

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION**  
**SPECIAL MEETING**  
**MINUTES**  
**January 14, 2021**

The special meeting was held online via Zoom on January 14, 2021. The meeting was called to order by Chairman Mark Sulski at 6:00 p.m. Present were Commissioners James Stone, Charlie Mifflin, Steve Smith, Duwan Garrett, Mary Singer, and Regina Mizell, Director Joe Kane, Planner Matt Summers, Engineer Ben Krebs, and Attorney Charlie Perkins. Absent was Commissioner David Vest.

Motion by Smith, second by Singer, to approve the December invoices. Motion carried.

Motion by Mifflin, second by Smith, to approve the December 10, 2020 minutes. Motion carried.

Motion by Mizell, second by Garrett, to approve the January agenda. Motion carried.

All those intending to speak before the Commission were sworn in by Mr. Perkins individually prior to their comments and questions.

Postponements/Withdrawals

Chairman Sulski stated that the applications for Wireman & Filowiat Property (FSP-2020-46) and Bolton Property (FSP-2020-49) has been postponed until the next regularly scheduled meeting.

Small Cell Tower Ordinance

Chairman Sulski opened the public hearing.

Mr. Kane stated that the Commission previously heard and forwarded to City Council the Small Cell Tower Ordinance. He stated the City had the Ordinance reviewed by their legal counsel and forwarded to cell companies for their comments. He stated the changes were significant enough that another Public Hearing was needed. He stated another vote will be needed before sending City Council the Planning Commission's recommendation.

He stated small cell towers are defined as new tower facilities, additions to existing poles, equipment additions in easements or right-of-way's, and equipment additions to buildings. He stated most of the time the cell towers will be in easements or right-of-way's in urban areas.

He stated the small cell tower ordinance includes definitions, application and procedures, regulations by zoning district, and evaluation criteria.

He stated the changes the City requested included addition of a preamble, pre-application meeting made optional so as not to trigger shot clock, fee simplification of \$1000 per tower or \$100 equipment only,

removed screening requirement for equipment in ROW, and some language changes including wording "where technically feasible".

He stated new cell towers require a public hearing and notice. He stated equipment only installations can be approved by staff.

Tyler Flood, Stamping Ground resident, questioned if the Planning Commission could help with service in the rural areas. Mr. Kane suggested talking to cell providers. He stated the Judge Executive is working on improving service for rural areas.

Mr. Flood questioned how to get property proposed for a cell tower. Mr. Kane suggested contacting cell providers to discuss.

Commissioner Mifflin questioned if there is not a preapplication meeting then when does the shot clock start. Mr. Kane stated when a completed application is submitted.

Commissioner Mifflin questioned why not have a preapplication meeting, and the shot clock start after the application is submitted. Mr. Kane stated he was not sure if there is a case law regarding a preapplication meeting, but the City's consultant suggested making it optional. Mr. Perkins stated he thinks if a preapplication meeting is obligatory than that is considered starting the shot clock.

Commissioner Mifflin questioned definition of the \$500 fee mentioned on page 6 and who gets the fee money. Mr. Kane stated the Planning Commission keeps the money. He stated the \$500 is for up to five non-tower facilities.

Phillip Brown, representative for Crown Castle, stated the company submitted written comments in October regarding the ordinance. He stated the company has concern that the ordinance does not follow some FCC rules and laws. He stated under FCC laws a preapplication meeting starts the shot clock. He stated the company also has concern over selective application process in the right-of-way. He stated the company has reviewed the ordinance several times but thinks the application and approval process is confusing. He stated if an application follows all guidelines then staff approval should be sufficient.

Chairman Sulski questioned Mr. Brown if he has had any discussions with Planning staff. Mr. Brown stated via written comments to the staff and City Counsel.

Chairman Sulski questioned Mr. Perkins if staff and counsel should collaborate with Mr. Brown before voting on the ordinance. Mr. Perkins stated that sounds good, but the City has outside counsel working on the ordinance. Chairman Sulski stated that it sounds like Mr. Brown and the City's outside counsel need to discuss the ordinance. Mr. Kane stated that the Planning Commission has followed a long collaborative process already.

Mr. Kane stated that any new tower will go before the Planning Commission for approval and any new wireless facility will be staff approval. He stated a section could be added to clarify but opening the ordinance up again to changes would further delay the process.

Chairman Sulski stated he feels Mr. Brown still has several concerns even after working with staff and City's legal counsel.

Mr. Summers stated from what he remembers that Crown Castle's concerns were addressed but according to the City's legal counsel the ordinance is within FCC regulations.

Chairman Sulski stated he has concern, that Mr. Brown is saying the ordinance does not follow all FCC regulations.

Mr. Brown stated that Crown Castle is willing to work with the City, but he feels that regulating new poles in the right-of-way is applying selective zoning process to utilities that have a right to work in the right-of-way. Mr. Perkins stated he understands Mr. Brown's argument, but again stated he has not been a part of this process. He stated if the Planning Commission and the City feel like the ordinance does follow FCC rules then the Planning Commission could recommend it back to the City for adjustments.

Commissioner Smith stated he was thinking about Mr. Brown's comments about regulating utilities in the right-of-way. Mr. Summers stated the Planning Commission is not allowed to regulate public utilities outside of wireless communication facilities. He stated that state law does not allow that.

Chairman Sulski stated that he does like Mr. Perkins suggestion of recommending the ordinance to the City and letting them work out details.

Chairman Sulski closed the public hearing.

After further discussion, Motion by Mifflin, second by Smith, to recommend approval of the Small Cell Tower Ordinance with staff and council sending a list of comments discussed during the Public Hearing to the City Attorney. Motion carried 7-0.

FSP-2020-44 McKenzie Springs Estate Lots – Final Subdivision Plat to subdivide a parent tract of 112.88 acres into eight (8) total tracts located northeast side of Minors Branch and Owenton Roads.

Mr. Kane stated there is an existing house that will be on one tract. He stated previously a house on one acre with a 4-acre septic drain easement was divided from the farm.

He stated the lots meet all A-1 zoning requirements. He stated a new driveway is proposed for each lot. He stated one of the subdivision regulations is that there be 300' separation between driveways. He stated usually applications obtain preliminary approval from the Planning Commission before applying for driveway permits from the State. He stated this application received State approval for seven new driveways prior to submitting the plat to the Planning Commission.

He stated staff approves of the application and variance requested, but staff recommends tracts 3 and 4, tracts 5 and 6, and tracts 7 and 8 share driveways.

Mark Schlueter, representing MJM Farms, requested that the Planning Commission approve the tracts with the entrance permits approved by KYTC.

Mr. Flood questioned if the development started any discussion for cable internet to be installed in the area. Chairman Sulski recommended Mr. Flood discuss availability with Fiscal Court.

Mark Warfield, 1276 Minors Branch Road, questioned if the plat is the whole subdivision and how many driveways would be off Minors Branch Road. Mr. Kane stated the plat does show the whole subdivision and there would be three driveways accessed from Minors Branch Road.

Mr. Warfield questioned if there would be one main entrance to the subdivision. Mr. Kane stated no new roads would be built.

Chairman Sulski stated there would be one home to each lot.

Mr. Warfield questioned what the homes might look like. Mr. Kane stated it would be up to the owner if deed restrictions are set for the lots. Mr. Schlueter stated they do plan to have deed restrictions of no single wide homes, minimum square feet of 1000, permanent concrete foundations, and number of allowed livestock.

Commissioner Smith stated he feels shared driveways would also mean shared mailboxes and that would be better for traffic.

Mr. Perkins stated he understands staff's opinion on the driveways, but he stated it is ultimately the state's decision since it is a state road. Chairman Sulski questioned if moving final driveway locations to be approved by KYTC and Planning Engineer from the requested variance to condition of approval 6 should be done. Mr. Krebs stated that KYTC does not look at each county's regulations. He stated previously they have said that the Planning Commission regulations has jurisdiction over driveways.

Mr. Krebs suggested that tracts 6 and 7 and tracts 3 and 4 share driveways and then the driveways would meet requirements. Mr. Schlueter stated he understands the recommendation but would like to keep the individual driveways.

Chairman Sulski questioned if the driveways are already there or if the applicant just has KYTC approval. Mr. Schlueter stated they have approved permits for the driveways.

Commissioner Mifflin questioned why the developer is opposed to shared driveways. Mr. Schlueter stated then you have a maintenance issue. He stated they feel it devalues the development.

Chairman Sulski questioned Commissioner Stone his opinion of having shared driveways. Commissioner Stone replied that since KYTC approved the entrances he is fine with leaving as approved.

Chairman Sulski questioned if the Planning Commission has received the approval permits. Mr. Kane stated that he has received the permits.

Mr. Kane restated the subdivision regulations for driveways in the A-1 zone. Mr. Kane suggested adjacent driveways are also an option and recommend that for the smallest lots, at least, that being lots 6 and 7. Mr. Schlueter stated that he would agree to adjacent driveways but requested the Planning Commission's help with KYTC approval.

Brian Schlueter, representing MJM Farms, stated that he agrees to adjacent driveways for tracts 6 and 7.

After further discussion, **Motion by Mizell, second by Smith, to approve the Final Subdivision Plat (FSP-2020-44) subject to five (5) conditions of approval. Motion carried.**

PDP-2020-45 676 Sebree Road – Development Plan to add gravel parking lot to event venue approved for a conditional use permit by the Scott County Board of Adjustment located at 676 Sebree Road.

Mr. Kane stated that the applicant received Board of Adjustment approval in late 2019 for event venue use. He stated one of the conditions that was imposed included development plan approval. He stated the number of parking spaces proposed was more than staff could approve, therefore, this has been brought to the Board for review and potential approval.

He stated the applicant has requested a variance for the parking lot to be gravel.

He stated staff would like the driveway to the parking lot to be paved and that it must meet width requirements that would be acceptable to the County Fire Department.

He stated applicant also requested a variance for the interior VUA area and landscaping in the gravel parking lot.

He stated staff recommends approval but does request applicant coordinates with the Health Department for the additional bathrooms and Building Inspection for needed permits.

He stated due to the large size of the parking lot that a Final Stormwater Management Report must be submitted and approved by the Planning Commission Engineer before approval of the Final Development Plan.

Justin Drury, Aim3D, stated he is available for any questions.

Malvin Rathel, applicant, stated that the Health Department has been to the location. He stated he agrees to the conditions of approval.

Chairman Sulski stated he had concern about the gravel but did visit the site and thought it was sufficient.

Commissioner Smith questioned where the septic lines are located. Mr. Kane stated between the house and barn not in the area of the proposed parking lot.

After further discussion, **Motion by Smith, second by Mizell, to approve the Preliminary Development Plan (PDP-2020-45) subject to ten (10) conditions of approval and two (2) variances. Motion carried.**

PDP-2020-47 American Mini-Storage Expansion – Preliminary Development Plan for a 23,430 square feet expansion of storage units and association asphalt paving located at 100 American Path.

Mr. Summers stated project site is zoned B-2 and over 5 acres. He stated applicant has requested two variances. He stated this application would complete this development with a fifth building.

He stated the development plan shows appropriate landscaping around the perimeter. He stated the existing fence does not meet opacity requirement that borders two sides of the development.

He stated the applicant requested a variance for the interior landscaping in the VUA area. He stated the applicant also requested a variance for the necessary canopy tree coverage.

David Lusby, applicant, stated they just completed a project on Paris Pike and stated they will also make sure the landscaping will look attractive for this project.

Chairman Sulski questioned if it is appropriate for no interior landscaping. Mr. Summers stated he does support the variance since it would be consistent with other similar developments.

Steve Baker, Midwest Engineering, stated he felt most questions had already been addressed by staff.

After further discussion, **Motion by Smith, second by Mifflin, to approve the Preliminary Development Plan (PDP-2020-47) subject to seven (7) conditions of approval and two (2) variances. Motion carried.**

The meeting was then adjourned.

Attest:



Charlie Perkins, Secretary



Mark Sulski, Chairman