

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

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

Motion by Shirley, second by Stone, to approve the October invoices. Motion carried.

Motion by Smith, second by Garrett, to approve the October 13, 2022 minutes. Motion carried.

Motion by Singer, second by Mifflin, to approve the November agenda. Motion carried.

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

PDP-2022-40 Living Waters Fellowship Addition - Preliminary Development Plan to construct two 3,000 SF buildings (6,000 SF total) for a proposed child daycare and meeting space located at 172 Gunnell Road.

Ms. Ketz stated the property is 5.6 acres with access from Gunnell Road. She stated the applicant has requested 4 waivers regarding 3 for landscaping and one for the gravel parking lot/storage area.

She stated first there will be discussion about the use and if it is decided that the use was granted by the Board of Adjustments then the development plan will be discussed.

She presented a timeline of the background for the church from 2006 to the present.

She presented a map showing the neighbors that received notification for the application.

She presented a summary of the October 2021 Board of Adjustment application and the findings and then the April 2022 Board of Adjustment application and findings.

She stated after the August 2022 Planning Commission meeting the Board of Adjustment attorney, Charlie Perkins, issued a summary of findings regarding the Board of Adjustment decision. She read through each of the six findings.

She stated neighbors of the project site have consulted an attorney based on the conditional use permit approved and that they believe that a school was not part of the approval. She stated the neighbors object to preliminary development plan approval.

She stated the Planning Commission must decide that the Board of Adjustments approved the conditional use permit and if so, the Planning Commission can continue with the Preliminary Development Plan application. The board discussed and decided to proceed with hearing the application.

Ms. Ketz stated the application is for two 3,000 SF connected buildings, a drop-off lane, and an outdoor playground area.

She stated there is an issue with the gravel parking lot/storage area. She stated it was added without a development plan on the site. She stated if it remains it needs to adhere to the landscaping requirements. She stated that currently there is a deficit of 1,414 SF of landscaping and a deficit of 5 trees that need to be installed to meet the requirements.

She stated staff recommends approval with a waiver for the gravel parking lot/storage area and if approved, waiver for the interior landscaping but not to the paved parking lot. She stated condition of approval nine requires interior landscaping within the paved parking lot.

John Sosbe, representing applicant, stated the application filed did not include the language of expanding. He stated the BOA approved a new building for daycare and school. He stated during the BOA meeting the word school was mentioned several times and traffic was discussed. He stated the applicant does not have a problem meeting the conditions of approval.

Commissioner Singer asked to hear what actual motion was made by the BOA. Mr. Sosbe read the motion to approve the application at the April 7, 2022 BOA meeting.

Tom Garrison, 133 Gunnell Road, stated he has lived on Gunnell Road since the beginning of the subdivision. He stated the road was moved years earlier approximately 40' over and the water and fiber lines go under the gravel parking lot.

He stated at first it was just a church there, then the daycare was added. He stated the playground doesn't have fencing and kids are everywhere. He stated they have yard sales for the whole congregation. He stated the proposed buildings would be on top of the existing septic system. He stated he is concerned about the traffic and safety.

Tom Probst, 284 Gunnell Road, questioned if the Board of Adjustment meeting had the proper notice of a proposed school. Mr. Perkins clarified that the appeal time has lapsed, and it is hard to know what the BOA thought they were voting on. He stated it is difficult to decide if the notices had the proper wording and that neighbors understood it was for a school.

He stated he is concerned about the additional traffic and noise the school would create.

Stephen Price, Georgetown resident, stated by not mowing you can have natural tree growth. He also encouraged using dry earth sanitation.

Bill Parker, 177 Gunnell Road, questioned the height variance but Ms. Ketz stated that had been changed since the first plat was submitted. He stated he feels the school changes the area. He stated he requests that the gravel parking lot/storage area have the term storage area removed. He stated that limits of what Code Enforcement can regulate. He questioned if trees would be along the road to block this view. He stated he had measured the width of Gunnell Road, and it is 23' wide.

Rhonda Evans, 315 Gunnell Road, stated there is a problem with traffic but it is not from the church. She stated she has lived there for 37 years, and the road had been changed. She stated she does not like trees and bushes near roads since property owners do not care for the landscaping.

Mr. Sosbe stated there is a lot of traffic on Gunnell Road beside the church. He stated the maximum number of kids could be 80 but currently there are not that many enrolled. He stated in the BOA findings the staff did not find that the school would change the area and supported the application.

Eric Rowe, parishioner, stated the septic system is along the fence line and not in the front lot of the church.

Chairman Sulski questioned if the tree line along Gunnell Road would be far enough from the road to not cause a sight distance problem. Brent Combs, Thoroughbred Engineering, stated his understanding is that the trees would be along part of the gravel that is to be removed and they should be 15' from the edge of the road.

Commissioner Smith questioned if there are going to be two septic systems. Mr. Rowe stated both septic systems will be used. Mr. Garrison stated he had concern regarding the septic system.

Mr. Parker questioned will there be trees and shrubs along Gunnell. It was clarified an additional 5 trees will be planted.

Commissioner Singer asked for clarification about removing the term "storage area" for the gravel lot as requested by Mr. Parker. Chairman Sulski stated when a motion is made the storage area could be struck out, but parking lot be retained.

Mr. Probst questioned how adding the additional traffic does not cause change to the neighborhood.

Commissioner Singer stated her interpretation of the records of the BOA meeting show they were aware the application was for a school.

After further discussion, **Motion by Singer, second by Vest to recommend approval of the preliminary development plan (PDP-2022-40) subject to ten (10) conditions of approval and two (2) waivers with eliminating storage area under Waiver 2 and under Condition 9 requiring all interior landscaping within the paved parking lot to satisfy all landscaping requirements. Motion tied 4-4 with Shirley, Stone, Garrett, and Smith dissenting. Motion by Smith, second by Mifflin to continue application until the next regularly scheduled meeting.**

ZMA-2022-46 Joann Warner Property - Zoning Map Amendment to change the zoning district from A-1 to A-5 located at 6125 Cincinnati Road northeast of the intersection of Cincinnati Road (US 25) and Double Culvert Road (KY-620), east of I-75.

Chairman Sulski opened the public meeting.

Ms. Ketz stated this is to rezone only 5 acres of the total 125 acres of property. She stated the proposed cluster lot is on city sewer.

She stated in the 2017 Comprehensive Plan rural residential is allowed for dense residential areas of the county where the land is hillier and more difficult to farm. She stated it also coincides with the Community Form chapter in the Comprehensive Plan for property outside of the Urban Service Boundary to not have urban scale residential or commercial development. She stated the rezoning would maintain a maximum density for the property of one dwelling unit per 5 acres.

She stated staff does agree that the application meets the first part of the requirements for rezoning as stated in KRS 100.213.

She stated the site would have to meet the A-5 zoning and Rural Cluster Regulations. She stated staff have some concerns about the lot, but they can be addressed at the Final Subdivision Plat stage.

Michelle McCall, representing applicant, stated she had submitted a letter to staff stating the family's plan for the farm.

Commissioner Mifflin questioned if the applicant is agreeable to adding landscaping. Ms. McCall stated the sewer and water line run along US 25 and adding trees in that location would have to be addressed with the utilities. She stated she agrees to meet the landscaping requirements.

Chairman Sulski closed the public meeting.

After further discussion, **Motion by Mifflin, second by Singer to recommend approval of the rezoning request (ZMA-2022-46) on the basis that it complies with the comprehensive plan. Motion carried unanimously.**

PDP-2022-48 Scooter's Coffee – Preliminary Development Plan to construct a 664 SF drive-thru only coffee kiosk/shop located at 112 Edwards Avenue.

Ms. Ketz stated the project is zoned B-2 and is 0.41 acres with direct access from Edwards Avenue.

She stated there are eight requested variances. She stated one variance is for the front yard setback. She stated three variances are requested for the VUA landscaping, hedge/fence requirement, and to allow smaller tree species in the property perimeter on the south property line.

She stated due to the narrowness of the lot, the front yard setback along Edward Avenue would need the variance to reduce it to 16.09 feet.

She stated that the applicant requested a waiver to the property perimeter and buffer requirement and to the tree species type along the south property line.

She stated that the applicant requested a waiver to the VUA perimeter tree planting and buffer requirement along the south property line.

She stated that the applicant requested a waiver to the VUA perimeter tree planting requirement along the entirety of the east property line (employee parking and drive thru fulfillment area).

She stated that the applicant requested a waiver to the VUA perimeter tree planting and buffer requirement along the west property line.

She stated that the applicant requested a waiver to the VUA perimeter tree planting requirement along the north property line.

She stated that staff supported all waivers requests besides the VUA buffer requirement along the east property line (drive-thru fulfillment line only) and the VUA buffer requirement along the west property line.

Brad Piening, representing applicant, stated the lot narrowness has created the need for so many variances. He did state the applicant would like to request fencing instead of plantings along the west property line.

Chairman Sulski questioned if something could be modified so that a 6' privacy fence would not have to be installed along Wendy's. Mr. Piening stated Wendy's has been contacted to see if an arrangement could be made to put bushes on Wendy's property but Scooter's maintain the landscape.

After no further discussion, **Upon motion by Smith, second by Singer, the Board unanimously approved the application, subject to the Staff Report, including the recommended waivers, variances, and conditions of approval. Further, in the event applicant and the adjoining property owner on the west side of applicant (Wendy's) agree to placement of a sufficient landscape buffer**

on that adjacent property, the Board authorizes Staff to approve that buffer and to strike waiver #6 from the Staff Report's recommended "Waivers and/or Variances." Absent such an agreement, this approval stands subject to waiver #6."

PSP-2022-49 US 62 Partners – Preliminary Subdivision Plat to consolidate 4 lots then subdivide the combined area into 9 lots located NW corner of Lexington Road (US 25) and McClelland Circle.

Mr. Summers stated the area is B-2 zoning. He stated the total area of the site is approximately 10.44 acres. He stated access is from Lexington Road (US 25), Lusby Path and American Path.

He stated four variances have been requested to reduce the setbacks.

He stated the proposed plat would consolidate 4 lots then subdivide into 9 total lots.

He stated as part of the plan American Path would be extended to Lexington Road and a new street Prather Path would be created to connect Lusby Path and American Path.

He stated by creating double and triple frontage lots it causes the request of variances. He stated the applicant requested a variance for Parcel 5 to reduce the setback to 5 feet from American Path. He stated Parcel 2 requests to reduce the setback to 25 feet from Lusby Path. He stated Parcels, 2,3, and 4 request to reduce the setback along Prather Path to 15 foot and Parcels 4, 6, 7, and 8 along American Path request to reduce the setback to 25 feet. These variances allow the lots to be developed as drawn on the approved Preliminary Development Plans.

Chris Mischel, Palmer Engineering, stated he is available to answer any questions.

After no further discussion, **Motion by Garrett, second by Mifflin to recommend approval of the Preliminary Subdivision Plat (PSP-2022-49) subject to six (6) conditions of approval and four (4) variances. Motion carried unanimously.**

PDP-2022-51 Abbey at Old Oxford Townhomes – Preliminary Development Plan for 115 townhomes located on parcel # 208-10-008.001.

Mr. Summers stated the property is zoned R-1C PUD. He stated the site is approximately 16 acres and the access is from Herndon Boulevard. He stated this site was approved in 2016 for the layout of the neighborhood.

He stated the main differences in the plan is a reduction of units and the addition of garages and driveways to more of the units.

He stated the berm is still the same as the 2016 plan. He stated to screen the multi-family from single-family there will be a 6-foot fence and trees spaced every 40 feet.

He stated currently there is only one access from Herndon Boulevard but expects a connection to the Mintwood Development be made that would meet the requirements for additional access.

Nick Nicholson, representing Ball Homes, stated the applicant agrees to the conditions of approval. He stated this plan improved lot size and the units.

Ericka Gilbert, 102 Box Grove Court, stated she has concern about the additional traffic townhomes would bring to Old Oxford Road. She stated Eastern Elementary cannot handle additional students. She stated Ball Homes does not currently keep green space maintained. She stated the neighborhood would like a new traffic study completed and single-family homes instead of townhomes.

Alan Moore, 104 Mellifont Place, stated he has concern about the wetland area if the townhomes are built. He stated Old Oxford Road is dangerous and additional townhomes would make it worse.

Deearnest Thomas, 215 Rhodes Lane, questioned if a traffic study was done and was it sent to the city.

Roy Cornett, 126 E. Main Street Suite 3, stated the city is working on extending Lexus Way which would help the traffic.

Mr. Kane clarified traffic studies referenced. He stated the city has widened Old Oxford Road some and has funding to repave and restripe the road in the future.

Ben Krebs, Commission Engineer, stated there have been numerous traffic studies done for Old Oxford Road and applications for grants submitted to get funding to improve the road.

Mr. Moore stated the neighborhood is requesting time to get the improvements completed before more homes are built.

Ms. Gilbert questioned Mr. Krebs when he drove the road last. He stated he was on the road today. She stated she does not agree that improvements have been made and the road is still unsafe.

Tom Gatlin, 102 Castle Acre Way, stated the road has not been improved. He stated he does not understand where the other entrance will be located. He questioned if the townhomes will be owned or rented.

Mr. Krebs clarified that he did not say the road was safe but that the road had improvements made. He clarified that there is money allocated to resurface the road.

Kelli Adkins, 104 Castle Acre Way, stated that the construction equipment is coming from the surrounding development. She stated she is concerned about the traffic and oversized vehicles you meet with no place to get over.

Ms. Gilbert stated there is other traffic besides just construction traffic that is on the road.

Tom Adkins, 104 Castle Acre Way, stated the money allocated for road improvement is not enough.

Commissioner Smith left the meeting.

Mr. Price stated the Planning Commission should consider pedestrianism for the town.

Mr. Nicholson stated Ball Homes purchased the property and the original number of units has been reduced to compromise with the neighbors and the units have been improved. He stated improvements to Old Oxford are on the preliminary development plan. He stated the units will be Ball Homes rentals.

Chairman Sulski stated in his neighborhood the green space is maintained by the HOA. Mr. Nicholson stated the green space should be maintained by Ball Homes.

Mr. Adkins stated that Ball Homes does not maintain the current green space and how will they maintain rental units. He stated he has had enough trouble trying to get Ball Homes to finish punch list items for his home.

Ms. Adkins questioned if the rentals would be Section 8.

Julie Ruiz, 177 Dunmore Lane, stated she has called Ball Homes numerous times about the lot next to her and eventually called Code Enforcement. She stated she has talked to HOA and was told Ball Homes still owns the lot.

Mr. Gatlin stated he called Code Enforcement to get the model home lot maintained.

Ms. Gilbert questioned if the Planning Commission could dictate when the road would be improved.

Mr. Nicholson stated he will make a phone call about the maintenance.

Ms. Adkins questioned the mixed use called for in the Comprehensive Plan. She also questioned where does her HOA fees go since the green spaces are not maintained by the HOA.

Mr. Adkins stated his HOA account shows the fees paid for mowing. He stated the money allocated for road improvements will not be enough.

Mr. Cornett stated he owns three Ball Homes houses.

Mr. Thomas stated the area will be developed.

Mr. Moore stated that Ball Homes needs to be slowed down until the roads are improved.

Amanda Ray, resident, questioned when City Council meetings are held.

Commissioner Shirley stated the Planning Commission does have sympathy for the neighbors.

After no further discussion, **Motion by Singer, second by Stone to recommend approval of the Preliminary Development Plan (PDP-2022-51) subject to eight (8) conditions of approval. Motion carried with Commissioner Mifflin abstaining.**

Distillery Warehousing Text Amendment

Chairman Sulski opened the public meeting.

Mr. Kane stated this is a text amendment to add distillery warehousing in the A-1 zoning as a conditional use. He stated there are a minimum of 10 requirements that must be met.

He stated there is a distillery moving into the business park which will have a need for warehousing. He stated historically they were located near water sources and in many other counties in the A-1 zone. He stated the text amendment was modeled on other counties ordinances, that allow them as Conditional Uses in rural areas.

He stated he did talk to local distilleries as requested last month by the Planning Commission and stated they had comments with requirements 1, 5, and 9 in the proposed text amendment. He stated they wanted a clarification of the parcel size being 100 acres and if easements would be considered part of the acreage. He stated they requested that setbacks be set at 200 feet instead of 250 feet to be consistent with setbacks in other county ordinances. He stated they also requested clarification on the density requirement.

Chairman Sulski questioned why a distillery would not be put in a A-1 zone due to the black mold that gets on surrounding buildings.

Commissioner Mifflin questioned why fire protection is necessary. Mr. Kane stated this was part of the Fire Departments recommendations and is meant to protect from fire spreading in case of an accidental fire on site.

Mr. Price stated he thinks the Planning Commission should not support the liquor industry.

Mr. Cornett questioned how far the black mold travels from a distillery. Mr. Kane stated he has looked at studies but has not obtained a clear answer.

Chairman Sulski closed the public meeting.

After further discussion, **Motion by Singer, second by Shirley to recommend approval of the Distillery Spirits Storage Text Amendment. Motion carried unanimously.**

2022 Comprehensive Plan – Goals & Objectives

Chairman Sulski opened the public hearing.

Mr. Summers stated the Planning Commission has held open house and had public meetings to get the public's input on the Goals and Objectives. He stated the Steering Committee recommended approval of the Goals and Objectives at the September meeting. He stated this Comprehensive Plan has 9 proposed elements compared to the 7 elements from the 2016 Comprehensive Plan.

Mr. Summers went through the goals for each chapter of community form, infrastructure, public facilities, heritage, housing, human services, environment, economic growth, and transportation.

Chairman Sulski closed the public hearing.

After further discussion, **Motion by Singer, second by Mifflin, to recommend approval of the 2022 Comprehensive Plan – Goals and Objectives. Motion carried unanimously.**

Chairman Sulski adjourned the meeting.

Attest:



Charlie Perkins, Secretary



Mark Sulski, Chairman