were Commissioners Jeff Caldwell, Janet Holland, Regina Mizell, Byron Moran, John Shirley, Steve Smith, Mark Sulski, and Frank Wiseman, Planners Megan Chan and Matt Summers, Engineer Brent Combs, and Attorney Charlie Perkins. Absent was Director Joe Kane.

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

It was noted that the motion to come out of Executive Session at the May 14, 2015 meeting was made by Holland and the second was made by Mizell. Motion by Mizell, second by Sulski, to approve the May 14, 2015 minutes. Motion carried.

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

Postponements/Withdrawals

There were no items for postponement or withdrawal.

Consent Agenda

A representative of the Sonic Drive-in application agreed with their conditions of approval and there were no concerns expressed by the Commission or public. Motion by Shirley, second by Sulski, to approve the one item on the consent agenda. Motion carried.

ZMA-1015-15 Winding Oaks Cluster Subdivision - Determination as to whether previous zone change application was rejected and whether the Planning Commission will accept new zone change application on same property for review or subject it to one-year waiting period.

Mr. Perkins reviewed the status of the application, explaining that the application was recommended for denial by the Commission to the Fiscal Court in February of

2015. The applicant then withdrew the application before the 90-day deadline for Fiscal Court to take action. The applicant then filed a new application for the property. The Zoning Ordinance states that the Planning Commission may refuse to review a proposed map amendment which has been proposed and rejected within the last year.

The question for the Commission is whether it was rejected because it wasn't acted upon within the 90 days, or whether, being withdrawn, that it wasn't rejected. Mr. Kane accepted the new application believing it had not been rejected because it had been withdrawn and he agreed. Bruce Simpson, attorney for the opponents of the application, disagreed with that position and asked for that interpretation to be reviewed.

The ordinance provides for interpretations by staff by the Board of Adjustment. On July 2, 2015, it will be considered by the Board of Adjustment whether the application was rejected, or, by being withdrawn, it was not rejected.

The application is scheduled to come before the Commission on July 9, 2015. If the Board of Adjustment finds it was rejected, then the Commission has the discretion of not to hear it again for up to one year. If the Board of Adjustment finds it was not rejected by virtue of being withdrawn, then it will be heard on July 9.

Mr. Perkins felt it would be helpful for the Commission to know whether or not they are going to hear it if the Board of Adjustment finds that it was rejected.

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

Bruce Simpson, representing Kim Jedlicki, stated that the only governmental body to take action on the application was the Planning Commission, which recommended denial. The applicant had the opportunity to take the application to Fiscal Court to have that denial overturned, but he chose not to do so. On May 1, the applicant filed another application for the same property. Mr. Kane made an interpretation of the Zoning Ordinance that the applicant would not have to wait a year to be reheard by the Commission because there had been no rejection of the original request. Ms. Jedlicki has taken an appeal of that decision to the Board of Adjustment. Now that two boards are involved in making a decision about the application, the potential for unnecessary appeals to the Circuit Court increases. He asked that no decision be made by the Commission at this meeting and for the Commission to wait until the Board of Adjustment makes their decision so that they are not influenced by what the Commission rules.

In the event that the Commission does make a decision at this meeting, Mr. Simpson felt that the same issues will be argued again for the new application, the neighbors

will once again have to attend the meeting, and for the benefit of the public, the Commission should determine that the applicant must wait a year before re-submitting an application.

Bruce Lankford, representing the applicant, felt that Mr. Simpson's arguments should be heard by the Board of Adjustment. Mr. Lankford stated that the new plan is different. He corrected Mr. Simpson's statements that the Commission denied the application and that the Commission rejected the application. The Commission only recommended denial. He asked that the Commission follow Mr. Perkins' request to make a decision tonight on whether the new application will be heard at the July meeting so that they can plan accordingly.

Motion by Smith, second by Mizell, to take the position that if the Board of Adjustment determines that the application was rejected, then the Commission not defer hearing the new application for up to one year and hear the new application at the July meeting. By roll call vote, motion carried 6-1 with Wiseman dissenting. (Commissioner Holland was not yet present.)

ZMA-2015-04 Cox-Smith Zone Change – Rezoning request for 2.173 acres from A-1 to B-1, located on the southwest corner of Cynthiana Road (U.S. 62) and Delaplain Road. PUBLIC HEARING

Chairman Jones recused himself from discussion and voting.

Commissioner Holland arrived at the meeting.

Ms. Chan reviewed the staff report, noting the surrounding zoning and the boundaries of the two tracts, the existing R-1A, B-1, and A-1 zones, and the existing City limits. She reviewed the concept plan which encompasses both tracts and is well under the 75% ground coverage regulation. She reviewed B-1 regulations, which state that the district is to be used for retail sales for neighborhood consumption. She felt that the proposed use does not fall into the B-1 standard, but rather conforms to the B-2 regulations considering its location and intensity of the use.

Ms. Chan reviewed setbacks, landscaping, and building height.

Regarding KRS requirements for approving zone change requests, she stated that the rezoning request does not comply with the Comprehensive Plan or the Future Land Use Map. The Future Land Use Map shows the area as A-1 Agriculture. She cited the text supporting this designation. She stated that the applicant feels that a step-down of uses is called for in the northeast business area, but she felt that the existing zoning and the Future Land Use Map already lay out how the step-down should

work. The Comprehensive Plan does not recommend expanding the Urban Service Boundary or City Limits in that area at this time.

Ms. Chan agreed that the existing R-1A on Tract 1 is inappropriate, but the existing A-1 zoning is not inappropriate. She felt that the applicant has not provided evidence of current demand for additional commercial use in the area, and that an appropriate time to consider expansion of commercial uses along the City boundary is during the Comprehensive Plan update, which will begin this summer.

She noted that what is proposed on the Concept Plan is significantly less than what the applicant could propose on a Preliminary Development Plan. She also expressed concern that increased B-1 zoning in the area will lead to additional requests for B-1 or more intense commercial uses along this arterial road. She also noted that there is ample opportunity in the Lanes Run Business Park to provide retail services to students at BCTC and workers in that area.

Regarding Part 1b of the KRS requirements, she stated that the Lanes Run Business Park was anticipated in the 2006 Comprehensive Plan, and the decision was made not to expand the USB or City limits and not to allow commercial in the vicinity.

She then addressed the access and traffic issues, as well as pedestrian access. In summary, she stated that the request does not satisfy the requirements of KRS and recommended denial.

Commissioner Shirley asked if extending the City limits would be automatic. Ms. Chan stated that if the City Council approves the zone change, they would also have to annex the property at the same time.

Harold Simms, representing the applicants, stated that the Comprehensive Plan suggests commercial in the area, not specifying B-1 or B-2. In order to be served by urban services, it would have to be adjacent to the existing City limits. He stated that the tracts in question are not appropriate for residential use, and currently-approved residential zoning in the area makes B-1 zoning for this tract desirable. He stated that retail uses will serve the Village of Oxford and surrounding area as well as the Lanes Run Business Park.

He stated that the two access points provide safe access, and retail services on these tracts could cut down on trips to the Walmart area. He stated that the time to consider whether specific uses are appropriate in a B-1 zone is at the Preliminary Development Plan stage. He asked the Commission to find that B-1 zoning is appropriate for these tracts.

Virginia Teague, area property owner, expressed her opposition to the rezoning request. She stated that area residents are also opposed and that the issue should be discussed during the Comprehensive Plan update.

Mr. Perkins felt that the three different zones are clearly inappropriate. The question for the Commission is whether the proposed zone is appropriate.

Commissioner Smith asked Ms. Chan if she would feel differently if she had not seen the Concept Plan. Ms. Chan stated that the question is whether there has been enough evidence to show that the B-1 is appropriate.

Ms. Teague asked if the zone change is approved, it is assumed that the new zone would be reflected on the Future Land Use Map and be part of the Comprehensive Plan. Ms. Chan replied that the Future Land Use Map shows what types of uses the community has decided are appropriate for each location, and existing uses are not automatically reflected on the map.

Vice-Chair Shirley closed the public hearing.

Motion by Moran, second by Wiseman, to recommend denial of the application on the grounds that it is not consistent with the Comprehensive Plan. By roll call vote, motion failed 2-5, with Sulski, Holland, Caldwell, Smith, and Mizell dissenting.

Motion by Smith, second by Sulski, to recommend approval of the requested zone change on the grounds that the existing zoning classification is inappropriate and the proposed zoning classification is appropriate. By roll call vote, motion carried 6-1, with Moran dissenting.

Motion by Smith, second by Holland, to apply staff's seven (7) Conditions of Approval. By roll call vote, motion carried unanimously.

SP-2015-12 Everly Property – Final Subdivision Plat to create a 10-acre tract leaving the remaining parent tract in two tracts of 17 acres and 46 acres, located at 150 Roberts Lane in Sadieville.

There were no concerns expressed by the Commission or public and the applicant was not present.

Motion by Shirley, second by Holland, to approve the Final Subdivision Plat subject to the five (5) conditions of approval. Motion carried.

PDP-2015-14 Hoetker-Schneider Building – Preliminary Development Plan for a 19,600 sq. ft. commercial building on 1.74 acres located at the northeast intersection of Lisle Road and Lexington Road (U.S. 25 S.)

Ms. Chan reviewed the staff report, including issues regarding parking and the requested variance regarding reduction of the front setback from 50' to 30'. She stated that the proposed retail use is permitted in the B-2 zone, but the proposed screen printing, warehousing and distribution business is considered a non-retail commercial use and requires a Conditional Use Permit. The applicant has applied for that permit.

She stated that Mr. Kane and the applicant are working together to follow guidelines in the U.S. 25 Small Area Plan regarding the landscape buffer along U.S. 25 and the general look of the project. The U.S. Small Area Plan recommends small scale commercial, residential, or mixed uses with a small town character. Staff is recommending that more work be done on the building design to eliminate the "big box" appearance.

Ms. Chan then addressed the environmental concerns regarding the private package treatment plant. The Health Department has given preliminary approval for the applicant to temporarily use a series of holding tanks for wastewater, which will need to be pumped out weekly, until they can connect to the private package treatment plant. A condition of approval has been added that limits the use of the holding tanks to two years, at which time the applicant would have to reserve adjoining property for the use of leach fields.

Mr. Kane is also recommending that the Royal Springs Wellhead Protection Committee analyze affluent from the proposed use because of its proximity to the Royal Springs Aquifer Recharge Area, and that this should be done prior to the Conditional Use Permit hearing by the Scott County Board of Adjustment.

Ms. Chan then addressed signage, for which the applicant has agreed to follow the B-1 sign requirements instead of the B-2 requirements.

Mr. Perkins read condition #15: The applicant shall provide an agreement with adjoining property owner to reserve the right to use land area required by Environmental Health Department for reserve septic system drain field in the event the connection cannot be made to public sewer or package treatment plant within a two-year period.

Blaine Adamson, owner of Hands On Originals, applicant, stated that the State is acquiring their building on New Circle Road in Lexington through condemnation. He stated that he lives in Scott County and has planned for some time to move the

business here. He addressed the building design, stating that they added the deck on the front after Mr. Kane suggested altering the design.

Glenn Werry, Construction Manager for the project, was available for questions. Commissioner Smith asked if the cupola is still in the plan. Mr. Werry described the building and stated that they will construct (about) five cupolas to give it an equestrian look.

The applicant agreed to the fifteen (15) conditions of approval.

Gene Thomas, Scott County Health Department, was sworn in by Mr. Perkins. Mr. Thomas briefly reviewed the history of the private package treatment plant. He stated that extending sewer to the site is a \$3,000,000 project, for which the City and County have \$1,000,000. He stated that they do not want to install a leach field in the area because of the proximity to the aquifer, but after discussions with the attorney representing the bank who is involved with the bankruptcy of the package treatment plant, he feels confident that this facility will eventually be able to connect to the treatment plant. He stated that the water usage is approximately 555 gallons per day. Code requires that a holding tank have a 7-day capacity. He has required a note on the plat certifying that the sewage treatment system installed will meet the appropriate Kentucky code, and will be approved for a maximum of two years from the date of installation, at which time the facility will tap onto sewer, or install a leach field.

Mr. Thomas also listed the requirements for the holding tank, including a high water alarm.

Chairman Jones ask if the package treatment plant has the capacity for this facility. Mr. Thomas stated that it does.

Commissioner Smith felt the proposal is relatively low usage of the property.

Motion by Sulski, second by Caldwell, to approve the Preliminary Development Plan subject to the fifteen (15) conditions of approval. Motion carried.

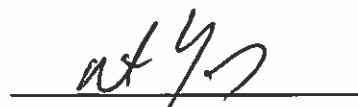
The meeting was then adjourned.

Attest:



Charlie Perkins, Secretary

Respectfully,



Rob Jones, Chair