

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
REGULAR MEETING
MINUTES
October 10, 2024**

The regular meeting was held in the Scott County Courthouse on October 10, 2024. The meeting was called to order by Chairman Charlie Mifflin at 6:00 p.m. Present were Commissioners James Stone, Dann Smith, Harold Dean Jessie, Duwan Garrett, Mary Singer, David Vest, Brad Green, Planners Holden Fleming, Elise Ketz and Rhett Shirley, Engineer Ben Krebs, and Attorney Charlie Perkins. Absent were Commissioners Jessica Canfield and Harold Dean Jessie.

Chairman Mifflin welcomed the new Director of Development Services, Holden Fleming.

Motion by Singer, second by Green to approve the September invoices. Motion carried.

Motion by Smith, second by Garrett to approve the September 12, 2024 minutes. Motion carried.

Motion by Smith, second by Singer to approve the October agenda. Motion carried.

Postponements/Withdrawals

Chairman Mifflin stated that the applications for Kentucky Bluegrass Experience Resort, LLC (ZMA-2024-31) and Victor Perkins Irrevocable Trust Division (FSP-2024-39) have been withdrawn and Cherry Blossom Village, Ph 11, Tract II-B (PSP-2024-43) and The Paddocks at Jennings Farm (ZMA-2024-49 & PDP-2024-50) have been postponed until the next regularly scheduled meeting.

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

Consent Agenda

A representative of Steven – Aaron Popp Division (FSP-2024-38) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by Singer, second by Stone, to approve the application. Motion carried 6-1 with Green dissenting.

A representative of Octavio Gomez Correa Property (FSP-2024-40) 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 unanimously.

A representative of Rancho Morera LLC Property (FSP-2024-41) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by Singer, second by Smith, to approve the application. Motion carried unanimously.

ZMA--2024-42 Kevin Bradley Zone Change – Zone change request for 0.33 acres from B-1 (Neighborhood Commercial) to B-3 (Central Business District) located at 3285 Main Street, Stamping Ground.

Chairman Mifflin opened the public hearing.

Mr. Shirley stated the site is at the corner of Main Street and Springview Drive. He stated the site is a former bank and has been vacant.

He stated the future land use map does show the area commercial. He stated the Zone Change request supports the Goals and Objectives of the Comprehensive Plan. He stated the application supports infill, economic growth, and the heritage of Stamping Ground.

He stated the proposed zoning allows some residential use that the existing zoning does not allow. He stated the proposed zoning allows medium density and cannot exceed 6 units per building. He stated the proposed zoning supports "Park and Walk". He stated staff supports the proposed zoning.

Chairman Mifflin questioned if a development plan would be needed if only the interior changes. Mr. Shirley stated that if the traffic flow is not altered then a development plan would not be required.

Commissioner Vest questioned if a bank could be allowed if the zone change request is granted. Mr. Shirley stated that a bank could be in the B-3 zone.

Commissioner Jessie has joined the meeting.

Kevin Bradley, applicant, stated the building has been vacant for almost 4 years. He stated there is a deed restriction on the property that a bank cannot be in the building for another 2.5 years. He stated he does not plan to change the building so a development plan would not be necessary. He stated he intends on having an Airbnb in the building.

Dale Perry, 3159 Main Street, stated Stamping Ground needs businesses. He stated several concerns why changing the zoning would not be appropriate, including an Airbnb being close to the school lack of control if a short term renter was a sexual predator and uncertainty what kind of business might locate there if the zoning is changed.

Mr. Shirley reminded the Commission that the concept is not definite and could change. He explained "Park and Walk" as walking between businesses in an area.

Commissioner Singer questioned B-3 zoning and the type of businesses allowed in the district. She stated the B-3 zone would expand the types of businesses that could locate there and stop the decline of the building.

Commissioner Green stated a vote would only be a recommendation to The Stamping Ground City Commission.

Mr. Perry questioned what kind of places of amusement/entertainment requests allowed in B-3 zone have been seen in Scott County. Mr. Shirley stated that it is not a frequent request.

Rita Jones, realtor for property owner, stated the property has been listed as commercial for 440 days. She stated the property is too small for entertainment. She stated the applicant would sell in 2.5 years to another bank if interest exists. She stated there are nearby homes that a sexual predator could rent long term. She stated the City of Stamping Ground could pass a law to collect tax for short term rentals like other communities.

Mr. Perry stated when he was on Stamping Ground's Commission, he passed the number of the owner to two proposed businesses but the asking price is three times what was paid for the property. He stated sexual predators must register their address but could stay in a short-term rental without their address being known.

Cody Meadows, 3177 Main Street, stated the B-3 zone limits what business could locate there. He questioned if a drive-thru restaurant could locate in the building.

Rob Jones, 132 Mulberry Street, questioned if a permanent home is allowable. Mr. Shirley stated with accompanying commercial use and a development plan. Attorney Perkins stated a regular home is not allowable in the zoning. Mr. Fleming read the regulations and stated high-density residential use would be allowable with commercial at an R-2 density. Mr. Jones requested clarification if the property could be a permanent home. Mr. Shirley stated a short-term rental is less than 30 days.

Mr. Jones stated he does not agree with changing the zoning of the property. Commissioner Singer stated that rezoning to B-3 opens more opportunities for businesses to locate in Stamping Ground.

Commissioner Vest stated he would rather see an Airbnb in the property now than let it rot. He stated he feels the applicant will sell it to a bank if the opportunity does come.

Mr. Bradley stated there were no other offers on the property while it was on the market. He stated he understands the residents wanting it to remain a bank. He stated he will make it look nice and draw people to the town. He stated he chose the B-3 zone because it is the only commercial zone that allows an Airbnb.

Mr. Perry questioned if the building could be torn down. Commissioner Singer stated it would have to come back before the Commission with a development plan.

Mr. Perry questioned if it could be a six-story building. Ms. Ketz explained the ordinance and stated the current zoning could even allow a six-story building. If there was no residential component, otherwise it could be a 2-story at max regardless of which a development plan would be required.

Chairman Mifflin closed the public hearing.

After further discussion, **Motion by Singer, second by Smith to recommend approval of the rezoning request (ZMA-2024-42) on the basis of staff recommendation that it complies with the comprehensive plan. Motion carried 7-1 with Jessie dissenting.**

ZMA-2024-44 & PDP-2024-45 Dearinger Industry Rd Development - Zoning Map Amendment for 5.00 acres from A-1 (Agricultural) I-1 (Light Industrial) and Preliminary Development Plan for two industrial buildings (10,000 SF and 6,400 SF) with associated parking, loading, and unloading areas located on Industry Road (185-30-009.002).

Chairman Mifflin opened the public hearing.

Ms. Ketz stated the property does adjoin properties to the north that have been annexed into the City of Georgetown. She stated a majority of the parcels on Industry Road are already developed and zoned for industrial use.

She stated on the Future Land Use map that the property is shown Industrial. She stated staff recommend approval. She stated that when sewer is available on the property the property should be annexed into the City of Georgetown.

Steve Baker, Midwest Engineering, stated the applicant agrees with the Conditions of Approval.

The intended use of the property was questioned. Mr. Baker stated the applicant may move his excavation business to the smaller building and wants to build the second building to rent out.

Chairman Mifflin stated that area is industrial in character.

Chairman Mifflin closed the public hearing.

After further discussion, **Motion by Singer, second by Green to recommend approval of the rezoning request (ZMA-2024-44) on the basis of staff recommendation that it complies with the comprehensive plan. Motion carried unanimously.**

Ms. Ketz presented the preliminary development plan for 2 industrial buildings on the property. She stated the applicant is requesting one waiver.

She stated the public road for this property ends approximately 500' south of the proposed entrance. She stated the access easement services this property, the undeveloped lot, and another property. She

suggested adding a condition of approval to extend the roadway, improve the entrance and add a turnaround as part of the development.

She stated she needs employee numbers for the buildings to determine if parking is sufficient. She stated the ADA requirements were met.

She stated a 50-foot-wide landscape buffer is required between agricultural and industrial land. She stated the applicant requested a waiver for a gap for a potential low drainage area. She stated staff recommends against the waiver until proof is provided that area is a drainage area.

She stated at this time the interior tree requirement is not met. She stated the final landscape plan would have to address the deficit.

She stated the loading/storage area would require a conditional use permit if approved. She also stated if plan is approved condition of approval (11) would need to be added.

Mr. Baker stated a turnaround was discussed during TRC with the Fire Department.

Ms. Ketz stated they are going to amend the conditions of approval (10) to the Final Development Plan shall include plans for private roadway improvements to public road standard up to and including driveway and turn around. Mr. Baker agreed with the amendment to the conditions of approval.

After further discussion, Motion by Singer, second by Green to approve (PDP-2024-45) subject to one (1) variance request and (10) conditions of approval with condition 10 being changed to state that the Final Development Plan shall include plans for private roadway improvements to public road standard up to and including on north boundary of lot, such improvements shall include turn around. Motion carried unanimously.

PDP-2024-46 Marketplace Frankfort Pike – Preliminary Development Plan for a 56,585 SF grocery store with attached liquor store and 7,000 SF retail tenant building on a 12.1-acre lot located at 1938, 1962, 1998, and 2010 Frankfort Pike and 101 Ferguson Lane.

Ms. Ketz stated the property is split zoned with the front portion zoned B-2 and back portion zoned B-5.

She stated access would be from a private street to McClelland Circle and Frankfort Road and a potential connection to Ferguson Lane.

She stated two waivers are requested for the property pertaining to landscape requirements. She stated the first is a waiver for the perimeter landscaping along arterials and the second being a waiver to the perimeter landscaping between commercial and agricultural zonings.

She stated to the north of the property is the school property, to the south is McClelland View subdivision and Northside Christian Church, to the west is a farm, and to the east is the Buchanan and Ward Hall property.

She stated the property is already annexed into the city. She stated a subdivision plat has been filed for review at the next meeting.

She stated since the proposed building exceeds 50,000 SF it will have to meet the Big Box Standards.

She stated a traffic study was required and looked at four intersections. She stated at full build out the entrance across from the school could require a traffic signal. She stated the development proposes two new accesses onto Frankfort Pike and a new access between Fincastle Way/Ferguson Lane and McClelland Circle.

She stated additional improvements include dedicated left turning lanes, right turning lanes, and appropriate stop areas. She stated a RCUT is proposed onto McClelland Circle from Fincastle Way/Ferguson Lane access.

She stated the anchor tenant meets all the requirements. She stated the proposed parking spaces are more than the required number of spaces. She stated walkways must meet the Big Box Standards.

She stated the applicant shows interior landscaping for VUA areas that does meet the requirement. She stated the minimum canopy is short of the requirement and must be addressed with the final landscape plan.

She stated the first is a waiver for the perimeter landscaping along arterials and the second being a waiver to the perimeter landscaping between commercial and agricultural zonings. She stated for the property perimeter landscaping the applicant has requested a waiver for the future tenant of those outlots to satisfy the requirement.

Chairman Mifflin questioned which direction would the buildings face in the outlots. He stated if the buildings have their back towards McClelland Circle why not go ahead and put trees in.

She stated the second requested waiver from the applicant is for the property perimeter landscaping between the agricultural zones. She stated a recent ordinance requires a 6-foot no climb fence and a tree buffer. She stated staff support the waiver since the area is shown for development.

She stated an additional condition of approval has been added after workshop requiring all utility infrastructure and roadways be built prior to building construction. Chairman Mifflin questioned requirement of roadways being built due to possible damage during construction.

Derek Triplett, Land Design & Development, and consultant for the applicant stated the property is zoned appropriately. He stated the property is 50 acres and they are proposing developing 12 acres at this time.

He stated the applicant is requesting to defer any landscaping that is associated with the future outlots. He stated if plants were put on the outlots they would be destroyed during construction. He stated he thinks the buildings would be facing the road. He stated it would be more appropriate to complete the landscaping as the outlots develop.

He stated the western side of the property adjoining the agricultural land they have allocated a double row of deciduous trees located adjacent to the backside of the building. He stated it would be more appropriate to screen the back side of the building where the loading and unloading would occur then further from the building. He stated there is a fence with mature trees along the property line where the ag buffer would be required and they would prefer not to tear that down just to put up a new fence.

He stated the subdivision plat that the Planning Commission will hear next month just defines the different areas of the property including the proposed grocery store and outlots. He stated part of the area labeled future development has drainage and easements located on it and not all is suitable for development.

Chairman Mifflin questioned roadways being built before the building. Mr. Triplett stated he thinks it would be more appropriate to tie that to the certificate of occupancy.

Lisa Manning, 133 Ferguson Lane, President of McClelland View HOA, stated the neighborhood has 44 homes in it. She stated the concern of the proposed access into the neighborhood and church for the proposed development. She stated left turns out of the neighborhood are hard currently and the additional traffic would make it even more difficult.

Ms. Manning read a letter from Tammi Hauck at 144 Ferguson Lane stating her concern with the development sharing an access with the neighborhood.

Jerry Bergehagen, 145 Ferguson Lane, stated he objects to the Ferguson Lane access. He stated his concern that the Gaines Farm recently sold to Ball Homes and if that subdivision attaches to Fincastle Way as well as the proposed development. He stated the traffic will be a nightmare.

Commissioner Singer questioned who decides the access points to the development. Ms. Ketz stated the local government as well as KYTC.

Chairman Mifflin questioned if a request could be made to move the access point. Ms. Ketz stated a request could be made but it would be up to KYTC to decide the location of the access point.

Linda Spradling, 156 Ferguson Lane questioned where the R cut turnaround would be located. She stated the turnaround should coordinate with the subdivision across the street.

Mr. Triplett stated he understands the residents' concerns. He stated they have coordinated with KYTC and local government offices. He stated the traffic study was submitted, and the recommendations applied to the preliminary plan. He stated KYTC considers McClelland Circle a controlled access highway with defined access points. He stated KYTC considers the left turn out of the neighborhood dangerous too and that is why the RCUT will be installed.

Commissioner Jessie questioned if the local government has ever been able to change KYTC decision and what exactly is the agreement with the local government. Attorney Perkins stated KYTC has the final say regarding a state road. He stated there was an agreement made when the bypass was constructed that road cuts could not be less than 1200 feet and local and state government signed off on that agreement.

The question was asked where the traffic study numbers came from and where they were done. Mr. Triplett stated across from Elkhorn Crossing School, Fincastle Way and McClelland Circle, and McClelland Circle and Frankfort Pike intersection. He explained the numbers come from the 11th edition traffic engineering handbook.

Bob Gound, 113 Ferguson Lane, stated his concern is the ingress and egress especially concerning semi-trucks using the residents access to McClelland View subdivision.

Chris Duley, 141 Ferguson Lane, stated he develops properties in the area. He stated Fincastle Way is a nondedicated street. He questioned if a deceleration lane would be added and proposed a way to keep traffic off of Ferguson Lane.

Ms. Manning stated the traffic noise will affect the houses closest to the development.

Mr. Bergehagen stated we should be able to influence KYTC to make changes.

Mr. Triplett stated a truck turnaround is provided on the development plan. He stated a deceleration land and turn lane is provided just north on the development plan. He stated access to future outlots must also be remembered and provided. He stated when abutting a public road, you generally connect to it to allow connectivity.

Justin Phelps, Hogan Real Estate, and applicant stated they were very involved with KYTC designing the development plan. He stated they are open to right out.

Mr. Gound stated access to the outlots could still be done even if changes were made. Mr. Phelps stated if heading north on McClelland Circle taking the left turn is not the best for the retailers.

David Coons, 117 Ferguson Lane, questioned if other neighborhoods share access with any big retailers.

Gerald Adair, 143 Ferguson Lane, stated the neighborhood is glad to see the development but everyone wants their access to remain the same to their neighborhood and not to share with additional development.

Mr. Gound stated Fincastle Way is two lanes and questioned if the road would be widened.

Chairman Mifflin and Vice-Chairman Singer questioned if the preliminary development plan could be approved with the request to the state to change the access for Ferguson Lane/Fincastle Way. Attorney Perkins stated the decisions were made years ago which are what KYTC is using to make design decisions.

Commissioner Jessie questioned if a formal request was made by local officials would that help change KYTC decision.

Mr. Gound questioned if the local road department could help change KYTC. He stated he would like to not see the preliminary development plan approved but instead continue the application until this resolved.

Commissioner Jessie questioned how easy it is to meet with KYTC. Mr. Phelps stated he is willing to continue the application to further discuss with KYTC.

Attorney Perkins suggested continuing the discussion until next month and passing a resolution requesting KYTC to revisit the preliminary development plan and moving access from Fincastle Way back to the proposed location.

Steve Delk, 147 Ferguson Lane, stated they are cut throughs that are not used. He stated not approving the preliminary development plan in order for the state to review it.

After further discussion, **Motion by Singer, second by Jessie, to continue PDP-2024-46 until the next scheduled meeting in order to submit a resolution to KYTC to move the Fincastle Way/Ferguson Lane access.**

ZMA-2024-35 Georgetown Commons – Zoning Map Amendment for 99.6 acres I-1 (Light Industrial) and I-1 (ESLI) (Environmentally Sensitive Light Industrial) to B-5 (General Commerce Park), C-1 (Conservation) and R-3 (High-Density Residential) located on McClelland Circle (168-40-213.000).

Chairman Mifflin opened the public hearing.

Ms. Ketz stated it is surrounded by several different property zones. She stated the site is planned mixed use according to the Future Land Use map. She stated the current Zoning Ordinance does not have a “mixed use” component. She stated it is not uncommon for applicants to request multiple zones for their property.

She stated the requested front B-5 zone is comparable to Walmart and Kroger. She stated in the rear is proposed R-3 zone with an apartment complex and an assisted living facility in the rear. She stated the karst areas along the railroad bed would be rezoned to C-1.

She stated Diane Zimmerman with Traffic Engineering performed the traffic study. She stated peak AM hour trips was 568 and peak PM hour trips was 1439. She stated the traffic study looked at Quality Drive and McClelland Circle, Windsor Path and McClelland Circle, and Christian Drive and Southgate Drive. She stated the study noted improvement would be needed to the three areas.

She stated the concept shows buildings with the square foot at or greater than 50,000 which would be considered "Big Box Development" and would have to adhere to those regulations.

Commissioner Jessie questioned if the applicant must follow the concept plan. Ms. Ketz stated the applicant should follow the concept plan or have little change.

Commissioner Green stated during the Comprehensive Plan it was stated that industrial land was needed. Ms. Ketz stated the property is over the Royal Spring Aquifer that provides Georgetown water and the Comp Plan future land use map identified and need to reduce the intensity use of the property.

Kelly Ann Bush, 119 Dunlap Drive, questioned the amount of green space on Dunlap Drive and questioned the amount of industrial use on the site. Ms. Ketz explained the buffer required for the property and stated if this rezoning is approved there would be no industrial use on the property. Ms. Bush questioned the number of multi-family homes and whether any single-family homes would be built. Ms. Ketz stated the requested R-3 zone allows for single family homes any single-family homes would be built.

Jon Woodall, representing Hogan Real Estate, stated this project started pre-covid. He stated the applicant has decided to postpone the development plan (PDP-2024-48) until next month to work on the variance issue. He stated the site could host two large retail sites, 11 outlots, apartments, assisted living, and the gym facility.

Landon Burcham, Denton Floyd Real Estate Group, stated they specialize in multi-family developments and are working with Hogan for the apartment section.

Commissioner Jessie questioned how many developments, and the number of years Mr. Burcham has been building multi-family developments. Mr. Burcham stated he has been working on developments all over the southeast US for 12 years and the company has been doing business for 30 years.

Mr. Triplett stated this is a mixed-use development with big box users towards the back with outlots in the front. He stated they are planning a major public road that can be dedicated. He stated residential will be in the back with buffers along the single-family residences adjoining the property.

Mike Leonard, Hogan Real Estate, stated Mr. Phelps and applicant with Hogan Real Estate started this project in 2019 meeting with the property owners. He stated COVID and no sewer on the property has delayed the process. He stated hopefully City Council will approve building a sewer line to the property.

Mr. Woodall stated the applicant accepts the conditions of approval if the project is approved.

Chairman Mifflin closed the public hearing.

After further discussion, **Motion by Jessie, second by Singer to recommend approval of the rezoning request (ZMA-2024-35) on the basis of staff recommendation that it complies with the comprehensive plan. Motion carried unanimously.**

Consent Agenda

A representative of Georgetown Commons (PSP-2024-47) 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 unanimously.

Other Business

After further discussion regarding the language for the resolution being prepared by Attorney Perkins, Motion by Singer, second by Jessie to approve sending the resolution to KYTC regarding the access at Fincastle Way.

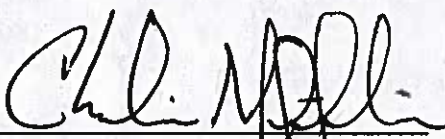
Mr. Fleming presented a proposal to the Planning Commission concerning the completeness of development applications and staff's judgement of acceptability or rejection of application.

Chairman Mifflin adjourned the meeting.

Attest:



Charlie Perkins, Secretary


Charlie Mifflin, Chairman