

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
REGULAR MEETING
MINUTES
MARCH 10, 2022**

The regular meeting was held in the Scott County Courthouse on March 10, 2022. The meeting was called to order by Chairman Mark Sulski at 6:00 p.m. Present were Commissioners Duwan Garrett, David Vest, Rhett Shirley, Charlie Mifflin, James Stone, and Dann Smith, Director Joe Kane, Planners Matt Summers and Elise Ketz, Engineer Ben Krebs, and Attorney Charlie Perkins. Absent was Commissioner Mary Singer.

Motion by Mifflin, second by Smith, to approve the February invoices. Motion carried.

Motion by D. Smith, second by Stone, to approve the February 10, 2022 minutes. Motion carried.

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

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

Postponements/Withdrawals

Chairman Sulski stated that the applications for Online Transport (PDP-2021-53), Bluegrass Campground (FSP-2019-45), Butler Property (FSP-2022-02), Village at Lanes Run Amended Master Plan (PSP-2022-05), and Singer Property (PSP-2022-14 & PDP-2022-15) are postponed until the next regularly scheduled meeting and Pickett Property (ZMA-2022-12) is withdrawn.

Consent Agenda

A representative of 381 Finnell Pike (FSP-2022-08) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by Garrett, second by Smith, to approve the application. Motion carried.

A representative of 3394 Cincinnati Pike (FSP-2022-09) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by Mifflin, second by Garrett, to approve the application. Motion carried.

A representative of Handleman Property (FSP-2022-11) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by Smith, second by Garrett, to approve the application. Motion carried.

A representative of Universal Piping (PDP-2022-13) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by Vest, second by Smith, to approve the application. Motion carried.

PDP-2021-44 Penn Alley Townhomes - Preliminary Subdivision Plat request to subdivide a 1.42-acre lot into 3 lots and consolidate additional land into those created lots located at 228 N Mulberry and Parcel 166-40-071.000.

Mr. Summers stated the application is two parts, a subdivision plat, and a development plan for a 5-unit townhome. He stated the current zoning is B-3 and R-2. He stated the total acreage for the lots is 2.1 acres. He stated access would be from N. Mulberry Street, Penn Alley, and Offutt Alley.

He stated the applicant is in negotiations to acquire the back of the lots that is accessible from Penn Alley to consolidate with the 3 proposed lots.

He stated the preliminary plat meets requirements and proposes an access easement across the northern side of the lot at 228 N. Mulberry Street.

He stated the preliminary development plan for the 5-unit townhomes is for units 2 stories tall.

He stated the traffic could come from N. Mulberry Street or Offutt Alley. He stated the development is below the threshold that would require a traffic study.

He stated the development plan is proposing a sidewalk along the proposed private drive.

He stated a 10-foot-wide landscaping buffer is required along any residentially zoned property. He stated 1 tree every 40 foot plus a 6-foot-tall fence or hedge for example would be needed for the buffer.

He stated the preliminary development plan meets the VUA landscaping requirements.

He stated one variance to reduce the parking spaces from 13 to 10 is requested. He stated no parking is allowed on private drives or Offutt Alley and Penn Alley.

Commissioner Mifflin questioned if the private access drive could be extended, and extra parking added. Mr. Summers stated he believes the applicant eventually will add more units.

Stephanie Blane, Palmer Engineering, stated that eventually the development will be extended to the other two parcels.

Elizabeth Disney, 204 E. Jefferson Street, stated that the old homes on the street are now apartments. She stated she is concerned about the traffic increase.

James King, 712 Offutt Alley, stated he had concern about the waterlines and increased traffic.

Martha Smith, 355 E. Main Street, stated she has concern about parking and traffic. She stated she also has concerns about the stormwater the development would create.

Charlie Hoffman, 406 Bourbon Street, stated he owns several lots in the neighborhood. He stated he supports infill but agrees with several of the neighbor's concerns.

David Lusby, 121 Loch Lomond, stated he understands the concerns of the neighbors. He stated the project will be in phases. He stated he has tried to improve the area with the pieces of property he has purchased. He stated that he and Matt Welch plan to build nice townhomes.

Ms. Blane stated that stormwater will be addressed with the final development plan.

Ben Smith, 355 E. Main Street, questioned how stormwater issues be addressed. Mr. Krebs stated that the preliminary development plan catches and slow releases the stormwater.

Mr. Smith questioned if the stormwater has a problem after the townhomes are built how the problem be addressed. Mr. Krebs stated if there is a faulty design it would be looked at and an attorney will likely get involved. He stated the stormwater has a standard the plans must meet. Attorney Perkins stated applications must meet the requirements.

Roy Cornett, Main Street, stated the problems are in older sections of town before regulations existed.

Ms. Smith stated she supports infill and development downtown. She stated she has a concern of preventing future problems.

Commissioner Mifflin stated he does have concern about losing 3 parking spots. Mr. Lusby and Ms. Blane stated they will try to address parking in the next phase.

Mr. Hoffman questioned if Mr. King thinks the development will affect his property. He also stated he has several family members that live in the area and wondered about the traffic impact. Chairman Sulski stated the application did not require a traffic study. Ms. Blane stated the development would minimally affect the traffic in the area.

After further discussion, , Motion by Garrett, second by Shirley to approve the Preliminary Subdivision Plat (PDP-2021-44) subject to seven (7) conditions of approval and the Preliminary Development Plan (PDP-2021-44) subject to nine (9) conditions of approval and one (1) variance. Motion carried unanimously.

FSP-2022-07 Becket Property – Final Subdivision Plat to subdivide a 15.53-acre parent tract into three (3) tracts and to transfer 0.31 acres to adjoining property located at 4642 Muddy Ford Road.

Ms. Ketz stated the property is zoned A-1 and surrounded by A-1 zoned properties. She stated access would be from Muddy Ford Road with Tract 9 using an existing entrance and Tracts 7 and 8 sharing an entrance.

Commissioner Mifflin questioned if there was an existing entrance to Tract 7. Ms. Ketz stated the entrance is not for that tract of land.

Julie Housh, 4649 Muddy Ford Road, stated where the proposed entrance to tracts 7 and 8 is on the plat is where an existing drive is for 3 lots across the road, and it is on a blind hill with limited site distance. She questioned if there will be any deed restrictions for the lots.

Barry McNees, 4645 Muddy Ford Road, stated he did not receive notification of the application. He questioned the intent of the applicant. He stated he has concern regarding traffic.

Rita Jones, representing applicant, stated the entrance was approved by KYTC. She stated there are two doublewides and a singlewide on the property so there will be no additional traffic added. She stated the older homes will hopefully be replaced and the properties will no longer be rentals which will improve the neighborhood.

Ms. Housh questioned how the lots could fit a newer home since the lots are narrow. Joel Day, surveyor, stated the northern most lot the trailer could not be replaced without a variance but there is room on the lot to build in another location. He stated the entrance was approved by KYTC. He stated he mailed the notification letters.

Ms. Housh questioned if the rest of the Beckett property would be developed. Ms. Jones stated his sister owns that property and does not know her plans.

Mr. McNees stated his questions have not been answered. He stated he thinks the neighbor's concerns should be addressed before the application is approved.

Commissioner Mifflin stated he understands the neighbor's concerns.

Commissioner Shirley questioned if the entrance has been approved by KYTC. Ms. Jones stated that KYTC told them where to put the entrance and to remove the trees. She stated she received an email stating that the entrance would be approved but does not have the email with her.

After further discussion, **Motion by Mifflin, second by Shirley to continue the Final Subdivision Plat (FSP-2022-07) until the next regularly scheduled meeting.**

FSP-2022-10 Stone Lane Farms Lot #4 - Final Subdivision Plat to subdivide a 26.3-acre lot into two (2) lots and transferring and consolidating about 6.8 acres to an adjoining lot.

Mr. Summers stated the property is zoned A-1. He stated access would be from Stone Lane. He stated the application is not requesting any variances.

He stated parcel A will have a separate entrance and has already received KYTC approval. He stated parcel C will be consolidated with tract 7. He stated parcel B will use the access easement for lots 3, 4, and 5.

Tammy Traylor, realtor for applicant, stated the owner of tract 7 wanted to purchase property for their children and that is the reason for this application.

Beth Daniels, 240 Stone Lane, stated dividing the lots is against the contract everyone signed when purchasing a lot. She stated she has concern about the division of the lot.

Ms. Traylor stated the lots are 10 acres each to keep the lots agricultural. Ms. Daniels stated she bought her property thinking only 1 house could ever be built on tract 4. Mr. Perkins stated the Planning Commission cannot enforce private contracts. Ms. Traylor stated the owner can make changes to the contracts. Mr. Cornett stated the 10-acre rule for agricultural is supposed to change this year.

After further discussion, **Motion by Garrett, second by Smith to approve the Final Subdivision Plat (FSP-2022-10) subject to five (5) conditions of approval. Motion carried 5-2.**

Zoning Ordinance Text Amendment – Solar Ordinance

Chairman Sulski opened the public hearing.

Mr. Summers stated the ordinance is modeled off the ordinance the Kentucky Resource Council prepared in 2020.

He stated in Section 2.1 of the zoning ordinance there are several added definitions. He stated all systems are described as solar energy systems. He stated solar energy systems that are exempt from local ordinance are ones built by companies regulated by the Public Service Commission.

He stated the ordinance would be added to Section 2.53 of the zoning ordinance. He stated the table would be reference for each zoning district for the allowed uses.

He stated small scale use is less than 2500 square foot. He stated intermediate scale is above 2500 square foot up to 10 acres. He stated anything above 10 acres would go to Board of Adjustment to get a conditional use permit then development plans would be presented to the Planning Commission.

He stated conditional use applications will have requirements that have to be met to obtain a conditional use permit. He stated a security for decommissioning will be required to cover the costs of

decommissioning in case the permittee defaults. He stated every 3 years the security for the decommissioning must be updated.

Mr. Cornett questioned where the historic district is in town and if he installed a solar system on his building would that be in violation. He asked for clarification on what CUP represented on the table. Mr. Summers stated downtown properties with frontage on Main Street are the only historic district in the county. He stated if you have a significant alteration of the historic character of the building then it would be a violation. Mr. Kane stated if the solar energy system is installed on the roof of the building where it is not visible then there would be no violation.

Mr. Summers stated CUP stands for conditional use permit (BOA application) and P stands for permitted. He stated the Planning Commission would only have to review intermediate and large-scale solar energy systems. He stated the conservation district would not allow solar energy systems.

Chairman Sulski closed the public hearing.

After further discussion, **Motion by Mifflin, second by Vest to recommend approval for the amendments to the Zoning Ordinance Text Amendment of the Solar Ordinance. Motion carried unanimously.**

Zoning Ordinance Text Amendment – Commercial Landscape Operations

Chairman Sulski opened the public hearing.

Mr. Kane stated the text amendment is necessary to clarify where commercial landscape operation are allowed. We are proposing adding the definition of a commercial landscape operation into the ordinance plus adding where it is permitted and where it would be a conditional use.

He stated it will be a conditional use in A-1 District and a permitted use in the B-2, B-4, B-5 and I-1 zones.

Josh Harp, representing Aphix, stated he wanted to say that his client supports the ordinance.

Chairman Sulski closed the public hearing.

After further discussion, **Motion by Vest, second by Smith, to recommend approval for the amendment to the Zoning Ordinance for the Commercial Landscape Operations. Motion carried unanimously.**

Short Term Rental Ordinance & Zoning Ordinance Text Amendment

Chairman Sulski opened the public hearing.

Mr. Summers stated in Section 2.51 the definition of family, short term rental and un-hosted home sharing is described.

He stated in Section 2.58 all short-term rentals must be registered with the Revenue Commission.

He stated the table shows what is permitted in each zoning district.

He stated the city will require annual registration for the operation of short-term rentals with the Revenue Commission.

He stated transient room taxes must be paid to Georgetown-Scott County Tourism.

He stated the duties of the Host are described in Section 24-66.

He stated all pre-existing rentals will have 90 days to comply once the amendment passes.

Commissioner Vest questioned if obtaining a business license is the same as registering your short-term rental. Mr. Cornett explained that his understanding is that a short-term rental is a separate license. Mr. Summers stated that the Revenue Commission should be able to answer the question.

Chairman Sulski closed the public hearing.

After further discussion, **Motion by Mifflin, second by Stone, to recommend approval for the amendments to the Zoning Ordinance for Short Term Rentals. Motion carried unanimously.**

Presentation of FY 22-23 Draft Budget

Mr. Kane presented the draft budget for FY 22-23.

Motion by Vest, second by Stone, to approve the Fiscal Year 2022-2023 draft budget. Motion carried unanimously.

Election of Officers

Chairman Sulski stated that at Monday's workshop the slate of officers was discussed. He stated that he was recommended to remain as Chairman for the remainder of the year and Charlie Mifflin as Vice-Chairman. The slate recommended for the other (3) seats on the Executive Committee are David Vest, Rhett Shirley, and Dann Smith.

Motion by Garrett, second by Smith, to approve Charlie Mifflin, David Vest, Rhett Shirley, Dann Smith and Mark Sulski to the Executive Committee with Sulski as Chairman and Charlie Mifflin as Vice-Chairman. Motion carried unanimously.

Settlement

Motion by Vest, second by Mifflin, to approve the proposed Murphy settlement. Motion carried unanimously.

Chairman Sulski adjourned the meeting.

Attest:



Charlie Perkins, Secretary


Mark Sulski, Chairman