

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION  
REGULAR MEETING  
MINUTES  
March 9, 2017**

The regular meeting was held in the Scott County Courthouse on February 9, 2017. 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 Ben Krebs, and Attorney Charlie Perkins.

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

Motion by Smith, second by Mizell, to approve the February 9, 2017 minutes. Motion carried.

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

Postponements/Withdrawals

Chairman Jones stated that the Landmark Shoppes, Marketplace Circle (PDP-2017-06) and the Highgrove at Georgetown (ZMA-2017-07) applications have been postponed to the April meeting.

Consent Agenda

A representative of the Paul Hemmer Property application (PDP-2017-03) agreed to their conditions of approval and there were no comments from the public or Commission. **Motion by Shirley, second by Cannon, to approve the Preliminary Development Plan subject to their conditions of approval. Motion carried.**

A representative of the Home 2 Suites by Hilton application (PDP-2017-08) agreed to their conditions of approval and there were no comments from the public or Commission. **Motion by Wiseman, second by Shirley, to approve the Preliminary Development Plan subject to their conditions of approval. Motion carried.**

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

ZMA-2017-02 Alliance Auto Sales Zone Change – Rezoning request for approximately .94 acres from B-1 Neighborhood Commercial to B-2 Highway Commercial, located at 3365 Main Street in Stamping Ground. PUBLIC HEARING

It was noted that the notification requirements were not met, so the application could not be heard.

PSP-2017-04; PDP-2017-05 Bluegrass RV – Preliminary Consolidation and Subdivision Plat to consolidate Tract B, C & E and to further subdivide into Parcels 1, 2, 3, & 4, and a Preliminary Development Plan for a 43,678 sq. ft. RV sales, parts, and maintenance facility, located on 20.13 acres on the northeast corner of Paris Pike and Connector Road.

Mr. Summers reviewed the Preliminary Subdivision Plat first, stating that the two existing parcels are proposed to be consolidated and then divided into four new parcels. He stated that the appropriate setbacks are shown, and all entrances to the proposed parcels will need KYTC approval.

He then reviewed the Development Plan for a 43,678 sq. ft. building for RV sales and maintenance, stating that there will be 20 maintenance bays, and that the applicant has worked with the Emergency Management office about providing proper containment for oil and other hazardous fluids. He stated that the back portion of the property is not proposed for development at this time, but is planned for future development.

He discussed access and the traffic study, stating that the only needed improvement indicated by the traffic study are possible timing adjustments to the signal at the Paris Pike/Connector Road intersection. He stated that Mr. Krebs expressed concern about left turns out of the site onto Connector Road into the traffic queue at peak hour times.

He then reviewed the landscaping, noting the requested variances. He recommended approval of the perimeter landscaping variances due to existing trees, an existing fiber optic cable, and overhead electric lines. He felt the

request for interior landscaping in the RV display and service area is reasonable since other similar requests have been granted. The interior VUA landscaping for the public parking area meets the requirements. He also explained the recommendation to allow the 20% canopy requirement to be temporarily waived until the remainder of the site is developed, and approving a 10% canopy with this phase.

He recommended approval with fifteen conditions and four variances.

Commissioner Smith asked about sidewalks. Mr. Summers stated that he is still discussing the issue with KYTC-District 7. It was found that on another development on Cherry Blossom Way, sidewalks were permissible in the State right-of-way if they received an encroachment permit from the State. Commissioner Smith felt that sidewalks should be required.

Bruce Lankford, representing the applicant, agreed with the conditions of approval.

Commissioner Shirley asked Mr. Lankford about the RV units that are still on the site after being denied approval by the Georgetown Board of Adjustment. Mr. Lankford stated that the issue has yet to be resolved. Commissioner Shirley disagreed with proceeding with the development plan when the applicant is not in compliance with our ordinance. Mr. Lankford replied that there was no intent by the applicant to disregard the ordinance. When they became aware of the violation, they immediately applied for a conditional use permit, which was denied by the Board of Adjustment. During this process, they submitted their Preliminary Development Plan. Mr. Lankford relayed the applicant's apology for the violation, and again stated that there was no intent to disregard the zoning ordinance.

Commissioner Shirley felt that the applicant has not made any attempt to correct the situation. Mr. Lankford stated that outdoor storage is permissible with a B-2 use, and they are appealing the ruling by the Board of Adjustment.

Mr. Perkins stated that there is no connection between the applicant's appeal to the Board of Adjustment and this preliminary development application. If this development application is approved, they will be allowed to have the outdoor storage, and the appeal to the BOA becomes moot. The appeal does not put this application on hold. Enforcement action has not always been

followed while appeals are pending, but that has been by choice, not by ordinance.

Commissioner Smith also expressed concern about the RVs on the property being offered for sale. Ted Mims, who sold the property to the applicant, was sworn in by Mr. Perkins. Mr. Mims took blame for the violation, stating that he did not inform the applicant that they could not store the RVs on the property. If they move the RVs now, they will have to rent a place to store them.

Mr. Perkins stated that even if the development plan is approved, they cannot legally store the RVs there until the facility is completed, unless the Commission or BOA grants them approval to do so.

Commissioner Shirley suggested adding a condition of approval stating that if their appeal is denied, the RVs on site must be removed until construction is complete. It was noted that the applicant, at the workshop, asked for a conditional use permit to allow the RVs to remain part of the development plan approval. Mr. Summers stated that that conditional use permit is under the authority of the Board of Adjustment.

Discussion continued on the issue. Chairman Jones felt the applicant is circumventing the ordinance. Mr. Perkins stated that it is not a matter of interpretation. The ruling was clear. The development plan can be approved with no variances regarding the RVs on site, and he can expedite the matter going to court.

Commissioner Shirley asked Mr. Krebs what he thinks of the matter. Mr. Krebs stated that there is a lot of room beyond where they are going to build to store the RVs, but sale of those RVs should be prohibited until development is complete. Commissioner Shirley stated that he would be more comfortable knowing that staff will be monitoring the activity. If sales were to occur, a stop work order could be issued.

Discussion continued. Mr. Mims stated that he will strongly encourage the owners to move the RVs in the next 30 days.

Steve Roberts, representing the Sue Rogers Johnson Estate which is the adjacent 11-acre property zoned B-4, was sworn in by Mr. Perkins. Mr. Roberts stated that the Johnson Estate property is supposed to have access from the

right-of-way, which they consider a roadway, that runs through the applicant's property and adjacent to the Johnson Estate property. He does not see an access point on the development plan. He asked if access will be required, and if so, will the public be able to come across the Bluegrass RV property onto the right-of-way and to the Johnson Estate property. Mr. Summers stated that future plans for this property and the connecting properties are to request the right-of-way for a collector road to eventually connect to Old Oxford Pike. The proposed road will extend from the southern end of Magnolia Drive, across the Finley property, the Bluegrass RV property, part of Rocky Creek, and the Rogers Estate property until it intersects with U.S. 460 (Paris Pike).

**Motion by Smith, second by Sulski, to approve the Preliminary Subdivision Plat subject to the conditions of approval and to defer the decision on the outdoor storage of RVs to the Board of Adjustment. Motion carried unanimously.**

Discussion shifted to the Preliminary Development Plan.

Mr. Summers stated that if the Commission feels comfortable with the traffic study and the entrances as proposed, then he recommended approval. He stated that he and Mr. Krebs have concerns with the entrance on Connector Road. They prefer a right-in/right-out entrance. Whether the Commission has the authority to require that on a State road was discussed. Mr. Summers also reminded the Commission of the landscape variances and several conditions of approval.

The landscaping variance reducing the buffer along the residentially zoned property from 25 feet to 6 feet was discussed. Chairman Jones felt it should remain at 25 feet. Chris Michel, Palmer Engineering, stated that they requested the variance because of the road being there (6 feet from the property line).

Mr. Lankford stated that the applicant will consider the right-in/right-out access on Connector Road. He agrees with all other conditions.

**Motion by Sulski, second by Caldwell, to approve the Preliminary Development Plan subject to the four variances regarding landscaping, and the thirteen (13) conditions of approval, plus the fourteenth (14) condition requiring the applicant to work with KYTC-District 7 on**

**constructing sidewalks along Connector Road and Paris Pike. By roll call vote, motion carried 8-1 with Jones dissenting.**

ZMA-2017-09; FSP-2017-10 Timber Frames & Other Things, LLC – Rezoning request from A-1 to A-5 for 54.8 acres, and concurrent application for Preliminary Subdivision Plat for 7 rural residential tracts on 44.8 acres, located on the southwest corner of Davis Road and Davis-Turkey Foot Road in Sadieville. PUBLIC HEARING

Chairman Jones opened the public hearing.

Ms. Chan reviewed the staff report, stating that two 5-acre lots with frontage on Davis Road were previously subdivided. She stated that the rezoning request complies with the Comprehensive Plan and noted the setbacks of the A-5 zoning district. She stated that because Davis-Turkeyfoot Road is winding and wooded, staff needs to ensure that the proposed entrances have adequate sight distance before the final plat is approved. The applicant will also need approval of the County Road Department for the proposed entrances. She reviewed each of the entrances and shared photographs of the site.

She then discussed the waiver to allow #9-gauge fencing with a 6" x 12" rectangular weave in place of the #9-gauge diamond mesh fencing. She felt that was appropriate based on the character and use of the area. Regarding landscaping, the applicant intends to use the existing trees and landscaping, which should suffice, but they need to provide the calculations on the Final Subdivision Plat.

She briefly addressed the utility and animal unit capacity issues.

Randy Reynolds, applicant, agreed with the conditions of approval.

Chairman Jones closed the public hearing.

Joel Day, representing the applicant, stated that the waiver regarding fencing is being requested so that the new fence matches the existing 6" x 12" rectangular weave fence.

**Motion by Shirley, second by Moran, to recommend approval of the rezoning request from A-1 to A-5 on the basis that it is consistent with the Comprehensive Plan. By roll call vote, motion carried unanimously.**

**Motion by Shirley, second by Sulski, to approve the Preliminary Subdivision Plat, subject to the ten (10) conditions of approval and including the variance regarding the 6" x 12" rectangular weave fence. Motion carried.**

FSP-2017-11 Risk Property Cluster – Preliminary Subdivision Plat for 10 cluster lots and 2 preserved tracts; 1 buildable and 1 non-buildable, on 58.374 acres located east of Stonecrest Subdivision

Ms. Chan reviewed the staff report. She noted the access points to the two preserved tracts. She showed photographs of the fencing that was installed on the five-acre tracts, and explained the landscape buffer issue. Because the application has been done in stages, the landscape fence and tree buffer was required along the southeast property border. Because this will now be part of the preserved area of the cluster (as proposed), it may be appropriate to waive the buffer between the eastern side of the cluster lots and the primary preserved area.

She then discussed the requirement that the preserved tract be in one contiguous parcel. With the configuration that was submitted with the 5-acre rural residential application, the 50' easement that connected the two preserved areas allowed four lots to access the easement. To comply with the regulation that limits access points to three for roads not to County standards, she instructed the applicant to create a separate parcel of the western portion of the reserved area, with no dwelling credit. She recommended a variance be granted for this since it is not feasible to keep the two preserved areas as one tract.

She then addressed the lot width-to-depth ratio, noted that they will need approval for the reduced lot sizes from GMWSS for public sewer, and stated that they will need to submit HOA documentation and deed restrictions prior to approval of the Final Subdivision Plat.

She recommended approval with the two variances: allowing a second preserved tract with no dwelling credit, and allowing exception to the lot width-to-depth ratio.

She then addressed the 50' trail easement that is shown on the plat.

Commissioner Sulski expressed concern about the number of units that access the one entry into the Stonecrest subdivision and now this subdivision. Ms. Chan stated that that issue was discussed at the August 2016 meeting and at the workshop, and the consensus was that this applicant could not be expected to make off-site improvements, and the fact that it is at a rural scale makes the traffic increase manageable.

Hill Parker, representing the applicant, was sworn in by Mr. Perkins. He agreed to the conditions of approval.

It was agreed that condition #4 would state that the fencing shall be #9 diamond wire mesh.

Commissioner Mizell asked about the stormwater plan. Betty Justice, representing the applicant, stated that Mr. Combs, the previous Commission Engineer, stated that the stormwater problem was not caused by this property. Ms. Chan stated that a condition #13 can be added stating that the stormwater issue will be examined by Mr. Krebs.

**Motion by Smith, second by Caldwell, to approve the Preliminary Subdivision Plat subject to the thirteen (13) conditions of approval and the two variances. Motion carried 7-1 with Wiseman dissenting.**

#### Election of Officers

Chairman Jones stated that he would like to remain as Chairman. Commissioner Sulski wished that all officers remain the same.

**Motion by Sulski, second by Wiseman, to re-elect all existing officers. Motion carried.**



Mr. Kane stated that Mr. Krebs can start updating the Commission on the status of projects of interest.

Mr. Perkins updated the Commission on the lawsuit on the cell tower on Crumbaugh Road.

H.B. 55 Training

Ms. Chan reported on two upcoming training opportunities, one by LFUCG about legal decision-making for Planning Commissioners, and one at the Kentucky APA Spring Conference in May for Planning Commissioner training.

The meeting was then adjourned.

Respectfully,



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Rob Jones, Chair

Attest:



Charlie Perkins, Secretary