

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
REGULAR MEETING
MINUTES
July 9, 2015**

The regular meeting was held in the Scott County Courthouse on July 11, 2015. The meeting was called to order by Chair Rob Jones at 6:00 p.m. Present were Commissioners Janet Holland, John Shirley, Steve Smith, and Mark Sulski, Director Joe Kane, Planners Megan Chan and Matt Summers, and Attorney Charlie Perkins. Absent were Commissioners Jeff Caldwell, Byron Moran, Regina Mizell, and Frank Wiseman, and Engineer Brent Combs.

Motion by Holland, second by Shirley, to approve the June invoices. Motion carried.

Motion by Sulski, second by Holland, to approve the June 11, 2015 minutes. Motion carried.

Motion by Smith, second by Holland, to approve the July agenda. Motion carried.

Postponements/Withdrawals

The Oakleaf Townhomes application was postponed to the August meeting. Motion carried.

Consent Agenda

A representative of the PDP-2015-20 Toyota Tsusho America, Inc. application agreed with their conditions of approval and there were no concerns expressed by the Commission or public. Motion by Smith, second by Shirley, to approve the one item on the consent agenda. Motion carried.

ZMA-2015-15 Winding Oaks Cluster Subdivision - Zone Change request for a cluster subdivision with twenty-nine (29) residential cluster lots, one preserved tract, and two (2) non-buildable HOA lots on 150.51 acres zoned A-1, located on the south side of Ironworks Road east of Cane Run Road. PUBLIC HEARING

All those intending to speak before the Commission were sworn in by Mr. Perkins. Chairman Jones opened the public hearing.

Mr. Kane first noted that a community attitude survey is available on the Commission's website. The survey was first used for the 1991 Comprehensive Plan, and current results will be compared 25 years later for the 2016 Comprehensive Plan update.

He then reviewed the staff report, including the reasons for the original denial by the Commission and the amendments that have been made in the current proposal. He stated that there is not a Future Land Use Map in place for the unincorporated County, so goals and policies of the Comprehensive Plan are relied upon to guide zoning decisions, as well as environmental policies, the *Zoning Ordinance*, and availability of utilities.

He stated that the fundamental guide for growth in the rural areas is the need to keep the proper balance for allowing community growth while still preserving rural, agricultural, and historic assets. Cluster subdivisions were implemented to achieve this goal.

He reviewed the proposed plan, noting the access off Cane Run Road, the HOA lots, landscape buffer, drainage issues, and the karst and unbuildable areas. He noted the geotechnical report and its recommendations, and the traffic study and its findings. He stated that all utilities are available and a preliminary drainage analysis was completed by Midwest Engineering, which was reviewed by Mr. Combs. Mr. Kane noted the highlights of that study. He pointed out which lots have non-buildable areas and notable drainage areas.

In summary, he stated that the overall 5-acre density is maintained, appropriate buffering is in place, and staff feels that the goals and objectives of the Comprehensive Plan for balancing the need for growth and the need to preserve the agricultural and rural character of the area have been met. He stated that all requirements of the Cluster Subdivision ordinance have been met and the project can be safely developed without harm to the environment. He recommended approval of the zone change from A-1 to A-5 and the Preliminary Subdivision Plat with the eighteen (18) condition of approval. He noted the conditions that the zone change approval is contingent upon Fiscal Court approval, Health Department approval, and the widening of Cane Run Road to 9' from centerline along the property frontage.

Chairman Jones reminded the applicant and the opposition that they did not need to repeat the evidence that was heard at the February meeting.

Bruce Lankford, representing the applicant, agreed with the staff report. He asked that the geotechnical report by Malcom Barrett, the drainage analysis by Andy Homes of Midwest Engineering, and the traffic study by Diane Zimmerman of Jacobs Engineering Group, be incorporated into the record for this meeting.

Tony Barrett of Barrett Partners reviewed the changes to the plan, including the relocation of the entrance to Cane Run Road to preserve the stone wall on Ironworks and the general reconfiguration of the lots and HOA areas.

Gene Thomas of the Wedco District Health Department stated that he performed a soil analysis and excavated nine different holes to depths from 50" to 60", which is deeper than the 42" standard. Of the nine holes, they hit rock at 32" on the hole near the pond closest to Ironworks Road. The other eight test holes had soil to a depth of 42" or greater. He felt confident that there would be no problem installing a leach field on any of the proposed lots. He then explained Group 3 soil.

Mr. Lankford summarized by stating that the application meets all requirements and the applicant will continue to follow all regulations.

Bruce Simpson, representing Kim Jedlicki, adjacent property owner, stated that this application is a new application that has serious impacts not only for the people who are present and in opposition of the proposal, but for the future owners of the 29 residents of the proposed subdivision. He stated that the property is unquestionably environmentally sensitive land with ten documented sinkholes. He also contended that because of the new configuration of the lots, the development will be overlapping an existing regulated waterway, which causes further negative impact to the environment.

Sara Smith, Smith Management Group, performed an environment assessment of the property. She noted that the environmental features that the Comprehensive Plan seeks to protect are present on this property. She reviewed the soil type, sinkholes (showing photographs of newly forming sinkholes on adjacent property), and the impact of septic systems on the North Elkhorn Creek. She showed photographs indicating that a probable intermittent stream crosses three of the southernmost lots, and showed the stream flooded during the recent April rains. She reviewed recent changes to the Clean Water Act that call for a complicated and expensive national permitting process for the construction of the proposed retention pond since the stream flows through it.

Ms. Smith addressed soil erosion, farmland protection, and septic systems. She showed a news report addressing the sinkhole problem in karst areas, and a video showing flooding in the Lancelot subdivision.

Commissioner Sulski asked about the direction of the water flow. Ms. Smith showed the portion of the property that drains to the Jedlicki property.

Commissioner Shirley asked Ms. Smith what area of Scott County that she feels is safe to develop. She replied that the identified sinkholes make this property particularly unsafe to develop.

Teddy Greathouse, Glencrest Farm owner (adjacent property to the west), stated that his property receives all the water that comes from Lancelot subdivision. He pointed out sinkholes on his property that he has farmed for 10-15 years. Mr. Greathouse stated that the sinkholes vary in size, from seeing water bubbling up to being able to walk in one of them. He stated that he crosses Cane Run Road every day with Thoroughbred horses and occasionally cattle, and when a car passes them, he must get off the road.

Mr. Simpson stated that the children that will live in the proposed subdivision will also negatively impact the farming operation. Mr. Greathouse stated that he attended a meeting several years ago where it was stated that this area is the biggest area that Scott County does not want developed, and he is concerned it will set a precedent.

Brad Johnson, Traffic Engineer with CDM Smith, updated the traffic study done by the Jacobs Group that was presented in February. He reviewed his assessment of the daily traffic on Cane Run, which will almost double with the additional 29 homes in this proposed development. He addressed road width, accidents, and site distance on Ironworks. He showed photographs of the poor site distance from Cane Run Road when looking east on Ironworks, the narrowness of Cane Run, the horse crossing 500' south of the development, a recent accident, and others. He also showed photographs of the poor site distance and narrowness of Moores Mill Road, which intersects Cane Run south of the proposed development.

Commissioner Shirley questioned the assessment of 10 trips per household on Saturdays. Mr. Johnson stated that that number is standard, and it means leaving the house five times and returning five times.

Discussion continued on traffic counts on Ironworks. Kim Jedlicki, adjacent property owner, addressed that issue also.

Ms. Jedlicki addressed farmland preservation and the inability of the reserved area to be farmed, drainage and street profile, and whether there is a need for more residential units based on the number of approved lots that already exist in the county.

Mr. Simpson objected to the Planning Commission hearing the case because in his opinion a Preliminary Development Plan was not filed with the current application, thus the applicant did not comply with the law. He submitted exhibits regarding sinkholes that have collapsed, and regulations that he felt were not being complied with by the applicant.

Andrew Burgoon, Locksley Court resident, stated that Lancelot Subdivision homeowners already deal with the clear drainage problem in the area and the problem should not be repeated for future homeowners. He also felt that the proposed reserved tracts are not viable for agricultural use.

Daniel Nahum, Cane Run Road resident, stated that the area is one of the most beautiful areas of Scott County and the agricultural land should be preserved. He also stated that the narrow roads are unsafe and asked that the application not be approved.

Sandy Jors, Knight Court resident, asked the Commission to not approve the application.

Michael Hardy, Moores Mill Road horse farm owner, voiced his objection to the project. He stated that encroaching development is not good for his Thoroughbred operation.

Roy Cornett, Ironworks Estates resident, felt that if an investor buys property, the rules in place at the time of the purchase should be honored.

Emily Gammon, Enid Court resident, felt that the goals of the Comprehensive Plan will not be followed if this plan is approved. She submitted a petition signed by Lancelot residents opposing the application.

Troy Rankin, Scott County farmer, asked the Commission to consider the environment. He felt it is imperative to protect the heavily karst farmland.

Lindsay Hale, Locksley Court resident, researched the geology of the area before purchasing her home, and she was aware of the flooding potential from studying the USGS maps. She felt that the applicant is not developing the property in the best way to mitigate the problems of the sinkholes and stream.

Lynn Martin, Moores Mill Road farmer, felt that the reserved area is not viable for agriculture. He also expressed concern about the increase in traffic.

Mr. Lankford stated that Mr. Kane's staff report addressed all the concerns that have been heard by the residents. He stated that all issues are manageable and have been taken into account.

Mr. Simpson felt that Mr. Cornett was wrong in thinking that it is the landowner's right to use the land in the highest and best use and that use is whatever brings the highest value. He stated that the application must be in compliance with the Comprehensive Plan, and if it is not, then it must meet one of three tests outlined in KRS.100. He felt that no change has occurred since the last application, which was denied, that merits approval of this current application.

Mr. Lankford stated, in response to an earlier objection by Mr. Simpson, that he did not bring his experts in to testify again because the Commission heard the testimony in February. Everything that Mr. Simpson has presented was also heard in February.

Mr. Simpson disagreed with Mr. Lankford.

Mrs. Greathouse, Glencrest Farm, asked if the Commissioners had visited the property. They replied that they did.

Mr. Burgoon felt that it was not the responsibility of the Commission to tell an applicant they cannot bring their experts. Chairman Jones stated that he did tell Mr. Lankford that the Commission did not want to hear repeat evidence.

Chairman Jones asked Mr. Kane to review what improvements will be made to Cane Run Road. Mr. Kane replied that it will be widened along the entire frontage of the property to 9' of pavement per lane and 2' shoulder and ditch. That improvement should be able to be made without removing the trees.

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

Mr. Perkins suggested postponing the application in order to give the Commission time to review the newly submitted findings. He also stated that the four members who are absent have not participated in the hearing, so they should not participate in the next discussion and vote.

Commissioner Holland suggested holding a special meeting to discuss the application. A special meeting was set for Tuesday, July 14 at 6:00 p.m.

Motion by Holland, second by Jones, to continue the Winding Oaks application to a special meeting to be held Tuesday, July 14 at 6:00 p.m. Motion carried 4-1 with Shirley dissenting.

FSP-2015-16 Smith Property – Final Subdivision Plat to create a 6.294-acre tract, leaving a 28.611-acre parent tract, located at 926 Luke Road in Sadieville.

Ms. Chan stated that she spoke with the person at the break who asked to hear the application, and they simply wanted to know what the application was. They had no concerns, and Tony Justice of Trinity Engineering had agreed with the conditions of approval.

Motion by Sulski, second by Smith, to approve the Final Subdivision Plat subject to the seven (7) conditions of approval. Motion carried.

PDP-2015-18 Double R Development – Amended Development Plan for a 4,000 sq. ft. addition to an existing 15,000 sq. ft. building zoned I-1, located at 401 Triport Road.

Ms. Chan reviewed the staff report, including the issue regarding the 4-1/2 acre gravel truck parking lot that is in violation of the original approval. She stated that the total building area is well below the maximum allowed in I-1, more parking is being provided than required, and there will be no additional impervious area.

Regarding landscaping, the perimeter VUA screening that was required with the preliminary approval in 1998 was never installed. This applicant is showing the required VUA perimeter landscaping on the amended development plan.

The gravel parking lot was then discussed. Ms. Chan stated that a determination needs to be made whether the gravel lot is creating a problem in the area, and if not, does it need additional screening or other ways to mitigate negative impacts. The applicant has requested a waiver to allow the gravel parking lot. She stated that there is other gravel in the area, but she had limited success finding approvals for it.

Charles Arthur, developer of the original building, stated that the additional space is very much needed, and five more people will be employed. He stated that if the gravel area must be paved, it will more than double the cost of the proposed project and make it unfeasible. He stated that Triport is a clean road that has not been made dusty or dirty by the other gravel lots in the industrial park.

Randy Collins, owner of Double R Development, apologized for not installing the trees that were requested. He stated that he did the mowing of the corner of East Yusen and Triport, and felt that they have the nicest green areas on Triport Road. Regarding the gravel lot, he stated that there is other gravel in the industrial park and no one ever complained.

Douglas Mynear, ECSI engineering firm, stated that the original plan was phased and did not show the gravel parking area. He estimated that paving the lot would cost over \$400,000.

Randy Hurst, also representing the applicant, stated that the original plan was from KC, and their plan was changed.

Commissioner Smith guessed that it would not be feasible for other industries on Triport to pave their entire parking lots.

Chairman Jones stated that he cannot support approving a project that did not comply with their original conditions.

Mr. Arthur stated that they could add recycled asphalt to the gravel lot. Whether it would drain properly was discussed.

Mr. Perkins suggested conditioning the approval upon review and approval of upgrades to the gravel by Brent Combs, Planning Commission Engineer. Ms. Chan stated that Mr. Combs has reviewed the plan and stated that because there was no additional impervious area, no additional drainage study is required.

Commissioner Shirley partially agreed with Chairman Jones, but stated that he would support an approval as long as there is a plan to bring the parking lot into compliance with our requirements.

Mr. Mynear addressed the recycled asphalt option.

Commissioner Sulski felt that the waiver should be denied because allowing the gravel lot will set a precedent for asking forgiveness. He also felt that the landscaping should be bonded.

Commissioner Smith asked Mr. Sulski if he feels that recycled asphalt should be required.

Mr. Perkins felt that there is blame on both sides, and it serves no purpose to make land unusable. The Commission needs to make sure it is made usable in an appropriate way. He suggested not allowed a Certificate of Occupancy until Mr. Combs approves the drainage plan.

Motion by Smith, second by Holland, to approve the Amended Development subject to the eight (8) conditions of approval, and with the additional condition (#9) that the Planning Commission Engineer approve the drainage and make recommendations, if any, on additional coverage of the existing gravel parking lot. Motion carried 4-1 with Jones dissenting.

PDP-2015-19 VanMeter Property – Preliminary Development Plan for the construction of a 9,600 sq. ft. building located on 1.186 acres zoned I-1 on the north side of Bourbon Street, east of Chambers Avenue.

Mr. Summers reviewed the staff report, including the two requested variances regarding landscaping and the third requested variance to allow gravel instead of pavement behind the building.

He stated that the first landscape waiver to replace the perimeter screening along Bourbon Street is reasonable because the applicant will replace it with a 4' sidewalk, the landscaping would reduce visibility for vehicles exiting the site, and the property to the south is Industrial. The second landscape waiver to reduce the number of interior VUA trees from six to three is reasonable because of the difficulties in fitting six trees into the landscaped area.

He recommended approval of the Preliminary Development Plan subject to the eight (8) conditions of approval, and the two requested variances regarding landscaping. He stated that overall, this plan brings the site into much greater conformance with the *Zoning Ordinance* than it was previously.

Commissioner Sulski asked the applicant if the difference in cost between gravel and recycled asphalt would be significant. The applicant replied that it is not significant. Commissioner Sulski stated that because of the surrounding homes, requiring recycled asphalt should be considered.

Mr. McCain stated that they agree with the conditions of approval with the exception of #4 regarding lighting. He stated that the lighting will be wall packs on the building. There will be no pole lighting that would require a photometric plan. It will be shielded from the neighbors, aimed down at the building.

He stated that Mr. Van Meter is agreeable to constructing the sidewalk. He stated that the gravel in the rear will be compacted gravel with curb around it, and the truck comes only once per week, so there will be no major dust problem. He felt that constructing the sidewalk offsets the gravel in the rear.

Tony McIntyre, owner of the home on the corner of Bourbon and Payne, adjacent to this property, asked how far the fence will be extended. Mr. McCain stated that it be extend about 20' behind his property line. Mr. McIntyre asked if the new owner plans to upkeep the area from the fence to the property line and expressed concern about the neighbors (his family members) on Prospect Street being boxed in by the fence. He asked how close the fence will be to Prospect Street. Mr. McCain stated that the fence will be just inside the property line, which will make it approximately

five feet from Prospect Street. Mr. McIntyre felt that was incorrect. Mr. McCain stated that a survey was done by a licensed surveyor.

Mr. McIntyre asked what type of fence will be constructed. Mr. McCain stated that it will be a wood privacy fence. Ms. Chan stated that it would not be allowed to block sight distance. Mr. McIntyre expressed concern about traffic. Mr. McCain stated that one truck per week will make a delivery, the trash truck will empty the dumpster, and there will be 15 employees.

Mr. McCain stated that Mr. Van Meter is not opposed to not installing the fence if the Commission wishes to make that a waiver. Mr. Summers felt that the fence is needed for screening from the residential district and also for security. Mr. Perkins suggested that since the site will be improved, and the neighbors prefer to see the site than have a fence which takes away from visibility, a waiver might be appropriate. Mr. Summers stated that the building will be closer to the neighbors than it was previously because the front setback was increased.

After further discussion on the fence, it was agreed that Mr. McIntyre would obtain a letter from the adjoining neighbors stating that they do not want a fence to be constructed. Then the fence will be taken back to the extent that they agree.

Mr. McIntyre stated that he worked at the industrial operation that was previously on the site for eleven years. He stated that they dumped at least 55 gallons of oil per day on the ground. Justin Van Meter, applicant, stated that he has owned the property for eight years and they produce about 250 gallons of waste oil per year, and it gets pumped out by an EPA compliant oil company. He stated that one of their waste oil containers was hit by a truck shortly after he obtained the company. They dug up the back of the lot, had the EPA test it, and had new ground put in.

Motion by Smith, second by Sulski, to approve the Preliminary Development Plan, subject to the eight (8) conditions of approval, a ninth condition regarding the neighbors' consent to remove the privacy fence to the extent agreed upon, and including the two requested variances regarding landscaping, and the third variance to allow recycled asphalt instead of gravel behind the building. Motion carried.

PDP-2015-20 Toyota Tsusho America, Inc.

Alfred Tackett, adjoining property owner of 25 acres, was not present when the application was approved on the Consent Agenda. He stated that when he bought his property, it was with the intent to develop it into five-acre tracts. He is concerned

now that tracts next to this expansion would be unsellable. He spoke with a person at Toyota Tsusho about them purchasing his property. The person stated that they might consider it, but would be concerned about getting it zoned industrial. Mr. Tackett asked if it would be possible for them to construct an access road to his property so that he could move forward to have it rezoned. His property fronts on Rogers Gap Road.

Mr. Kane stated that in order to expand the industrial park, the Urban Service Boundary would have to be expanded. He pointed out areas where expansion of the industrial park has been considered and where likely access roads would be constructed.

Update of previously approved projects and agenda items

Mr. Kane reported that the Landscape Ordinance will go before City Council on Monday, July 13 for first reading.

He invited the Commission to take the Community Attitude Survey that is on the website and encouraged them to inform others to fill out the survey also.

He recognized Megan Chan for the receiving the annual Outstanding Young Planner award from APA-KY.

The meeting was then adjourned.

Respectfully,

Rob Jones, Chair

Attest:

Charlie Perkins, Secretary