

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
REGULAR MEETING
MINUTES
July 13, 2017**

The regular meeting was held in the Scott County Courthouse on July 13, 2017. The meeting was called to order by Chair Rob Jones at 6:00 p.m. Present were Commissioners Jeff Caldwell, Regina Mizell, John Shirley, Steve Smith, Mark Sulski, and Frank Wiseman, Director Joe Kane, Planners Matt Summers and Mikaela Gerry, Engineer Ben Krebs, and Attorney Charlie Perkins. Absent were Commissioners Johnny Cannon and Byron Moran.

Motion by Sulski, second by Mizell, to approve the June invoices. Motion carried.

Motion by Caldwell, second by Sulski, to approve the June 8, 2017 minutes. Motion carried.

Motion by Mizell, second by Caldwell, to approve the July agenda. Motion carried.

Postponements/Withdrawals

Chairman Jones stated that the Morgan Property Tract 2 (PDP-2017-14) application is postponed to the August meeting, and the Coal Ridge Preserve Area Amendment discussion has been withdrawn.

Consent Agenda

A representative of the Perkins Property application (PSP-2017-22) agreed with their conditions of approval, and no comments were made by the Commission or public. Motion by Smith, second by Sulski, to approve the Preliminary Subdivision Plat subject to the seven (7) conditions of approval. Motion carried.

A representative of the Shreffler Property application (PSP-2017-23) agreed with their conditions of approval, and no comments were made by the Commission or public. Motion by Sulski, second by Wiseman, to approve the Preliminary Subdivision Plat subject to the seven (7) conditions of approval. Motion carried.

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

PDP-2017-20 Amerson Farms Commercial Center – Preliminary Development Plan for a multi-lot commercial development, located on Pleasant View Drive, east of McClelland Circle, south of Lemons Mill Road.

Mr. Kane reviewed the staff report, noting that the four commercial lots that were previously approved are included and amended in this application. The applicant is dividing the entire commercial area into multiple lots for financing and to develop it incrementally. He stated that there are no significant changes from the approved concept plan; the major change being the reduction in width of the center roadway and its conversion to a private access easement.

He stated that all requirements have been met. He added that the development is similar to Townley Center in Lexington and showed photos of the entrance and configuration of that project.

He reviewed the requested variance regarding the 35' build-to line and parking. He noted the applicant's agreement to widen the sidewalks and include street trees to make the project more pedestrian accessible with enhanced connections to the parking areas.

He reviewed the issue regarding the Royal Springs Aquifer Recharge Area. The applicant received approval of the Wellhead Committee with the conditions that no gas stations be constructed in the recharge area, individual development plans must come back to that committee for approval, and that an in-line water quality treatment device be installed downstream of this commercial area to contain spills prior to the water entering the stormwater basin.

He recommended approval subject to the fourteen (14) conditions of approval, the two requested variances, and condition #5 being amended to read "Buildings on lots 1C and 2B shall be oriented toward Pleasant View Drive and staff shall review and approve final building footprint and façade at the time of Final Development Plan approval." He showed photos of Townley Park that illustrate the concern regarding building orientation on lots 1C and 2B.

John Strom, representing Anderson Communities, introduced other representatives of the company. He stated that Townley Park has received numerous awards and this plan is an improvement on that design. He agreed to the conditions of approval.

Dennis Anderson, applicant, stated that the private streets will be maintained by Anderson Communities.

Mr. Anderson was sworn in by Mr. Perkins.

Mr. Anderson pointed out where the portion of the Legacy Trail being constructed through this property is located.

Motion by Shirley, second by Sulski, to approve the Preliminary Development Plan and Preliminary Subdivision Plat, subject to the fourteen (14) conditions of approval (included the amended condition #5), and the two requested variances. Motion carried.

PSP-2017-24 The Pinnacle at Mallard Point - Preliminary Subdivision Plat to create 45 residential lots zoned R-2 PUD, located on Mallard Point Drive.

Brad Haddix, applicant, stated that the correct name of his company is PBH Properties, LLC.

Mr. Summers reviewed the staff report, stating that a plan for this property was approved in 1999 for 77 lots, so this plan is a significant decrease in density. He stated that only three lots (42, 43, and 44) will have direct access to Mallard Point Drive, and that staff recommends the access easement to Lot 45 be increased in width from 15' to 18'. He noted that all lots have sufficient driveway lengths to provide off-street parking, and any additional parking will be allowed on one side of the street only. He recommended no parking be allowed on Mallard Point Drive.

He supported the requested variances to reduce the front yard setback along the internal streets from 30' to 20' (given the terrain), and to reduce the minimum lot width from 60' to 50' (given the significant reduction in the previously approved density).

He stated that when the Final Subdivision Plat is submitted, a Minimum Finish Floor Elevation must be established to protect homeowners from flooding, and a determination must be made whether the stream area falls under the jurisdiction of the U.S. Army Corps of Engineers, and, if so, a Stream Construction Permit will be required.

He noted that the original condition #13 regarding any damage to the existing roads has been removed.

Condition #14 regarding the Mallard Point Owners Association was briefly discussed. Brent Combs, Thoroughbred Engineering and representing the applicant, stated that Mark Smith asked that the certification for the Mallard Point Owners Association be included on plats because when lots are consolidated, it affects HOA dues to be collected, but that does not affect these since they are new lots.

Bruce Kuhnz, representing the Mallard Point Owners Association Board of Directors, stated that the Association supports amending the Pinnacle at Mallard Point and that it

will be included in the Association by a supplementary Declaration of Covenants, Easements, and Restrictions. The Pinnacle will have two Associations: one with restrictions, covenants and easements common to all other Mallard Point owners, and additional requirements from the Pinnacle Homeowners Association which are still being developed. He added that a Memorandum of Understanding requires the Pinnacle homeowners to be members of both associations.

Commissioner Shirley wished to confirm with Mr. Kuhnz that the Mallard Point Owners Association supports the current plan. Mr. Kuhnz stated that they do and submitted a copy of the Memorandum of Understanding for the record.

Motion by Sulski, second by Mizell, to approve the Preliminary Subdivision Plat subject to the fourteen (14) conditions of approval and including the two requested variances. Motion carried.

PDP-2017-25 Highgrove Preliminary Development Plan – Amended Preliminary Development Plan for 20 duplexes and 90 assisted living units on 82.92 acres zoned R-2 PUD, located on the south side of McClelland Circle and Bevins Lane.

Mr. Kane reviewed the staff report, stating that the applicant received a Conditional Use Permit from the Board of Adjustment for the assisted living center this month. He noted that the proposed connection to Etterwood Subdivision has been removed from the plan.

He stated that the Traffic Study that was required indicated that there will be no impacts to the surrounding road network that require road improvements. However, because work will need to be done at the intersection of the bypass and Bevins Lane, staff is asking that instead of the two lanes being shown (24' wide, one lane in, one lane out), that they provide three lanes (one lane in, two lanes out).

He stated that the entrance on Etter Lane is for emergency access and will be gated now, but the applicant is asking for flexibility in the future to allow it to be a secondary access for deliveries, etc. Widening of the applicant's frontage along Etter Lane is also being required.

Mr. Kane stated that all parking and landscaping requirements are being met. He also addressed the Greenbelt boundary, which has been clearly defined within this development and which is zoned C-1 Conservation and not part of the developed area. He stated that the Greenbelt Ordinance requires fencing and screening, and that will be provided at the boundary.

As part of the zone change requirements, a 15' trail easement is shown that can tie into a future Greenbelt trail. He stated that he and the applicant will walk the property to ensure that where the easement is shown is the most logical location for it.

It was clarified that if the applicant must widen Etter Lane along their property, they are not required to install a gate at the Etter Lane entrance.

It was also clarified that the applicant owns and maintains their Greenbelt area.

Bruce Lankford, representing the applicant, stated that the applicant prefers not to show the connection to Beechwood Drive so that the Etterwood residents do not think that access to Etterwood is being encouraged. He preferred there be a note on the plat stating that if the City requests the connection, it will be granted.

Karl Schneider, applicant, stated that they prefer not to widen Etter Lane along their frontage, but will if required to do so.

Commissioner Smith stated that he hopes stormwater drainage is well under control.

Commissioner Sulski stated that he prefers two entrances (one off Etter Lane), for emergency purposes. Mr. Schneider stated that a gate would be automated so that emergency service personnel will have access.

Discussion continued on that access point. Mr. Perkins stated that if the traffic study indicated that the development will not have a significant impact on Etter Lane, the Commission's authority to require them to widen it is questionable. Chairman Jones felt that if the entrance is gated, thereby reducing access, they should not be required to widen the road. It was noted that the gate will be automated, not locked. Commissioner Shirley felt that if the applicant agrees to widen the road, the Commission should accept the improvement as it will benefit everyone involved.

Mr. Lankford stated that they have agreed to a thirteenth (13) condition that says this development will not connect to Beechwood Drive, but will provide the easement if requested to do so. Mr. Perkins stated that requirements documented in notes can be forgotten, but if they are shown on a plat, they are not forgotten.

John Lewis, Beechwood Drive resident, stated that the numerous residents that were present at the zone change hearing were opposed to the connection, and they are not present now because they thought at that time the connection would be omitted from the plat.

Matt Stone, President of Landmark Office Center, supported the application.

Motion by Sulski, second by Shirley, to approve the Preliminary Development Plan, subject to the thirteen (13) conditions of approval and the removal of the easement showing a connection to Beechwood Drive from the plat, but their agreement to provide the easement if requested will be noted. Motion carried.

Mr. Perkins read the note that will be added to the conditions: Applicant will show by note the future easement to Beechwood Drive, but not connect to it.

Chairman Jones noted that Commissioner Shirley had to leave the meeting.

Notification requirement PUBLIC HEARING

Mr. Kane reported that this public hearing is to make the Notification Policy a permanent requirement. There are no changes to the policy, but it will be added as a regulation in the Zoning Ordinance.

Chairman Jones opened the public hearing. There were no comments from the public. Chairman Jones closed the public hearing.

Motion by Sulski, second by Wiseman, to put in place the Notification Policy as a requirement of the Zoning Ordinance. Motion carried.

A roll call vote on this motion was taken after the hearing on Rural Residential Landscaping Changes. **By roll call vote, motion carried 6-0.**

Rural Residential landscaping changes PUBLIC HEARING

Chairman Jones opened the public hearing.

Mr. Summers stated that when the A-5 zoning district was created, the landscape requirements were referenced; however, specific A-5 landscape and buffer requirements are not in the Landscape and Land Use Buffers Ordinance. The Rural Cluster landscape regulations have always been applied to those rural A-5 developments. Staff proposes changes to those requirements to specifically apply to A-5 zoned property.

He reviewed the propose changes, which include allowing V-mesh or other non-climb woven wire fence (which he recommended be allowed in Cluster developments also), requiring a 16-foot wood fencing plank on top, and spacing out trees to 60 feet on center instead of 40 feet. Also, trees deemed harmful to livestock are prohibited, and any trees that are sick or dead may be removed by the property owner and must be replaced. The tree preservation area will be removed to allow the owner more flexibility in the use of their property.

He stated that the language in the Cluster Regulations would also be changed to specify that the fence posts be wooden. The requirements can be waived if the property owner supplies a written agreement with the adjoining property owner to waive them. Additional justification for waiving the requirement is if the property is heavily wooded or north of the north-south dividing line that is established in the Comprehensive Plan.

It was clarified that the Commission may waive both the landscaping and fencing requirement if the adjoining property owner agrees.

Mr. Summers then addressed making the proposed changes apply to all minor plats as well as major plats. He felt that making rural property owners of minor subdivisions adhere to the requirements can be expensive and burdensome. Commissioner Wiseman agreed. The difference between cluster lots and A-5 lots was noted.

With no comments from the public, Chairman Jones closed the public hearing.

Motion by Sulski, second by Mizell, to recommend the proposed rural residential landscaping and fencing amendments as presented. By roll call vote, motion carried 6-0.

Planting Manual Changes

Mr. Summers reported that the Planting Manual currently used is out of date. He requested that the 2016 version of the manual be adopted. He showed the changes in the newer version, which are the designation of certain trees and shrubs.

Motion by Sulski, second by Mizell, to adopt the 2016 Planting Manual. Motion carried.

The meeting was then adjourned.

Respectfully,



Rob Jones, Chair

Attest:



Charlie Perkins, Secretary