

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
REGULAR MEETING
MINUTES
September 14, 2023**

The regular meeting was held in the Scott County Courthouse on September 14, 2023. The meeting was called to order by Chairman Charlie Mifflin at 6:00 p.m. Also present were Commissioners James Stone, Duwan Garrett, Dann Smith, Harold Dean Jessie, Mary Singer, and Rhett Shirley and Director Joe Kane, Planner Elise Ketz, Engineer Ben Krebs, and Attorney Charlie Perkins. Absent were Commissioners David Vest and Brad Green.

Motion by Singer, second by Smith, to approve the August invoices. Motion carried.

Motion by Shirley, second by Jessie, to approve the August 10, 2023 minutes. Motion carried.

Motion by Smith, second by Shirley, to approve the September agenda. Motion carried.

Postponements/Withdrawals

Chairman Mifflin stated that the application for Cherry Blossom Village Phase 2 Addition (PSP-2023-26), The Village at Georgetown (PDP-2023-34), and Online Transport (PDP-2023-38) have been postponed until the next regularly scheduled meeting.

Consent Agenda

A representative of Price Property (FSP-2023-25) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by Singer, second by Garrett, to approve the application. Motion carried unanimously.

A representative of WaWa Georgetown (PDP-2023-30) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by Garrett, second by Stone, to approve the application. Motion carried unanimously.

A representative of Brown Property (PDP-2023-40) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by Singer, second by Jessie, to approve the application. Motion carried unanimously.

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

FSP-2023-41, 2778 Weisenberger Mill Road – Final Subdivision Plat request to subdivide one 11-acre farm into two 5.50-acre parcels.

Douglas Elam, 2390 Weisenberger Mill Road, spoke prior to the Staff presentation. He stated that he supports the proposed subdivision but has concerns about the clearing of brush and trees along Elkhorn Creek.

Mr. Elam stated that clearing of the brush has caused trees to uproot in recent storms. He asked that the creek be protected for the safety of properties up and downstream. He stated that he reported the clearing to the Planning Commission and Staff came out to the property to check.

He stated that the clearing of the properties in the area was a violation of local, state, and federal floodplain regulations.

He questioned why a development plan was not filed for the clearing of the property. Mr. Kane clarified that the subdivision of agricultural land for farm or single-family residential use does not require a development plan.

Ms. Ketz presented the application. She stated that the property was part of the Courtney property, which was subdivided into seven lots in May 2022 which resulted in two 11-acre, two 5-acre, and one 15-acre remainder parcels and later in April 2023 when the remainder was subdivided into three 5-acre parcels.

She stated that the subdivision of one of the 11-acre parcels would have a net increase of one parcel, or eight parcels total formed from the original property.

She stated that the two new lots would use the existing entrance and driveway off Weisenberger Mill Road which serves the two 11-acre parcels. She stated that no further lots can use the driveway without it first being brought up to county road standards.

Chairman Mifflin questioned why the subdivision of the farm into five parcels between 5 and 10 acres did not qualify as a "major subdivision" and was therefore not required to rezone to A-5.

Rita Jones, agent for the Applicant, stated that between the subdivision in May 2022 and April 2023 the previous owner passed away and ownership transferred from the owner to an estate. She stated that the Applicant purchased the property in July 2022 and are looking to subdivide and sell the land.

After further discussion, **Motion by Singer, second by Garrett to approve the Final Subdivision Plat (FSP-2023-41) subject to (4) conditions of approval. Motion carried 6-1 with Jessie dissenting.**

ZMA-2023-42 A & Z Towing – Zoning Map Amendment to change the zoning district from A-1 to I-1 located at 168 Industry Road.

Chairman Mifflin opened the public hearing.

Mr. Kane stated the property is located in Northern Georgetown area on Industry Road in an industrial area that has been in place for 40 or more years. The site is being used industrial and is partially zoned industrial. He stated the applicant is attempting to rezone the entire lot so they can expand the business on the lot and bring it entirely into conformance with its proposed industrial zoning.

Mr. Kane stated there is no sewer available to the site currently. Mr. Kane stated that if approved the applicant will need to return with a Preliminary Development Plan approval prior to expansion of the parking lot.

Mr. Kane reviewed the KRS 100 standard requirements for a zone change. The main requirement is that the proposed change be in compliance with the Comprehensive Plan, in particular, the Future Land Use map. Mr. Kane stated that the request is in compliance with the existing and proposed updated Comprehensive Plan Future Land Use map.

Mr. Kane stated the staff is recommending approval with the three conditions noted in the staff report.

Mr. Kane stated that the site will need to comply with the new Agricultural Buffer Ordinance and stated that compliance will be reviewed at the time of the Preliminary Development Plan submittal.

Chairman Mifflin stated that the properties that back up to the site are zoned Agricultural but are used residential. Mr. Kane stated that a buffer would still be required based on the underlying zoning.

Chairman Mifflin asked the owner if he was ok with the conditions of approval. The owner said yes.

Chairman Mifflin closed the public hearing.

After further discussion, **Motion by Jessie, second by Smith to recommend approval of the rezoning request (ZMA-2023-42) on the basis of staffs recommendation that it complies with the comprehensive plan. Motion carried unanimously.**

PSP-2023-43 and PDP-2023-44 Dollar General Retail Store - Preliminary Subdivision Plan to subdivide one (1) 2.658-acre commercial lot from a 40.96-acre farm and Preliminary Development Plan for a 12,480 SF retail store with associated parking.

Ms. Ketz submitted to the record an amended Staff Report with an updated condition of approval that the subdivision be subject to the requirements of the Scott County, not City of Georgetown, Fire Department.

Ms. Ketz stated the property had been recommended for rezoning from A-1 to B-2 by the Planning Commission to the City Commission of Sadieville. She stated that the rezoning went before and was approved by the City Commission on September 13, 2023.

She stated that the property is zoned B-2 and measures 2.658-acres. She stated access would be from Porter Road through an existing entrance. She stated that she recommends approval of the Preliminary Subdivision Plat.

Commissioner Jessie asked why the Applicant requires a variance to the parking requirements. Ms. Ketz stated that questions regarding the development of the site would be addressed with the Preliminary Development Plan.

Ms. Ketz presented the development plan for the retail store.

Ms. Ketz submitted to the record an amended Staff Report to reflect an additional waiver requested by the Applicant for perimeter landscaping, removal of a condition of approval related to landscaping, and updates to a condition of approval regarding stormwater management.

She stated that the Applicant is requesting multiple variances and waivers related to parking spaces and landscaping requirements.

She stated that the site would require grading in the state right-of-way that the state would have to approve. She stated that the store would be accessed using an existing entrance off Porter Road.

Commissioner Jessie asked for clarification on the request for reduced parking spaces. Ms. Ketz stated that the Applicant calculated the number of spaces and determined that the number required in the *Subdivision and Development Regulations* was excessive for the site uses. Furthermore, she stated that the site's rural context would mean that less people would come to the store.

She stated that the South Broadway location and the application for the Cynthiana Road location both requested and were approved for reduced parking with the same justification. She stated that there have been no complaints about the number of spaces provided for the South Broadway location. She stated that Staff supported the request for reduced parking.

She presented the preliminary grading plan for the site. She stated that, given the steep terrain, significant earthmoving efforts were required to make the project work. She stated that two walls were proposed along the south property line for retention.

She noted that there is an intermittent wet weather spring located where the Applicant proposed the parking lot, and that a spring box with piping would direct any water away from the developed areas.

She stated that sewer capacity was available and that an expanded waterline would be necessary for the project.

She presented the preliminary landscape plan. She stated that the property owners to the south and east were interested in waiving the landscaping requirements because the site was heavily treed. She

stated that the Applicant requested a waiver to the property perimeter buffer to the south and west due to grade change, and that Staff supported the request.

She presented the VUA landscape plan. She stated that the Applicant requested variances to the Interior Landscaping requirement since it would take up important space for the building and parking lot. She stated that Staff supported the request.

Will Stevens, Vantage Engineering, stated that the number of parking spaces proposed was based upon the ITE requirements for variety stores. Mr. Kane stated that the metrics in the *Subdivision and Development Regulations* do not include many options and that it is not uncommon for developers to need accommodation.

Mr. Stevens continued, stating that the property perimeter landscaping requests were because of the grade change and that the grade would negate the potential impacts on adjoining agricultural and roadways. He stated that the Applicant would work with Kentucky American Water and the Scott County Fire Department to ensure that the site was properly served with the necessary flow rates for safe operations.

He clarified that the walls were high walls, not retaining walls, and that the proposed walls would be like those used by KYTC when they do rock cuts for new roads and highways. He stated that the high walls would be like steps, with flat areas between the two to collect any fallen debris or rock.

Chairman Mifflin asked for clarification about the proposed walls. Mr. Stevens clarified and explained the KYTC standards for construction. He stated that the final heights of the walls would be subject to a geotechnical survey and would align with the grade of the surrounding area.

Larry Mitchum, 114 Meadow Lark Trail, asked why have regulations on the number of parking spaces if people are just going to ask for variances all the time. Ms. Ketz responded that it is not just Dollar General who asks for variances or waivers; churches, industrial projects, and new commercial areas also ask for accommodations. Chairman Mifflin added that the regulations are the standard, but with proper justification the Planning Commission allows for adjustments to be made. Commissioner Smith stated that if it becomes a problem where everyone is asking for variances, amendments to the regulations can be made to make sure things are fair.

Mr. Stevens asked if construction waivers for ground water recharge could be requested after PDP approval. Ben Krebs, Planning Commission Engineer, stated that upon review or request, the Commission Engineer could grant waivers related to stormwater management at the time of final development and/or construction.

After further discussion, **Motion by Smith, second by Shirley to approve the Preliminary Subdivision Plat (PSP-2023-43) subject to four (4) conditions of approval and the Preliminary Development Plan (PDP-2023-44) subject to nine (9) conditions of approval, three (3) variances, and two (2) waivers. Motion carried unanimously.**

PDP-2023-11 MLSG Holdings – Request to amend Condition of Approval on Preliminary Development Plan requiring a left turn lane on Cynthiana Road.

Mr. Kane stated that the request by the applicant is to remove a condition of approval attached to the previously approved Preliminary Development Plan. As a condition of the previous approval staff had requested that at a minimum a left turn lane be provided into the development from Cynthiana Road.

Mr. Kane stated that at the time of the previous approval the applicants had not completed their traffic study or their encroachment permit application with KYTC. Since Cynthiana Road is a state road, KYTC needed to approve work in the state right-of-way and the commercial entrance design.

Subsequent to the GSCPC Preliminary Development Plan approval they have applied for the state encroachment permit. The state has stated that the site does not meet warrants for the left turn lane. The condition for the left turn lane is still in place and is still necessary in planning staff opinion. However, the applicant is asking for the condition to be removed, based on KYTC stating it is not required by them.

Mr. Kane reviewed the previous Preliminary Plan approval noting the size of the development and the details of the entrance. Mr. Kane reviewed KYTC manual requirements and GSCPC regulations from the Subdivision and Development Regulations, Article X, entrance standards.

Mr. Kane discussed a traffic accident heat map in the presentation that showed most traffic accidents occur at major intersections. Mr. Kane stated that Staff position is that the turn lane is necessary on the front end before major development occurs on the site.

Commissioner Singer asked how close they were to warranting a turn lane? Ben Krebs, Planning Commission Engineer addressed Ms. Singer's question stating the site is close to but does not meet the warrants based on the study prepared for KYTC by the Applicants' consultant.

Jon Woodall, Attorney for the Applicant introduced himself and Mark Smith the Applicant. Mr. Woodall addressed the Planning Commission regulations and stated the Planning Staff has the discretion to require turn lanes. He stated that this roadway is a state roadway and needs to be judged by the states engineer, and that based on their review a turn lane is not required.

Mr. Woodall stated that although the Staff does have discretion, the state has reviewed and stated it does not need the turn lane. Mr. Woodall addressed the proposed use and stated it is not a large car dealership. He stated that this is a small business that does not generate the traffic at this stage that would justify the turn lane. Mr. Woodall asked that the Planning Commission not impose the requirement.

Mark Smith, Applicant, addressed the size of the business and stated that they had conferred with the state prior to buying the site. A KYTC employee told them that a turn lane was a possible requirement. Since then, he stated they had purchased the property, completed a traffic study, and received an

encroachment permit for the entrance. During the process KYTC made the determination that a left turn lane was not warranted.

Mark Smith asked that the guidelines set by the state be followed and they not be burdened with the expense of doing something that is not needed or required by the state. He noted that, while they purchased all 41 acres, he has no intent to expand in the foreseeable future.

Chairman Mifflin stated that both sides have to accept the unknown. Mr. Mifflin stated he sees the period when Toyota lets out as being the period he is worried about. Mr. Mifflin asked about putting land aside for future turn lane(s). Mr. Smith stated that there is sufficient area already in right-of-way to construct the turn lane in the future.

Commissioner Shirley asked when their busiest time was. Mr. Smith stated that Saturday was the busiest day by far. Mr. Shirley noted that the current East Main Street location is a worse location, and he has not seen issues at that intersection ever, so does not see that there will be an issue at the new location.

Commissioner Garrett stated that the traffic at the existing business is manageable, and he does not see that the new business location will be any different.

Larry Mitchum stated that we should assume that people will not do the right thing or drive safely, and the Planning Commission should err on the side of safety and require the turn lane.

Roy Cornett, 126 East Main Street, stated that Mark Smith told him that 40% of sales are internet sales. He stated the size of the building is misleading. Much of that will be warehousing. He stated it should be considered that internet sales will not generate as much daily traffic.

Attorney Charlie Perkins stated that the Planning Commission does not have strong justification for requiring improvements that the state has said is not warranted today.

Commissioner Jessie asked Planning Director Kane if he had any final thoughts to add or clarify. Mr. Kane stated that if we want to require growth to pay for growth, we need to be diligent on the front end and require those that are generating the need for road improvements to do them in the beginning of their development(s) while the costs are lower and the traffic numbers are lower.

After further discussion, **Motion by Singer, second by Garrett to approve the amendment of the condition of approval to remove the requirement for the left turn lane on Cynthiana Road on Preliminary Development Plan (PDP-2023-11) Motion carried 6-1 with Smith dissenting**

Chairman Mifflin adjourned the meeting.

Attest:



Charlie Perkins, Secretary



Charlie Mifflin, Chairman